

HB 0817

2004

A bill to be entitled

An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, and amending chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for severability; providing an effective date.

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

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

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 Chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida, are codified, reenacted, amended, and repealed

HB 0817

2004

30 as herein provided.

31 Section 3. The Spring Lake Improvement District is re-
 32 created, and the charter for the district is re-created and
 33 reenacted to read:

34 Section 1. Minimum charter requirements.--In accordance
 35 with section 189.404(3), Florida Statutes, the following are the
 36 minimum requirements for the charter of the Spring Lake
 37 Improvement District:

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

42 (2) The powers, functions, and duties of the district
 43 regarding non-ad valorem assessments, bond issuance, other
 44 revenue-raising capabilities, budget preparation and approval,
 45 liens and foreclosure of liens, use of tax deeds and tax
 46 certificates as appropriate for non-ad valorem assessments, and
 47 contractual agreements shall be as set forth in chapters 189,
 48 197, and 298, Florida Statutes, this act, or any other
 49 applicable general or special law, as they may be amended from
 50 time to time.

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

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

55 (5) In accordance with chapter 298, Florida Statutes, the
 56 district is governed by a board of supervisors. The membership
 57 and organization of the board shall be as set forth in this act
 58 and chapter 298, Florida Statutes, as they may be amended from

HB 0817

2004

59 time to time.

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

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

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

71 (9) The procedures and requirements governing the issuance
 72 of bonds, notes, and other evidence of indebtedness by the
 73 district shall be as set forth in this act and chapters 189 and
 74 298, Florida Statutes, and applicable general laws, as they may
 75 be amended from time to time.

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

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

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

HB 0817

2004

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

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

95 Section 2. Creation of the district ratified and approved;
 96 change of name of district to Spring Lake Improvement
 97 District.--The decree of the circuit court of the of the Tenth
 98 Judicial Circuit in and for Highlands County, Florida, entered
 99 in Case Number 1841, creating and incorporating the Spring Lake
 100 Drainage District as a public corporation of this state, and all
 101 subsequent proceedings taken in the circuit court concerning
 102 that district, are hereby ratified, confirmed, and approved,
 103 except that the boundaries of said district shall be as
 104 hereinafter described. The drainage district shall henceforth be
 105 known by the name of Spring Lake Improvement District, and shall
 106 continue to be a public corporation of this state and have
 107 perpetual existence. All lawful debts, bonds, obligations,
 108 contracts, franchises, promissory notes, audits, minutes,
 109 resolutions, and other undertakings of the Spring Lake Drainage
 110 District are hereby validated and shall continue to be valid and
 111 binding on the Spring Lake Improvement District in accordance
 112 with their respective terms, conditions, covenants, and tenor.
 113 Any proceeding heretofore begun under chapter 298, Florida
 114 Statutes, or any other law, for the construction of any
 115 improvements, works, or facilities, for the assessment of
 116 benefits and damages or for the borrowing of money shall not be

HB 0817

2004

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

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

121 Spring Lake Improvement District, lying in Township
 122 35, South, Range 30 East, in Highlands County,
 123 Florida.

124 All that part of Section 18 lying North of the present
 125 right of way of U.S. Highway No. 98 (Formerly State
 126 Road No. 700) and East of the right of way of the
 127 Access Road to Hendricks Field, less and except that
 128 parcel thereof conveyed to Roland Droit and Lois
 129 Droit, his wife, by deed dated November 1, 1951, and
 130 recorded in Deed Book 127, Page 517, Public Records of
 131 Highlands County, Florida.

132 All that part of Sections 16 and 17 lying North of the
 133 present right of way of said U.S. Highway No. 98;
 134 The East half of Section 9;

135 All of Section 10;

136 All that portion of Section 15 lying North of the
 137 present right of way of said U.S. Highway No. 98;
 138 The South 1/2 of Section 11 less the North 5/8 of the
 139 East half of the Southeast 1/4 of said Section 11, and
 140 less the East 210 feet of the West 552 feet of the
 141 North 210 feet of the South 495 feet of the Southeast
 142 1/4 of said Section 11, and less the present right of
 143 way of said U.S. Highway No. 98 and less a tract of
 144 land in Lot 5, Section 11, recorded in Deed Book 129,
 145 Page 553, Public Records of Highlands County, Florida;

146 lying South and West of the Arbuckle Creek, containing
 147 one acre, and less a tract of land conveyed by A. J.
 148 Duncan and Hattie M. Duncan, his wife, to John C.
 149 Thomas and Dorothy Mayer Thomas, his wife, and
 150 recorded in Deed Book 128, Page 304, Public Records of
 151 Highlands County, Florida, containing one acre;
 152 All Government Lots 12 and 13 of Section 12; with the
 153 reservation for an outfall ditch easement from Louis
 154 H. Alsmeyer and wife, Lottie H. Alsmeyer, to the State
 155 of Florida, dated October 30, 1947, recorded in Deed
 156 Book 108, Page 517, and conveying a 30 foot strip of
 157 land over a portion of said Government Lot 12 in
 158 Section 12;
 159 All of fractional Section 13;
 160 All of fractional Section 14, less present right of
 161 way of said U.S. Highway No. 98; and less all that
 162 portion of the Subdivision of Spring Lake Section One
 163 as recorded in Plat Book 9, Page 23, Public Records of
 164 Highlands County, Florida;
 165 All those portions of Section 15 lying South and East
 166 of said right of way of said U.S. Highway No. 98 and
 167 East of the East line of Spring Lake Section One
 168 Subdivision, Plat Book 9, Page 23, Public Records of
 169 Highlands County, Florida;
 170 All that part of fractional Section 22 lying East of
 171 the Southerly extension of the West line of Spring
 172 Lake Section One Subdivision, Plat Book 9, Page 23,
 173 Public Records of Highlands County, Florida;
 174 All that part of fractional Section 23 lying Southerly

HB 0817

2004

175 of the Subdivision of Spring Lake Section One, as
 176 recorded in Plat Book 9, Page 23, of the Public
 177 Records of Highlands County, Florida;
 178 All containing 3,359 acres, more or less.
 179 which said lands are included within the following
 180 described boundaries:
 181 Beginning at the Northwest corner of the East Half (E
 182 1/2) of Section 9, Township 35 South, Range 30 East;
 183 thence South 89°38'30" East along the North line of
 184 said Section 9, (said North line of Section 9 is
 185 assumed to bear South 89°38'30" East and all other
 186 bearings shown herein are relative thereto) a distance
 187 of 2,713.31 feet to the Northwest corner of Section
 188 10; thence South 89°59'14" East along the North line
 189 of said Section 10, a distance of 4,869.06 feet to the
 190 Northeast corner of said Section 10; thence South
 191 00°00'16" West along the East line of Section 10, a
 192 distance of 2978.76 feet to the North line of the
 193 South Half (S 1/2) of Section 11; thence South
 194 89°53'44" East along said North line of the South half
 195 (S 1/2) of said Section 11, a distance of 4,216.90
 196 feet; thence South 00°12'18" West, a distance of
 197 2,152.51 feet; thence North 89°58'44" East, a distance
 198 of 340.51 feet; thence South 01°20'00" East, a
 199 distance of 210 feet; thence North 89°58'44" East, a
 200 distance of 210 feet; thence North 01°20'00" West, a
 201 distance of 210 feet; thence North 89°58'44" East, a
 202 distance of 770 feet to the East line of said Section
 203 11; thence South 00°12'18" West along said East line

HB 0817

2004

204 of Section 11, a distance of 495 feet to the Southwest
 205 corner of Fractional Section 12; thence North
 206 36°12'54" East along the Northwesterly line of
 207 Government Lot 12 of said Fractional Section 12, a
 208 distance of 1,405.21 feet; thence North 70°08'05" East
 209 along the Government Meander Line of Government Lots
 210 12 and 13, of said Fractional Section 12, a distance
 211 of 793.48 feet; thence North 36°18'51" East, a
 212 distance of 992.76 feet; thence North 52°43'14" East,
 213 a distance of 641.15 feet, more or less, to the
 214 Northeast corner of said Government Lot 13; thence
 215 South 00°24'59" West, a distance of 1,947.37 feet,
 216 more or less, to the shoreline of Lake Istokpoga;
 217 thence Southwesterly along the shoreline of Lake
 218 Istokpoga through Fractional Sections 12, 13, 14, 23
 219 and part of Fractional Section 22 to the intersection
 220 of the shoreline and the Southerly extension of the
 221 West line of Spring Lake Section One a Subdivision
 222 recorded in Plat Book 9, Page 23, Public Records of
 223 Highlands County, Florida; thence North along said
 224 Southerly extension a distance of 1434.17 feet more or
 225 less to the Southwest corner of said Spring Lake
 226 Section One Subdivision; thence East along the South
 227 line of said Subdivision, a distance of 731.91 feet;
 228 thence North 62°08'00" East, a distance of 2463.74
 229 feet to the Southeast corner of said Subdivision;
 230 thence North 27°52'00" West, along the East line of
 231 said Subdivision and its Northerly extension to the
 232 center line of U.S. Highway No. 98 as now laid out and

HB 0817

2004

233 in use and recorded in Plat Book 4, Page 14 of said
 234 Public Records; thence South 62°08'00" West along said
 235 center line, a distance of 3,105.57 feet to the
 236 beginning of a curve concave to the right having a
 237 radius of 1,432.39 feet and a central angle of
 238 28°58'45"; thence Westerly along the arc of said curve
 239 and said center line, a distance of 724.48 feet;
 240 thence North 88°53'15" West along the tangent to said
 241 curve and along said center line, a distance of 824.99
 242 feet to the East line of said Section 16; thence North
 243 00°26'13" East along said East line, a distance of
 244 50.02 feet to the North right of way line of said U.S.
 245 Highway No. 98; thence North 88°53'15" West along said
 246 right of way line, a distance of 131.25 feet; thence
 247 North 01°06'45" East along said right of way line, a
 248 distance of 30 feet to the North right of way line;
 249 thence North 88°53'15" West along said North right of
 250 way line, a distance of 4,596.83 feet; thence South
 251 01°06'45" West, a distance of 30 feet; thence North
 252 88°53'15" West along said North right of way line, a
 253 distance of 553.20 feet to the East line of Section
 254 17; thence North 88°52'15" West along said North right
 255 of way line, a distance of 2,047.78 feet; thence North
 256 88°43'15" West along said North right of way line, a
 257 distance of 3,222.59 feet to the East line of Section
 258 18; thence continue North 88°43'15" West along said
 259 North right of way line, a distance of 3,315.44 feet;
 260 thence North 04°26'45" West, a distance of 364.50
 261 feet; thence South 85°33'15" West, a distance of

HB 0817

2004

262 223.77 feet to the East right of way line of the
 263 Access Road to Hendricks Field as now laid out and in
 264 use; thence Northerly along the arc of a curve concave
 265 to the left, having a radius of 1,008.20 feet and a
 266 central angle of 41°13'42", a distance of 725.46 feet;
 267 thence North 01°52'15" West along the tangent to said
 268 curve and said East right of way line, a distance of
 269 1,741.82 feet to the beginning of a curve concave to
 270 the right having a radius of 2,814.79 feet and a
 271 central angle of 03°39'30"; thence Northerly along the
 272 arc of said curve and said East right of way line, a
 273 distance of 179.72 feet to the North line of Section
 274 18; thence North 89°02'39" East along said North line
 275 of said Section 18, a distance of 3,390.48 feet to the
 276 Northeast corner of Section 18; thence North 88°18'45"
 277 East along the North line of Section 17, a distance of
 278 5,285.76 feet to the Northeast corner of said Section
 279 17; thence South 89°46'15" East along the North line
 280 of Section 16, a distance of 2,648.72 feet to the West
 281 line of the East Half (E 1/2) of said Section 9,
 282 thence North 03°29'15" East along said West line, a
 283 distance of 5,126.74 feet to the Northwest corner of
 284 the East Half (E 1/2) of Section 9 and the Point of
 285 Beginning.
 286 Less the existing right of way of U.S. Highway No. 98.
 287 Also less a tract of land in Government Lot 5, Section
 288 11, Township 35 South, Range 30 East, recorded in Deed
 289 Book 129, Page 553, Public Records of Highlands
 290 County, Florida, lying South and West of Arbuckle

HB 0817

2004

291 Creek, containing one acre.
 292 Also less a tract of land recorded in Deed Book 128,
 293 Page 304, Public Records of Highlands County, Florida,
 294 containing one acre.
 295 Containing 3,359 acres, more or less.

296
 297 Section 4. Applicability of certain provisions of chapter
 298 298, Florida Statutes, to the Spring Lake Improvement District;
 299 inconsistent laws inapplicable.--The provisions of chapter 298,
 300 Florida Statutes, and all amendments thereto, now existing or
 301 hereafter enacted, are declared to be applicable to the Spring
 302 Lake Improvement District insofar as not inconsistent with the
 303 provisions of this act or any subsequent special acts relating
 304 to the Spring Lake Improvement District. Notwithstanding the
 305 foregoing, the provisions of sections 298.11, 298.12, 298.14,
 306 298.15, 298.17, 298.18, 298.19, 298.20, 298.23, 298.24, 298.25,
 307 298.365, 298.366, 298.401, 298.41, 298.465, 298.48, 298.52,
 308 298.54, 298.56, 298.57, 298.61, 298.70, 298.71, 298.72, 298.73,
 309 and 298.74, Florida Statutes, and amendments thereto, shall not
 310 be applicable to the Spring Lake Improvement District.

311 Section 5. Definitions.--Unless the context shall indicate
 312 otherwise, the following words as used in this act shall have
 313 the following meanings:

314 (1) "Assessable improvements" includes, without
 315 limitation, any and all drainage and land reclamation works and
 316 facilities, sewer systems, storm sewers and drains, water
 317 systems, streets, roads, or other projects of the district, or
 318 that portion or portions thereof, local in nature and of special
 319 benefit to the premises or lands served thereby, and any and all

HB 0817

2004

320 modifications, improvements, and enlargements thereof.

321 (2) "Bond" includes certificate, and provisions applicable
 322 to bonds shall be equally applicable to certificates. "Bond"
 323 includes general obligations bonds, assessment bonds, refunding
 324 bonds, revenue bonds, and such other obligations in the nature
 325 of bonds as are provided for in this act, as the case may be.

326 (3) "Board" means the Board of Supervisors of the Spring
 327 Lake Improvement District, or if such board shall be abolished,
 328 the board, body, or commission succeeding to the principal
 329 functions thereof or to whom the powers given by this act to the
 330 board shall be given by law.

331 (4) "Cost," when used with reference to any project,
 332 includes, but is not limited to, the expenses of determining the
 333 feasibility or practicability of acquisition, construction, or
 334 reconstruction; the cost of surveys, estimates, plans, and
 335 specifications; the cost of acquisition, construction, or
 336 reconstruction; the cost of improvements, engineering, and
 337 fiscal and legal expenses and charges; the cost of all labor,
 338 materials, machinery, and equipment; the cost of all lands,
 339 properties, rights, easements, and franchises acquired; federal,
 340 state, and local taxes and assessments; financing charges; the
 341 creation of initial reserve and debt service funds; working
 342 capital; interest charges incurred or estimated to be incurred
 343 on money borrowed prior to and during construction and
 344 acquisition and for such period of time after completion of
 345 construction or acquisition as the board may determine; the cost
 346 of issuance of bonds pursuant to this act, including
 347 advertisements and printing; the cost of any election held
 348 pursuant to this act and all other expenses of issuance of

HB 0817

2004

349 bonds; discount, if any, on the sale or exchange of bonds;
 350 administrative expenses; such other expenses as may be necessary
 351 or incidental to the acquisition, construction, or
 352 reconstruction of any project or to the financing thereof, or
 353 the development of any lands within the district; and
 354 reimbursement of any public or private body, person, firm, or
 355 corporation for any moneys advanced in connection with any of
 356 the foregoing items of cost. Any obligation or expense incurred
 357 prior to the issuance of bonds in connection with the
 358 acquisition, construction, or reconstruction of any project or
 359 improvements thereon, or in connection with any other
 360 development of land that the board of the district shall
 361 determine to be necessary or desirable in carrying out the
 362 purposes of this act, may be treated as a party of such cost.

363 (5) "District" means the Spring Lake Improvement District
 364 and "district manager" means the manager of the district.

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

371 (7) "Project" means any development, improvement,
 372 property, utility, facility, works, road, enterprise, service,
 373 or convenience, now existing or hereafter undertaken or
 374 established, under the provisions of this act or under chapter
 375 298, Florida Statutes.

376 (8) "Sewer system" means any plant, system, facility, or
 377 property and additions, extensions, and improvements thereto at

HB 0817

2004

378 any future time constructed or acquired as part thereof useful
 379 or necessary or having the present capacity for future use in
 380 connection with the collection, treatment, purification, or
 381 disposal of sewage, including, without limitation, industrial
 382 wastes resulting from any process of industry, manufacture,
 383 trade, or business or from the development of any natural
 384 resources; and, without limiting the generality of the
 385 foregoing, shall include treatment plants, pumping stations,
 386 lift stations, valves, force mains, intercepting sewers,
 387 laterals, pressure lines, mains, and all necessary appurtenances
 388 and equipment, all sewer mains, laterals and other devices for
 389 the reception and collection of sewage from premises connected
 390 therewith, and all real and personal property and any interest
 391 therein, rights, easements, and franchises of any nature
 392 whatsoever relating to any such system and necessary or
 393 convenient for operation thereof.

394 (9) "Water and flood control facilities" means any canals,
 395 ditches, or other drainage facilities, reservoirs, dams, levees,
 396 sluiceways, dredging holding basins, floodways, pumping
 397 stations, or any other works, structures, or facilities for the
 398 conservation, control, development, utilization, and disposal of
 399 water, and any purposes appurtenant, necessary, or incidental
 400 thereto, and includes all real and personal property and any
 401 interest therein, rights, easements, and franchises of any
 402 nature relating to any such water and flood control facilities
 403 or necessary or convenient for the acquisition, construction,
 404 reconstruction, operation, or maintenance thereof.

405 (10) "Water system" means any plant, system, facility, or
 406 property and additions, extensions, and improvements thereto at

HB 0817

2004

407 any future time constructed or acquired as part thereof, useful
408 or necessary or having the present capacity for future use in
409 connection with the development of sources, treatment, or
410 purification and distribution of water and, without limiting the
411 generality of the foregoing, includes dams, reservoirs, storage
412 tanks, mains, lines, valves, pumping stations, laterals, and
413 pipes for the purpose of carrying water to the premises
414 connected with such system, and all rights, easements, and
415 franchises of any nature whatsoever relating to any such system
416 and necessary or convenient for the operation thereof.

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

419 (1) The board of the district shall exercise the powers
420 granted to the district under this act and under chapter 298,
421 Florida Statutes. The board shall consist of five members and
422 each member shall hold office for a term of 3 or 4 years and
423 until his or her successor shall be chosen and shall qualify.
424 All members of the board shall be landowners within the
425 district.

426 (2) In the month of November of each year commencing
427 November of 1992, there shall be held a meeting of the
428 landowners of the district at a location within the district in
429 Highlands County for the purpose of electing one supervisor for
430 a term of 3 years. The president of the board at the time of the
431 November 1992 election shall have his or her term extended until
432 the November 1994 election. The secretary of the board at the
433 time of the November 1992 election shall have his or her term
434 extended until the November 1993 election. The remaining
435 position of supervisor shall stand for election at the November

HB 0817

2004

436 1992 meeting of landowners. Notice of said landowners meeting
437 shall be published once a week for 2 consecutive weeks in a
438 newspaper in Highlands County which is in general circulation
439 within the district, the last said publication to be not less
440 than 14 days nor more than 28 days before the date of the
441 election. The landowners when assembled at such meeting shall
442 organize by electing a chair who shall conduct the meeting. At
443 such meeting each landowner shall be entitled to cast one vote
444 per acre of land owned by him or her and located within the
445 district, for each person to be elected. A landowner may vote in
446 person or by proxy in writing. Fractions of an acre shall be
447 treated as 1 acre, entitling the landowner to one vote with
448 respect thereto. The person receiving the highest number of
449 votes for the office of supervisor shall be declared elected as
450 such supervisor. The owners and proxy holders of district
451 acreage who are present at a duly noticed landowners meeting
452 shall constitute a quorum for the purpose of holding such
453 election or any election thereafter. The provisions of this
454 section do not exempt the district from the election provisions
455 of section 189.4051, Florida Statutes.

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

459 (4) All supervisors shall hold office for the terms for
460 which they are elected or appointed and until their successors
461 shall be chosen and qualify. In case of a vacancy in the office
462 of any supervisor the remaining supervisor or supervisors (even
463 though less than a quorum) may fill such vacancy by appointment
464 of a new supervisor or supervisors for the unexpired term of the

HB 0817

2004

465 supervisor who vacated his or her office.

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

470 (6) A majority of the members of the board shall
 471 constitute a quorum.

472 (7) The board shall keep a permanent record book entitled
 473 "Record of Proceedings of Spring Lake Improvement District," in
 474 which the minutes of all meetings, resolutions, proceedings,
 475 certificates, bonds given by all employees, and any and all
 476 corporate acts, shall be recorded. Such record book shall at
 477 reasonable times be open to the inspection of any landowner,
 478 taxpayer, resident, or bondholder of the district, and such
 479 other persons as the board may determine to have a proper
 480 interest in the proceedings of the board. Such record book shall
 481 be kept at any office or other regular place of business
 482 maintained by the board in Highlands County.

483 (8) Whenever any election shall be authorized or required
 484 by this act to be held by the landowners at any particular or
 485 stated time or day, and if for any reason such election is not
 486 held at such time or on such day, then in such event the power
 487 or duty to hold such election shall not cease or lapse, but such
 488 election shall be held thereafter when practicable, and in
 489 accordance with the procedures provided by this act.

490 Section 7. Appointment and duties of district
 491 manager.--For the purpose of preserving and maintaining any
 492 facility constructed or erected under the provisions of this act
 493 or under the provisions of chapter 298, Florida Statutes, and

HB 0817

2004

494 for maintaining and operating the equipment owned by the
 495 district and such other duties as may be prescribed by the
 496 board, the board may employ and fix the compensation of a
 497 district manager who shall have charge and supervision of the
 498 works of the district.

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

500 (1) The board shall designate a person who is a resident
 501 of Florida, or a bank or trust company organized under the laws
 502 of Florida or under the National Banking Act, as treasurer of
 503 the district, who shall have charge of the funds of the
 504 district. Such funds shall be disbursed only upon the order of
 505 or pursuant to the resolution of the board by warrant or check
 506 signed by the treasurer, or by such other person as may be
 507 authorized by the board. The board may give the treasurer such
 508 other or additional powers and duties as the board may deem
 509 appropriate and fix his or her compensation. The board may
 510 require the treasurer to give a bond in such amount, on such
 511 terms, and with such sureties as may be deemed satisfactory to
 512 the board to secure the performance by the treasurer of his or
 513 her powers and duties. The board shall audit or have audited the
 514 books of the treasurer at least once a year.

515 (2) The board is authorized to select as depositories in
 516 which the bonds of the board and of the district shall be
 517 deposited any banking corporation organized under the laws of
 518 the state or under the National Banking Act, doing business in
 519 the state, upon such terms and conditions as to the payment of
 520 interest by such depository upon the funds so deposited as the
 521 board may deems just and reasonable.

522 (3) The board may employ a fiscal agent to perform such

HB 0817

2004

523 duties and services at such rate of compensation as the board
 524 may determine.

525 Section 9. Compensation of board.--Each supervisor shall
 526 be entitled to receive for his or her services an amount not to
 527 exceed \$100 per month. In addition, each supervisor shall
 528 receive reasonable traveling expenses for attending the place of
 529 meeting from his or her residence. Unless the board by
 530 resolution otherwise provides, such traveling expenses shall not
 531 be in excess of the amounts provided by law for state and county
 532 officials.

533 Section 10. Powers of the district.--The district shall
 534 have, and the board may exercise, any or all of the following
 535 powers:

536 (1) To contract and be contracted with; to sue and be sued
 537 in the name of the district; to adopt and use a seal; to acquire
 538 by purchase, gift, devise, eminent domain, (except as limited
 539 herein), or otherwise, property, real or personal, or any estate
 540 therein, within the district, to be used for any of the purposes
 541 of this act.

542 (2) To adopt a water control plan; and to establish,
 543 construct, operate, and maintain a system of main and lateral
 544 canals, drains, ditches, levees, dikes, dams, sluices, locks,
 545 revetments, reservoirs, holding basins, floodways, pumping
 546 stations, syphons, culverts, and storm sewers to drain and
 547 reclaim the lands within the district and to connect some or any
 548 of them with roads and bridges as in the judgment of the board
 549 is deemed advisable to provide access to such facilities.

550 (3) To acquire and maintain appropriate sites for storage
 551 and maintenance of the equipment of the district and to acquire,

HB 0817

2004

552 maintain, and construct a suitable building to house the office
 553 and records of the district.

554 (4) To clean out, straighten, widen, open up, or change
 555 the courses and flow, alter, or deepen any canal, ditch, drain,
 556 river, water course, or natural stream as within the judgment of
 557 the board is deemed advisable to drain and reclaim lands within
 558 the district; to acquire, purchase, operate, and maintain pumps,
 559 plants, and pumping systems for drainage purposes; and to
 560 construct, operate, and maintain irrigation works and machinery
 561 in connection with the purposes herein set forth.

562 (5) To regulate and set forth by appropriate resolution
 563 the drainage requirements and conditions to be met for plats to
 564 be entitled to record on any land within the district, including
 565 authority to require as a condition precedent for any platting
 566 that good and sufficient bond be posted to ensure proper
 567 drainage for the area to be platted.

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

571 (7) To build and construct any other works and
 572 improvements deemed necessary to preserve and maintain the works
 573 in or out of the district; to acquire, construct, operate,
 574 maintain, use, sell convey, transfer, or otherwise provide for
 575 machines and equipment for any purpose authorized by this act or
 576 chapter 298, Florida Statutes; and to contract for the purchase,
 577 construction, operation, maintenance, use, sale, conveyance, and
 578 transfer of said machinery and equipment.

579 (8) To construct or enlarge, or cause to be constructed or
 580 enlarged, any and all bridges or culverts that may be needed in

HB 0817

2004

581 or out of the district, across any drain, ditch, canal,
 582 floodway, holding basin, excavation, public highway, tract,
 583 grade, fill, or cut; to construct roadways over levees and
 584 embankments; to construct any and all of said works and
 585 improvements across, through, or over any public right-of-way,
 586 highway, grade, fill, or cut in or out of the district.

587 (9) To hold, control, and acquire by donation, purchase,
 588 or condemnation, any easement, reservation, or dedication in the
 589 district, for any of the purposes herein provided. To condemn as
 590 provided by chapters 73 and 74, Florida Statutes, or acquire, by
 591 purchase or grant for use in the district, any land or property
 592 within the district necessary for the purposes of this act.

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

596 (11) To impose and foreclose special assessment liens as
 597 hereinafter provided.

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

603 (13) To administer and provide for the enforcement of all
 604 of the provisions herein, including the making, adopting,
 605 promulgating, amending, and repealing of all rules and
 606 regulations necessary or convenient for the carrying out of the
 607 duties, obligations, and powers conferred on the district
 608 created hereby.

609 (14) To cooperate with or contract with other drainage

HB 0817

2004

610 districts or other governmental agencies as may be necessary,
 611 convenient, incidental, or proper in connection with any of the
 612 powers, duties, or purposes of the district as stated in this
 613 act.

614 (15) To employ engineers, attorneys, agents, employees,
 615 and representatives as the board of supervisors may from time to
 616 time determine necessary and to fix their compensation and
 617 duties.

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

621 (17) To construct, improve, and maintain roadways and
 622 roads necessary and convenient to provide access to and
 623 efficient development of areas made suitable and available for
 624 cultivation, settlement, urban subdivision, homesites, and other
 625 beneficial developments as a result of the drainage operations
 626 of the district.

627 (18) To make use of any public easements, dedications to
 628 public use, platted reservations for public purposes, or any
 629 reservations for drainage purposes within the boundaries of the
 630 district.

631 (19) To lease as lessor or lessee to or from any person,
 632 firm, corporation, association, or body, public or private, any
 633 projects of the type that the district is authorized to
 634 undertake and facilities or property of any nature for the use
 635 of the district to carry out any of the purposes of this act.

636 (20) To regulate the supply and level of water within the
 637 district; to divert waters from one area, lake, pond, river,
 638 stream, basin, or drainage or water flood control facility to

HB 0817

2004

639 any other area, lake, pond, river, stream, basin, or drainage
 640 and water flood control facility; to regulate control and
 641 restrict the development and use of natural or artificial
 642 streams or bodies of water, lakes, or ponds; and to take all
 643 measures determined by the board to be necessary or desirable to
 644 prevent or alleviate land erosion. The powers granted to the
 645 district by this subsection shall be concurrent within the
 646 boundaries of the district with other public bodies, agencies,
 647 or authorities as may be authorized by law. The district is
 648 eligible to receive moneys, disbursements, and assistance from
 649 the state available to flood control or water management
 650 districts and the navigation districts or agencies.

651 (21) To own, acquire, construct, reconstruct, equip,
 652 operate, maintain, extend, and improve water systems and sewer
 653 systems or combined water and sewer systems; to regulate the use
 654 of sewers and the supply of water within the district and to
 655 prohibit or regulate the use and maintenance of outhouses,
 656 privies, septic tanks, or other sanitary structures or
 657 appliances within the district; to prescribe methods of
 658 pretreatment of wastes not amenable to treatment with domestic
 659 sewage before accepting such wastes for treatment and to refuse
 660 to accept such wastes when not sufficiently pretreated as may be
 661 prescribed, and to prescribe penalties for the refusal of any
 662 person or corporation to so pretreat such wastes; to sell or
 663 otherwise dispose of the effluent, sludge, or other byproducts
 664 as a result of sewage treatment; and to construct and operate
 665 connecting, intercepting, or outlet sewers and sewer mains and
 666 pipes and water mains, conduits, or pipelines in, along, or
 667 under any street, alleys, highways, or other public places or

HB 0817

2004

668 ways within or without the district, when deemed necessary or
 669 desirable by the board. The plans for any water or sewer system
 670 shall be subject to the approval of the State Board of Health.

671 (22) To own, acquire, construct, operate, and maintain
 672 parks and facilities for indoor and outdoor recreation,
 673 cultural, and educational uses including buildings and equipment
 674 for such uses, playgrounds, picnic grounds, camping facilities,
 675 and water recreation facilities within or without the district.

676 (23) To issue general obligation bonds, revenue bonds,
 677 assessment bonds, or any other bonds or obligations authorized
 678 by the provisions of this act or any other law, or any
 679 combination of the foregoing, to pay all or part of the cost of
 680 the acquisition, construction, reconstruction, extension,
 681 repair, improvement, maintenance, or operation of any project or
 682 combination of projects, to provide for any facility, service,
 683 or other activity of the district and to provide for the
 684 retirement or refunding of any bonds or obligations of the
 685 district, or for any combination of the foregoing purposes.

686 (24) To build, install, maintain, and operate
 687 streetlights.

688 (25) To require that all new and existing public and
 689 private utilities and services used for local distribution
 690 purposes, excluding primary feeders, be constructed underground;
 691 to construct, alter, and maintain said underground utilities;
 692 and, to the extent allowed by law, to regulate and restrict by
 693 appropriate resolution the location, type, construction, and
 694 maintenance by others of said underground utilities.

695 (26) To require every landowner within the district to
 696 maintain his or her respective property in a neat and attractive

HB 0817

2004

697 condition, free of high grass, weeds, underbrush, and refuse; to
 698 regulate and restrict by appropriate resolution the maintenance
 699 thereof; to mow and maintain said property on the landowner's
 700 failure to do so; and to impose, assess, collect, and place a
 701 lien upon such property for the cost and expense of mowing and
 702 maintenance by the district.

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

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

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

710 Section 13. Annual budget.--Prior to May 15th of each year
 711 after the effective date of this act, the secretary of the
 712 district shall prepare a proposed budget to be submitted to the
 713 board for their approval. The proposed budget shall include an
 714 estimate of all necessary expenditures of the district for the
 715 next ensuing fiscal year and as estimate of income to the
 716 district from the taxes and assessments provided in this act.
 717 The board shall consider the proposed budget item by item and
 718 may either approve the budget as proposed by the district
 719 manager or modify the same in part or in whole. The board shall
 720 indicate their approval of the budget by resolution, which
 721 resolution shall provide for a hearing on the budget as
 722 approved. Notice of the hearing on the budget shall be published
 723 in a newspaper in general circulation within the district in
 724 Highlands County once a week for 2 consecutive weeks; providing
 725 that the second publication shall not be less than 7 days after

HB 0817

2004

726 the first publication. The notice shall be directed to all
727 landowners in the district and shall state the purpose of the
728 meeting. The notice shall further contain a designation of the
729 date, time, and place of the public hearing, which shall be not
730 less than 7 days after the second publication. At the time and
731 place designated in the notice, the board shall hear all
732 objections to the budget as proposed, and make such changes as
733 the board deems necessary. At the conclusion of the budget
734 hearing the board shall, by resolution, adopt the budget as
735 finally approved by the board.

736 Section 14. Notice and call of meetings; landowners;
737 quorum; adjournments; representation at meetings; taking action
738 without meeting.--

739 (1) The board shall publish notice of all meetings of
740 landowners once a week for 2 consecutive weeks prior to such
741 meeting in a newspaper in Highlands County in general
742 circulation within the district. Meetings of landowners shall be
743 held in a public place, or any other place made available for
744 the purpose of such meeting in the Highlands County Courthouse
745 and the place, date, and hour of holding such meeting and the
746 purpose thereof shall be stated in the notice. Landowners
747 present in person or by proxy, shall constitute a quorum at any
748 meeting of the landowners; provided that, irrespective of the
749 number of acres represented, there shall be a minimum of five
750 landowners owning separate parcels of land at each meeting.

751 (2) The board may call special meetings of the landowners
752 at any time to receive reports of the board or for each other
753 purpose as the board may determine. A special meeting of the
754 landowners may also be called at any time upon notice as

HB 0817

2004

755 provided hereinabove at the written request of the owners of not
 756 less than 25 percent in acreage of the land within the district
 757 for the purpose of taking any lawful action by the landowners of
 758 the district. Such special meeting shall be called by any court
 759 of competent jurisdiction in the event that the board fails to
 760 do so upon request as provided in the preceding sentence. Except
 761 as otherwise provided in section 6 of this act with respect to
 762 the election of supervisors, action taken at a meeting of the
 763 landowners shall be by affirmative vote of the owners of at
 764 least a majority in acreage of the land within the district
 765 represented at such meeting.

766 (3) At any meeting of the landowners, guardians may
 767 represent their wards; executors and administrators may
 768 represent the estate of deceased persons; trustees may represent
 769 lands held by them in trust; and private corporations may be
 770 represented by their duly authorized proxy. All landowners,
 771 including guardians, executors, administrators, trustees and
 772 corporations, may be represented and vote by proxy.

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

777 (1) The board shall cause to be made by the chief engineer
 778 or such other engineer or engineers as the board may employ for
 779 that purpose, a complete and comprehensive plan for the drainage
 780 and reclamation of the lands located within the district. The
 781 engineer or engineers designated by the board to make said plan
 782 shall make all necessary surveys of the lands within the
 783 boundary lines of said district and of all lands adjacent

HB 0817

2004

784 thereto that will be improved or reclaimed in part or in whole
 785 by any system of drainage that may be outlined and adopted, and
 786 shall make a report in writing to the board with maps and
 787 profiles of said surveys, which report shall contain a full and
 788 complete plan for drainage and reclaiming the lands located
 789 within the district from overflow or damage by water, with the
 790 length, width, and depth of such canals, ditches, dikes, or
 791 levees or other works as may be necessary in conjunction with
 792 any canals, drains, ditches, dikes, levees, or other works
 793 heretofore constructed by any other drainage or reclamation
 794 district, or any other person or persons, or which may hereafter
 795 be built by any or either of such agencies that may be necessary
 796 or which can be advantageously used in such plan and also an
 797 estimate of the cost of carrying out and completing the plan of
 798 reclamation, including the cost of superintending the same and
 799 all incidental expenses in connection therewith.

800 (2) Upon the completion of such plan, the board shall hold
 801 a hearing thereon to hear objections thereto and shall give
 802 notice of the time and place fixed for such hearing by
 803 publication once each week for 2 consecutive weeks in a
 804 newspaper published in Highlands County of general circulation
 805 in the district, and shall permit the inspection of said plan at
 806 the office of the district by all persons interested. All
 807 objections to said plan shall be filed at or before the time
 808 fixed in said notice for the hearing and shall be in writing.

809 (3) After said hearing the board shall consider the
 810 proposed plan and any objections thereto, and may modify,
 811 reject, or adopt the plan, or may continue the hearing to a day
 812 certain for further consideration of the proposed plan or

HB 0817

2004

813 modifications thereof.

814 (4) When the board shall approve a plan, a resolution
815 shall be adopted and a certified copy thereof shall be filed in
816 the office of the secretary and incorporated into the records of
817 the district.

818 (5) The water control plan may be altered in detail from
819 time to time until the appraisal record herein provided is
820 filed, but not in such manner as materially to affect the
821 conditions of its adoption. After the appraisal record has been
822 filed, no alterations of the plan shall be made except as
823 provided by this act.

824 (6) Within 20 days after the final adoption of the plan by
825 the board, the secretary of the district shall prepare and
826 transmit a certified copy thereof to the clerk of the circuit
827 court and at the same time the board shall file with said clerk
828 a petition that the said court appoint three commissioners to
829 appraise the lands to be acquired for right-of-way, holding
830 basins, and other drainage works of the district and to assess
831 benefits and damages accruing to all lands within the district
832 by reason of the execution of the plan. Immediately after the
833 filing of such petition the judge of said court in whose
834 division the petition shall have been assigned shall by an order
835 appoint three commissioners, who shall be freeholders residing
836 within the state, and who shall not be landowners in said
837 district, nor of kin within the fourth degree of consanguinity
838 to any person owning land in said district. A majority of said
839 commissioners shall constitute a quorum and shall control the
840 action of the commissioners on all questions.

841 (7) Immediately upon the filing of said order of

HB 0817

2004

842 appointment, the secretary of the district shall notify each of
 843 said commissioners of his or her appointment, and in the said
 844 notice he or she shall state the time and place for the first
 845 meeting of said commissioners. The secretary of the district, or
 846 his or her deputy, shall attend such meeting and shall furnish
 847 to said commissioners a complete list of lands embraced in the
 848 district, or adjacent thereto, that will be affected by the
 849 execution of the plan. The secretary shall also furnish to the
 850 commissioners a copy of the plan and such other papers,
 851 documents and information as the commissioners require. The
 852 commissioners at the meeting shall each take and subscribe to an
 853 oath that he or she will faithfully and impartially discharge
 854 his or her duties as such commissioner and make a true report of
 855 the work performed by such commissioners, and shall elect one of
 856 their number as chair. The secretary of the district, or his or
 857 her deputy, shall be ex officio secretary to the commissioners,
 858 and the attorney for the district, and other agents and
 859 employees thereof, shall cooperate with the commissioners and
 860 furnish to them such advice, assistance, and cooperation as they
 861 shall require.

862 (8) Immediately after qualifying as provided in the
 863 previous paragraph, the commissioners shall commence the
 864 performance of their duties. The chief engineer, or one of his
 865 or her assistants, shall accompany said commissioners when
 866 engaged in the discharge of their duties and shall render his or
 867 her opinion in writing when called for. Said commissioners shall
 868 proceed to view the premises and determine the value of the
 869 lands within or without the district to be acquired and used for
 870 rights-of-way, holding basins, and other works described in the

HB 0817

2004

871 plan and they shall appraise all benefits and damages which will
 872 accrue to all lands by reason of the execution of the plan. The
 873 commissioners in appraising benefits to lands, public highways,
 874 railroads, and other rights-of-way shall not consider what
 875 benefits will be derived by such property after other ditches,
 876 improvements, or other plans shall have been constructed, but
 877 they shall appraise only such benefits as will be derived from
 878 the construction of the works and improvements described in the
 879 plan or as the same may afford an outlet for drainage or
 880 protection from overflow of such property. The commissioners
 881 shall give due consideration and credit to any other drainage
 882 works which have already been constructed and which afford
 883 partial or complete protection to any tract or parcel of land
 884 within the district. The public highways, railroads, and other
 885 rights-of-way shall be appraised according to the increased
 886 physical efficiency and decreased maintenance cost of roadways
 887 by reason of the improvements. The commissioners shall have no
 888 power to change the plan. The commissioners shall prepare a
 889 report of their findings, which shall be arranged in tabular
 890 form, the columns of which shall be headed as follows: column 1
 891 "Owner of Property Appraised"; column 2 "Description of Property
 892 Appraised"; column 3 "Number of Acres Appraised"; column 4
 893 "Amount of Benefits Appraised"; column 5 "Amount of Damages
 894 Appraised"; column 6 "Number of Acres to be Taken for Rights-of-
 895 way, Holding Basins, etc."; and column 7 "Value of Property to
 896 be Taken." They shall also, by and with the advice of the chief
 897 engineer, estimate the cost of the works described in the plan
 898 of reclamation, which estimate shall include the cost of
 899 property required for rights-of-way, holding basins, and other

HB 0817

2004

900 works, the probable expense of organization and administration
 901 as estimated by the board of supervisors, and all of the
 902 expenses of the district during the period of executing the
 903 plan. Before appraisals of compensation and damages are made,
 904 the board may report to the commissioners the parcels of land it
 905 may wish to purchase and for which it may wish appraisals to be
 906 made, both for easement and for purchase in fee simple, and the
 907 board may specify the particular purpose for which, and the
 908 extent to which, an easement in any property is desired,
 909 describing definitely such purpose and extent. Wherever so
 910 instructed by the board, the commissioners shall appraise lands
 911 which it may be necessary or desirable for the district to own
 912 and when so requested by the board they shall also appraise both
 913 the total value of the land and also the damages due to any
 914 easement required for the purposes of the district.

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

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

928 "NOTICE OF FILING COMMISSIONERS' REPORT FOR SPRING

HB 0817

2004

929 LAKE IMPROVEMENT DISTRICT.
 930 Notice is hereby given that the Commissioners
 931 heretofore appointed to appraise benefits and damages
 932 to property and lands located within Spring Lake
 933 Improvement District in the State of Florida and to
 934 appraise the cash value of the land necessary to be
 935 taken for rights-of-way, holding basins, and other
 936 works of said district did file their report in the
 937 office of the undersigned Clerk of the Circuit Court,
 938 upon the _____ day of _____, _____, and you,
 939 and each of you, are hereby notified that you may
 940 examine said report and file exceptions to same on or
 941 before the _____ day of _____,
 942 (which date shall be not less than twenty-eight (28)
 943 days nor more than thirty (30) days from the first
 944 date of publication).

945 _____
 946 Clerk of the Circuit Court of
 947 Highlands County, Florida"_____
 948

949 The drainage district or any owner of land or other property to
 950 be affected by said report may file exception to any part, or
 951 all, of the report of said commissioners within the time
 952 specified in the notice prescribed in the preceding paragraph.
 953 All exceptions shall be heard and determined by the court. If no
 954 exceptions are filed, or if it is shown, upon the hearing of all
 955 of said exceptions, that the estimated cost of construction of
 956 improvements contemplated in the plan is less than the benefits
 957 assessed against the lands in said district, the court shall

HB 0817

2004

958 approve and confirm said commissioners' report; but, if the
 959 court upon hearing the objections filed, finds that any or all
 960 such objections should be sustained, it shall order the report
 961 changed to conform with such findings, and when so changed the
 962 court shall approve and conform such report and enter its decree
 963 accordingly. The court shall adjudge and apportion the costs
 964 incurred by the exceptions filed, and shall condemn any land or
 965 other property, that is shown by the report of the commissioners
 966 to be needed for rights-of-way, holding basins, or other works,
 967 following the procedure provided in chapters 73 and 74, Florida
 968 Statutes; provided, however, that any property owner may accept
 969 the assessment of damages in his or her favor made by the
 970 commissioners, or acquiesce in their failure to assess damages
 971 in his or her favor, and shall be construed to have done so,
 972 unless he or she gives the supervisors of the district, on or
 973 before the time shall have expired for filing exceptions, as
 974 provided in this act, notice in writing that he or she demands
 975 an assessment of his or her damages by a jury; in which event
 976 the supervisors of the district shall institute in the circuit
 977 court of Highlands County an action to condemn the lands and
 978 other property that must be taken or damaged in the making of
 979 such improvements, with the right and privilege of paying into
 980 court a sum to be fixed by the circuit court or judge, and
 981 proceeding with the work, before the assessment by the jury;
 982 provided, any person or party interested may prosecute and
 983 appeal to the appropriate district court of appeal in the manner
 984 and within the time provided by the Florida appellate rules.

985 (11) The Clerk of the Circuit Court of Highlands County
 986 shall transmit a certified copy of the court decree and copy of

HB 0817

2004

987 the commissioners' report, as confirmed or amended by the court,
 988 to the secretary of the board, and such clerk shall receive a
 989 fee of \$5 for receiving, filing, and preserving same as a
 990 permanent record.

991 Section 16. Adoption, revision, and revocation of water
 992 control plan.--In addition to and not in limitation of its
 993 powers to provide for and adopt a water control plan provided in
 994 section 15 herein and under section 298, Florida Statutes, and
 995 amendments thereto, the board may at any time and from time to
 996 time adopt, revoke, or modify in whole or in part, any plan or
 997 any plan providing for the drainage of lands within the
 998 district, and may provide for such new and additional drainage
 999 facilities, canals, ditches, levees, and other works as the
 1000 board may determine. In connection with the revision of any plan
 1001 or the providing of any new or additional drainage facilities,
 1002 canals, ditches, levees, or other works, or in the event the
 1003 total taxes and assessments theretofore levied or the funds
 1004 derived from the sale of bonds are insufficient to pay the cost
 1005 of any drainage works, benefits may be reassessed, additional
 1006 assessments made, and taxes levied in accordance with the
 1007 procedures provided in this act or in chapter 298, Florida
 1008 Statutes. The board may at any time approve and make effective
 1009 technical changes or modifications in any plan or drainage not
 1010 affecting assessed benefits, levy of taxes, or the security of
 1011 bondholders.

1012 Section 17. Assessing land for reclamation; apportionment
 1013 of tax; lands belonging to state assessed; drainage tax
 1014 record.--After the lists of lands, with the assessed benefits
 1015 and the decree and judgment of court, have been filed in the

HB 0817

2004

1016 office of the clerk of the circuit court as provided in section
 1017 15, then the board shall, without any unnecessary delay, levy a
 1018 tax of such portion of said lands in the district to which
 1019 benefits have been assessed, as may be found necessary by the
 1020 board of supervisors to pay the costs of the completion of the
 1021 proposed works and improvements, as shown in said plan and in
 1022 carrying out the objects of said district; and, in addition
 1023 thereto, 10 percent of said total amount for emergencies. The
 1024 said tax shall be apportioned to, and levied on, each tract of
 1025 land in said district in proportion to the benefits assessed,
 1026 and not in excess thereof; and in case bonds are issued, as
 1027 provided in this chapter, a tax shall be levied in a sum not
 1028 less than an amount 90 percent of which shall be equal to the
 1029 principal of said bonds. The amount of bonds to be issued for
 1030 paying the cost of the works as set forth in the plan shall be
 1031 ascertained and determined by the board, provided, however, that
 1032 the total amount of all bonds to be issued by the district shall
 1033 in no case exceed 90 percent of the benefits assessed upon the
 1034 lands of the district. The amount of the interest (as estimated
 1035 by said board), which will accrue on such bonds, shall be
 1036 included and added to the said tax, but the interest to accrue
 1037 on account of the issuing of said bonds shall not be construed
 1038 as a part of the costs of construction in determining whether or
 1039 not the expenses and costs of making said improvements are equal
 1040 to, or in excess of, the benefits assessed. The secretary of the
 1041 board of supervisors, as soon as said total tax is levied,
 1042 shall, at the expense of the district, prepare a list of all
 1043 taxes levied, in the form of a well-bound book, which book shall
 1044 be endorsed and named "DRAINAGE TAX RECORD OF SPRING LAKE

HB 0817

2004

1045 IMPROVEMENT DISTRICT, HIGHLANDS COUNTY, FLORIDA," which
 1046 endorsement shall be printed or written at the top of each page
 1047 in said book, and shall be signed and certified by the president
 1048 and secretary of the board, attested by the seal of the
 1049 district, and the same shall thereafter become a permanent
 1050 record in the office of said secretary.

1051 Section 18. Prepayment of taxes or assessments.--The board
 1052 may provide that any tax or assessment may be paid at any time
 1053 before due, together with the interest accrued thereon to the
 1054 date of prepayment and any prepayment premiums or penalties, if
 1055 such prior payment shall be permitted by the proceedings
 1056 authorizing any bonds or other obligations for the payment of
 1057 which special assessments have been pledged or taxes levied.

1058 Section 19. Tax liens.--All taxes of the district provided
 1059 for in this act or chapter 298, Florida Statutes, together with
 1060 all penalties for default in the payment of the same and all
 1061 costs in collecting the same including reasonable attorney's
 1062 fees fixed by the court and taxed as cost in the action brought
 1063 to enforce payment, shall from January 1 for each year the
 1064 property is liable to assessment and until paid constitute a
 1065 lien of equal dignity with the liens for state and county taxes
 1066 and other taxes of equal dignity with state and county taxes
 1067 upon all the lands against which such taxes shall be levied. A
 1068 sale of any of the real property within the district for state
 1069 and county or other taxes shall not operate to relieve or
 1070 release the property so sold from the lien for subsequent
 1071 district taxes or installments of district taxes which lien may
 1072 be enforced against such property as though no such sale thereof
 1073 had been made. The provisions of section 194.171, Florida

HB 0817

2004

1074 Statutes, and amendments thereto shall be applicable to district
 1075 taxes with the same force and effect as if said provisions were
 1076 expressly set forth in this act.

1077 Section 20. Issuance of bond anticipation notes.--In
 1078 addition to the other powers provided for in this act and not in
 1079 limitation thereof, the district shall have the power, at any
 1080 time and from time to time after the issuance of any bonds of
 1081 the district shall have been authorized, to borrow money for the
 1082 purposes for which such bonds are to be issued in anticipation
 1083 of the receipt of the proceeds of the sale of such bonds and to
 1084 issue bond anticipation notes in a principal sum not in excess
 1085 of the authorized maximum amount of such bond issue. Such notes
 1086 shall be in such denomination or denominations, bear interest at
 1087 such rate as the board may determine not to exceed 10 percent
 1088 per annum, mature at such time or times not later than 5 years
 1089 from the date of issuance, and be in such form and executed in
 1090 such manner as the board shall prescribe. Such notes may be sold
 1091 at either public or private sale or, if such notes shall be
 1092 renewal notes, may be exchanged for notes then outstanding on
 1093 such terms as the board shall determine. Such notes shall be
 1094 paid from the proceeds of such bonds when issued. The board may
 1095 in its discretion, in lieu of retiring the notes by means of
 1096 bonds, retire them by means of current revenues or from any
 1097 taxes or assessments levied for the payment of such bonds, but
 1098 in such event a like amount of the bonds authorized shall not be
 1099 issued.

1100 Section 21. Short-term borrowing.--The district at any
 1101 time may obtain loans, in such amount and on such terms and
 1102 conditions as the board may approve, for the purpose of paying

HB 0817

2004

1103 any of the expenses of the district or any costs incurred or
 1104 that may be incurred in connection with any of the projects of
 1105 the district, which loans shall have a term not exceeding 2
 1106 years from the date of issuance thereof, and may be renewable
 1107 for a like term or terms, shall bear such interest as the board
 1108 may determine, not to exceed 10 percent per annum, and may be
 1109 payable from and secured by a pledge of such funds, revenues,
 1110 taxes, and assessments as the board may determine. For the
 1111 purpose of defraying such costs and expenses, the district may
 1112 issue negotiable notes, warrants, or other evidences of debt
 1113 signed on behalf of the district by any one of the board duly
 1114 authorized by the board, such notes or other evidences of
 1115 indebtedness to be payable at such times, to bear such interest
 1116 as the board may determine not to exceed 10 percent per annum,
 1117 and to be sold or discounted at such price or prices and on such
 1118 terms as the board may deem advisable. The board shall have the
 1119 right to provide for the payment thereof by pledging the whole
 1120 or any part of the funds, revenues, taxes, and assessments of
 1121 the district. The approval of the qualified electors who are
 1122 freeholders residing in the district shall not be necessary
 1123 except where required by the Florida Constitution.

1124 Section 22. Issuance of bonds.--In the discretion of the
 1125 board, any issue of bonds may be secured by a trust agreement by
 1126 and between the district and a corporate trustee or trustees,
 1127 which may be any trust company or bank having the powers of a
 1128 trust company within or without the state. The resolution
 1129 authorizing the issuance of the bonds or such trust agreement
 1130 may pledge the revenues to be received from any projects of the
 1131 district and may contain such provisions for protecting and

HB 0817

2004

1132 enforcing the rights and remedies of the bondholders as the
 1133 board may approve, including, without limitation, covenants,
 1134 setting forth the duties of the district in relation to the
 1135 acquisition, construction, reconstructions, improvements,
 1136 maintenance, repair, operation, and insurance of any projects,
 1137 the fixing and revising of the rates, fees, and charges, and the
 1138 custody, safeguarding, and application of all moneys, and for
 1139 the employment of counseling engineers in connection with such
 1140 acquisition, construction, reconstruction, improvement,
 1141 maintenance, repair, or operation. It shall be lawful for any
 1142 bank or trust company incorporated under the laws of the state
 1143 which may act as a depository of the proceeds of bonds or of
 1144 revenues to furnish such indemnifying bonds or to pledge such
 1145 securities as may be required by the district. Such resolution
 1146 or trust agreement may set forth the rights and remedies of the
 1147 bondholders and of the trustee, if any, and may restrict the
 1148 individual right of action by bondholders. The board may provide
 1149 for the payment of the proceeds of the sale of the bonds and the
 1150 revenues of any project to such officer, board, or depository as
 1151 it may designate for the custody thereof, and for the method of
 1152 disbursement thereof with such safeguards and restrictions as it
 1153 may determine. All expenses incurred in carrying out the
 1154 provisions of such resolution or trust agreement may be treated
 1155 as party of the cost of operation of the project to which such
 1156 trust agreement pertains.

1157 Section 23. Sale of bonds.--Bonds may be sold in blocks or
 1158 installments at different times, or an entire issue or series
 1159 may be sold at one time. Bonds may be sold at public or private
 1160 sale after such advertisement, if any, as the board may deem

HB 0817

2004

1161 advisable but not in any event at less than 90 percent of the
 1162 par value thereof, together with accrued interest thereon. Bonds
 1163 may be sold or exchanged for refunding bonds. Special assessment
 1164 and revenue bonds may be delivered as payment by the district of
 1165 the purchase price or lease of any project or part thereof, or a
 1166 combination of projects or parts thereof, or as the purchase
 1167 price or exchanged for any property, real, personal, or mixed,
 1168 including franchises, or services rendered by any contractor,
 1169 engineer or other person, all at one time or in blocks from time
 1170 to time, in such manner and upon such terms as the board in its
 1171 discretion shall determine. The price or prices for any bonds
 1172 sold, exchanged, or delivered may be:

- 1173 (1) The money paid for the bonds.
- 1174 (2) The principal amount, plus accrued interest to the
 1175 date of redemption or exchange, or outstanding obligations
 1176 exchanged for refunding bonds.
- 1177 (3) In the case of special assessment or revenue bonds,
 1178 the amount of any indebtedness to contractors or other person
 1179 paid with such bonds, or the fair value of any properties
 1180 exchanged for the bonds, as determined by the board.

1181 Section 24. Authorization and form of bonds.--Bonds may be
 1182 authorized by resolution or resolutions of the board, which
 1183 shall be adopted by a majority of all the members thereof then
 1184 in office. Such resolution or resolutions may be adopted at the
 1185 same meeting at which they are introduced, and need not be
 1186 published or posted. The board may by resolution authorize the
 1187 issuance of bonds, fix the aggregate amount of bonds to be
 1188 issued, the purpose or purposes for which the moneys derived
 1189 therefrom shall be expended, the rate or rates of interest, not

HB 0817

2004

1190 to exceed 10 percent per annum, the denomination of the bonds,
 1191 whether or not the bonds are to be issued in one or more series,
 1192 the date or dates of maturity, which shall not exceed 40 years
 1193 from their respective dates of issuance, the medium of payment,
 1194 the place or places within or without the state where payment
 1195 shall be made, registration privileges, redemption terms and
 1196 privileges (whether with or without premium), the manner of
 1197 execution, the form of the bonds including any interest coupons
 1198 to be attached thereto, the manner of execution of bonds and
 1199 coupons, and any and all other terms, covenants, and conditions
 1200 thereof, and the establishment of revenue or other funds. Such
 1201 authorizing resolution may further provide that such bonds may
 1202 be executed manually or by engraved, lithographed, or facsimile
 1203 signature, provided that where signatures are engraved,
 1204 lithographed, or facsimile no bond shall be valid unless
 1205 countersigned by a registrar or other officer designated by
 1206 appropriate resolution of the board. The seal of the district
 1207 may be affixed, lithographed, engraved, or otherwise reproduced
 1208 in facsimile on such bonds. In case any officer whose signature
 1209 shall appear on any bonds or coupons shall cease to be such
 1210 officer before the delivery of such bonds, such signature or
 1211 facsimile shall nevertheless be valid and sufficient for all
 1212 purposes the same as if he or she had remained in office until
 1213 such delivery.

1214 Section 25. Interim certificates; replacement
 1215 certificates.--Pending the preparation of definitive bonds, the
 1216 board may issue interim certificates or receipts or temporary
 1217 bonds, in such form and with such provisions as the board may
 1218 determine, exchangeable for definitive bonds when such bonds

HB 0817

2004

1219 shall have been executed and are available for delivery. The
 1220 board may also provide for the replacement of any bond which
 1221 shall become mutilated or be lost or destroyed.

1222 Section 26. Negotiability of bonds.--Any bond issued under
 1223 this act and any interim certificate or receipt or temporary
 1224 bond shall, in the absence of an express recital on the face
 1225 thereof that it is nonnegotiable, be fully negotiable and shall
 1226 be and constitute negotiable instruments within the meaning and
 1227 for all purposes of the law merchant and the laws of Florida.

1228 Section 27. Defeasance.--The board may make such provision
 1229 with respect to the defeasance of the right, title, and interest
 1230 of the holders of any of the bonds and obligations of the
 1231 district in any revenues, funds, or other properties by which
 1232 such bonds are secured as the board deems appropriate and,
 1233 without limitation on the foregoing, may provide that when such
 1234 bonds or obligations become due and payable or shall have been
 1235 called for redemption, and the whole amount of the principal and
 1236 interest and premium, if any, due and payable upon the bonds or
 1237 obligations then outstanding shall be paid, or sufficient moneys
 1238 or direct obligations of the United States Government the
 1239 principal of and the interest on which when due will provide
 1240 sufficient moneys, shall be held or deposited in trust for such
 1241 purpose, and provision shall also be made for paying all other
 1242 sums payable in connection with such bonds or other obligations,
 1243 then and in such event the right, title, and interest of the
 1244 holders of the bonds in any revenues, funds, or other properties
 1245 by which such bonds are secured shall thereupon cease,
 1246 determine, and become void, and the board may apply any surplus
 1247 in any sinking fund established in connection with such bonds or

HB 0817

2004

1248 obligations and all balances remaining in all other funds or
 1249 accounts other than money held for the redemption or payment of
 1250 the bonds or other obligations to any lawful purpose of the
 1251 district as the board shall determine.

1252 Section 28. Issuance of additional bonds.--If the proceeds
 1253 of any bonds shall be less than the cost of completing the
 1254 project in connection with which such bonds are issued, the
 1255 board may authorize the issuance of additional bonds, upon such
 1256 terms and conditions as the board may provide in the resolution
 1257 authorizing the issuance thereof, but only in compliance with
 1258 the resolution or other proceedings authorizing the issuance of
 1259 the original bonds.

1260 Section 29. Refunding bonds.--The district shall have the
 1261 power to issue bonds to provide for the retirement or refunding
 1262 of any bonds or obligations of the district that at the time of
 1263 such issuance are or subsequently thereto become due and
 1264 payable, or that at the time of issuance have been called or are
 1265 or will be subject to call for redemption within 10 years
 1266 thereafter, or the surrender of which can be procured from the
 1267 holders thereof at prices satisfactory to the board. Refunding
 1268 bonds may be issued at any time when in the judgment of the
 1269 board such issuance will be advantageous to the district. No
 1270 approval of the qualified electors who are freeholders residing
 1271 in the district shall be required for the issuance of refunding
 1272 bonds except in cases where such approval is required by the
 1273 Florida Constitution. The board may by resolution confer upon
 1274 the holders of such refunding bonds all rights, powers, and
 1275 remedies to which the holders would be entitled if they
 1276 continued to be the owners and had possession of the bonds for

HB 0817

2004

1277 the refinancing of which said refunding bonds are issued,
 1278 including, but not limited to, the preservation of the lien of
 1279 such bonds on the revenues of any project or on pledged funds,
 1280 without extinguishment, impairment, or diminution thereof. The
 1281 provisions of this act pertaining to bonds of the district
 1282 shall, unless the context otherwise requires, govern the
 1283 issuance of refunding bonds, the form and other details thereof,
 1284 the rights of the holders thereof, and the duties of the board
 1285 with respect to the same.

1286 Section 30. Revenue bonds.--

1287 (1) The district shall have the power to issue revenue
 1288 bonds from time to time without limitation as to amount. Such
 1289 revenue bonds may be secured by or payable from the gross or net
 1290 pledge of the revenues to be derived from any project or
 1291 combination of projects, from the rates, fees, or other charges
 1292 to be collected from the users of any project or projects, from
 1293 any revenue-producing undertaking or activity of the district,
 1294 or from any other source or pledged security. Such bonds shall
 1295 not constitute an indebtedness of the district, and the approval
 1296 neither of the qualified electors nor of the qualified electors
 1297 who are freeholders shall be required unless such bonds are
 1298 additionally secured by the full faith and credit and taxing
 1299 power of the district.

1300 (2) Any two or more projects may be combined and
 1301 consolidated into a single project, and may thereafter be
 1302 operated and maintained as a single project. The revenue bonds
 1303 authorized herein may be issued to finance any one or more such
 1304 projects, regardless whether or not such projects have been
 1305 combined and consolidated into a single project. If the board

HB 0817

2004

1306 deems it advisable, the proceedings authorizing such revenue
 1307 bonds may provide that the district may thereafter combine the
 1308 projects then being financed or theretofore financed with other
 1309 projects to be subsequently financed by the district, and that
 1310 revenue bonds to be thereafter issued by the district shall be
 1311 on parity with the revenue bonds then being issued, all on such
 1312 terms, conditions, and limitations as shall be provided, and may
 1313 further provide that the revenues to be derived from the
 1314 subsequent projects shall at the time of the issuance of such
 1315 parity revenue bonds be also pledged to the holders of any
 1316 revenue bonds theretofore issued to finance the revenue
 1317 undertakings which are later combined with such subsequent
 1318 projects. The district may pledge for the security of the
 1319 revenue bonds a fixed amount, without regard to any fixed
 1320 proportion of the gross revenues of any project.

1321 Section 31. General obligations bonds.--

1322 (1) The district shall have the power from time to time to
 1323 issue general obligation bonds in an aggregate principal amount
 1324 of bonds outstanding at any one time not in excess of 35 percent
 1325 of the assessed value of the taxable property within the
 1326 district as shown on the pertinent tax records at the time of
 1327 the authorization of the general obligation bonds for which the
 1328 full faith and credit of the district is pledged. Except for
 1329 refunding bonds, no general obligation bonds shall be issued
 1330 unless the issuance thereof shall have been approved at an
 1331 election of freeholders held in accordance with the requirements
 1332 for such election as prescribed by the Constitution of Florida.
 1333 Such elections shall be called to be held in the district by the
 1334 Board of County Commissioners of Highlands County upon the

HB 0817

2004

1335 request of the board of the district. The expenses of calling
 1336 and holding such referendum elections shall be borne by the
 1337 district and the district shall reimburse the county for any
 1338 expenses incurred in calling or holding such elections. In the
 1339 alternative, at the option of the board, the board may make such
 1340 other provision for the registration of such qualified electors
 1341 who are freeholders and the calling and holding of such
 1342 elections as the board may from time to time deem appropriate.

1343 (2) The district may pledge its full faith and credit for
 1344 the payment of the principal and interest on such general
 1345 obligations bonds, and for any reserve or other funds provided
 1346 therefor, and may unconditionally and irrevocably pledge itself
 1347 to levy ad valorem taxes on all taxable property in the
 1348 district, to the extent necessary for the payment thereof,
 1349 without limitations as to rate or amount.

1350 (3) If the board shall determine to issue general
 1351 obligation bonds for more than one different purpose, the
 1352 approval of the issuance of the bonds for each and all such
 1353 purposes may be submitted to the freeholders on one and the same
 1354 ballot. The failure of the freeholders to approve the issuance
 1355 of bonds for any one or more purposes shall not defeat the
 1356 approval of bonds for any purpose which shall be approved by the
 1357 freeholders.

1358 Section 32. Bonds as legal investment or
 1359 security.--Notwithstanding any provisions of any other law to
 1360 the contrary, all bonds issued under the provisions of this act
 1361 shall constitute legal investments for savings banks, banks,
 1362 trust companies, insurance companies, executors, administrators,
 1363 trustees, guardians, and other fiduciaries, and for any board,

HB 0817

2004

1364 body, agency, instrumentality, county, municipality, or other
 1365 political subdivision of the state, and shall be and constitute
 1366 securities which may be deposited by bands or trust companies as
 1367 security for deposits of state, county, municipal, or other
 1368 public funds, or by insurance companies as required or voluntary
 1369 statutory deposits.

1370 Section 33. Covenants.--Any resolution authorizing the
 1371 issuance of bonds may contain such covenants as the board may
 1372 deem advisable and all such covenants shall constitute valid and
 1373 legally binding and enforceable contracts between the district
 1374 and the bondholders, regardless of the time of issuance thereof.
 1375 Such covenants may include, without limitation, covenants
 1376 concerning the disposition of the bond proceeds; the use and
 1377 dispositions of project revenues; the pledging of revenues,
 1378 taxes, and assessments; the obligations of the district with
 1379 respect to the operation of the project and the maintenance of
 1380 adequate project revenues; the issuance of additional bonds; the
 1381 appointment, powers, and duties of trustees and receivers; the
 1382 acquisition of outstanding bonds and obligations; restrictions
 1383 on the establishing of competing projects or facilities;
 1384 restrictions on the sale or disposal of the assets and property
 1385 of the district; the priority of assessment liens; the priority
 1386 of claims by bondholders on the taxing power of the district;
 1387 the maintenance of deposits to assure the payment of revenues by
 1388 users of district facilities and services; the discontinuance of
 1389 district services by reason of delinquent payments; acceleration
 1390 upon default; the execution of necessary instruments; the
 1391 procedure for amending or abrogating covenants with the
 1392 bondholders; and such other covenants as may be deemed necessary

HB 0817

2004

1393 or desirable for the security of the bondholders.
 1394 Section 34. Validity of bonds; validation proceedings.--
 1395 (1) Any bonds issued by the district shall be
 1396 incontestable in the hands of bone fide purchasers or holders
 1397 for value and shall not be invalid because of any irregularity
 1398 or defects in the proceedings for the issue and sale thereof.
 1399 Prior to the issuance of any bonds, the district may, but is not
 1400 required to, publish a notice at least once in a newspaper or
 1401 newspapers published or of general circulation in Highlands
 1402 County and within the district stating the date of adoption of
 1403 the resolution authorizing such obligations the amount, the
 1404 maximum rate of interest and maturity of such obligations, and
 1405 the purpose in general terms for which such obligations are to
 1406 be issued, and further stating that any action or proceeding
 1407 questioning the validity of such obligations or of the
 1408 proceedings authorizing the issuance thereof, or of any of the
 1409 covenants made therein, must be instituted within 20 days after
 1410 the first publication of such notice, or the validity of such
 1411 obligations, proceedings and covenants shall not be thereafter
 1412 questioned in any county whatsoever. If no such action or
 1413 proceeding is so instituted within such 20-day period, then the
 1414 validity of such obligations, proceedings, and covenants shall
 1415 be conclusive, and all persons or parties whatsoever shall be
 1416 forever barred from questioning the validity of such
 1417 obligations, proceedings, or covenants in any court whatsoever.
 1418 (2) The power of the district to issue bonds under the
 1419 provisions of this act may be determined and any of the bonds of
 1420 the district may be validated and confirmed by circuit court
 1421 decree, under the provisions of chapter 75, Florida Statutes,

HB 0817

2004

1422 and laws amendatory thereof or supplementary thereto.

1423 Section 35. Within act furnishes full authority for
 1424 issuance of bonds.--This act constitutes full and complete
 1425 authority for the issuance of bonds and the exercise of the
 1426 powers of the district provided herein. No procedures or
 1427 proceedings, publications, notices, consents, approvals, orders,
 1428 acts, or things by the board, or any board, officers,
 1429 commission, department, agency, or instrumentality of the
 1430 district, other than those required by this act, shall be
 1431 required to issue any bonds or to do any act or perform anything
 1432 under this act, and the issuance or sale of bonds pursuant to
 1433 the provisions of this act need not comply with the requirements
 1434 of any other law applicable to the issuance or sale of bonds,
 1435 except as otherwise provided in this act, and shall not require
 1436 the consent or approval of any other board, officers,
 1437 commission, department, agency, or instrumentality of the state
 1438 or any political subdivision thereof. Except as otherwise
 1439 provided herein, no proceedings or procedures of any character
 1440 whatever shall be necessary or required for the issuance of
 1441 bonds other than the adoption of an appropriate resolution by
 1442 the board as provided in this act with respect to the issuance
 1443 of the same. The powers conferred by this act on the district
 1444 with respect to the issuance and sale of bonds shall be in
 1445 addition and supplemental to the powers conferred by any other
 1446 law.

1447 Section 36. Pledge by the state to the bondholders of the
 1448 district and to the federal government.--The state pledges to
 1449 the holders of any bonds issued under this act that it will not
 1450 limit or alter the rights of the district to own, acquire,

HB 0817

2004

1451 construct, reconstruct, improve, maintain, operate, or furnish
 1452 the projects or to levy and collect the taxes, assessments,
 1453 rentals, rates, fees, and other charges provided for herein, and
 1454 to fulfill the terms of any agreement made with the holders of
 1455 such bonds or other obligations, that it will not in any way
 1456 impair the rights or remedies of the holders.

1457 Section 37. Ad valorem taxes.--The board shall have the
 1458 power to levy and assess an ad valorem tax on all the taxable
 1459 real and tangible personal property in the district to pay the
 1460 principal of and interest on any general obligation bonds of the
 1461 district, to provide for any sinking or other funds established
 1462 in connection with any such bonds, and to pay the operation and
 1463 maintenance costs of any district projects. The ad valorem tax
 1464 provided for herein shall be in addition to county and all other
 1465 ad valorem taxes provided for by law. Such tax shall be
 1466 assessed, levied, and collected in the same manner and same time
 1467 as county taxes.

1468 Section 38. Annual installment taxes.--

1469 (1) The board shall annually determine, order, and levy
 1470 the annual installment of the total taxes which are levied under
 1471 section 298.36, Florida Statutes, which shall be due and be
 1472 collected during each year that county taxes are due and
 1473 collected and said annual installment and levy shall be
 1474 evidenced to and certified by the board not later than August 31
 1475 of each year to the Highlands County Property Appraiser. Said
 1476 tax shall be entered by the county property appraiser on the
 1477 county tax rolls and shall be collected by the Highlands County
 1478 Tax Collector in the same manner and same time as county taxes
 1479 and the proceeds thereof paid to the district. The tax shall be

HB 0817

2004

1480 a lien until paid on the property against which assessed and
 1481 enforceable in like manner as county taxes.

1482 (2) In the alternative, the board may by resolution
 1483 determine the amount of taxes as provided by chapter 298.365,
 1484 Florida Statutes, and thereafter the annual installments shall
 1485 be levied, collected, and enforced as provided in chapter 298,
 1486 Florida Statutes.

1487 Section 39. Maintenance tax.--To maintain and preserve the
 1488 drainage improvements of the district, and to provide,
 1489 construct, reconstruct, and maintain projects of the district, a
 1490 maintenance tax shall be evidenced to and certified by the board
 1491 of supervisors not later than August 31 of each year to the
 1492 property appraiser and shall be entered by the property
 1493 appraiser on the county tax rolls and shall be collected by the
 1494 tax collector in the same manner and time as county taxes and
 1495 the proceeds therefrom paid to the district. The tax shall be a
 1496 lien until paid on the property against which assessed and
 1497 enforceable in like manner as county taxes. If the maintenance
 1498 is for original construction based upon an apportionment of
 1499 benefits, the maintenance tax shall be apportioned on the same
 1500 basis of the net assessments of benefits assessed or accruing
 1501 for original construction and shall not exceed 10 percent
 1502 thereof in any one year. If the maintenance is for other
 1503 drainage improvements owned, operated, or acquired by the
 1504 district, or other projects of the district, the amount of said
 1505 maintenance tax shall be determined by the board and assessed by
 1506 the board upon such lands which may be all of the lands within
 1507 the district benefited by the maintenance thereof, apportioned
 1508 between the benefited lands in proportion to the benefits

HB 0817

2004

1509 received by each tract of land.

1510 Section 40. Enforcement of taxes.--

1511 (1) The collection and enforcement of all taxes levied by
 1512 the district shall be at the same time and in like manner as
 1513 county taxes and the provisions of the Florida Statutes relating
 1514 to the sale of lands for unpaid and delinquent taxes; the
 1515 issuance, sale, and delivery of tax certificates for such unpaid
 1516 and delinquent county taxes; the redemption thereof; and the
 1517 issuance to individuals of tax deeds based thereon and all other
 1518 procedures in connection therewith shall be applicable to the
 1519 district to the same extent as if said statutory provisions were
 1520 expressly set forth herein. All taxes shall be subject to the
 1521 same discounts as county taxes.

1522 Section 41. When unpaid tax is delinquent; penalty.--All
 1523 taxes provided for in this act shall become delinquent and bear
 1524 penalties on the amount of said taxes in the same manner as
 1525 county taxes.

1526 Section 42. Tax exemption.--As the exercise of the powers
 1527 conferred by this act constitute the performance of essential
 1528 public functions, and as the projects of the district will
 1529 constitute public property used for public purposes, all assets
 1530 and properties of the district, and all bonds issued hereunder
 1531 and interest paid thereon, and all fees, charges, and other
 1532 revenues derived by the district from the projects provided by
 1533 this act shall be exempt from all taxes by the state or by any
 1534 political subdivision, agency, or instrumentality thereof;
 1535 provided, however, that nothing in this act shall be deemed to
 1536 exempt from taxation any property, project, facility, business
 1537 activity, or enterprise that cannot validly be undertaken as a

HB 0817

2004

1538 public function by special taxing districts or other public
 1539 bodies under the laws and Constitution of Florida; and further,
 1540 that nothing in this act shall be deemed to exempt any property,
 1541 project, facility, business activity, or enterprise of the
 1542 district, or revenues derived therefrom, which would be subject
 1543 to taxation under the general laws of Florida if such property,
 1544 project, or facility were owned or undertaken by a municipal
 1545 corporation.

1546 Section 43. Special assessments.--The board may provide
 1547 for the construction or reconstruction of assessable
 1548 improvements as defined in this act, and for the levying of
 1549 special assessments upon benefited property for the payment
 1550 thereof, under the provisions of this section.

1551 (1)(a) Such special assessments may be levied and assessed
 1552 in either of the alternate methods provided herein, and except
 1553 for such procedure, all the other provisions of this section and
 1554 this act shall apply to the levy of such special assessments.

1555 (b) The initial proceeding under this section shall be the
 1556 passage by the board of a resolution ordering the construction
 1557 or reconstruction of such assessable improvements, indicating
 1558 the location by terminal points and routes and either giving a
 1559 description of the improvements by its material, nature,
 1560 character, and size or giving two or more descriptions with the
 1561 directions that the material, nature, character, and size shall
 1562 be subsequently determined in conformity with one of such
 1563 descriptions. Drainage improvements need not be continuous and
 1564 may be in more than one locality. The resolution ordering any
 1565 such improvement may give any short and convenient designation
 1566 to each improvement ordered thereby, and the property against

HB 0817

2004

1567 which assessments are to be made for the cost of such
 1568 improvement may give any short and convenient designation to
 1569 each improvement ordered thereby, and the property against which
 1570 assessments are to be made for the cost of such improvement may
 1571 be designated as an assessment district, followed by a letter or
 1572 number or name to distinguish it from other assessment
 1573 districts, after which it shall be sufficient to refer to such
 1574 improvement and property by such designation in all proceedings
 1575 and assessments, except in the notices required by this section.

1576 (c) As soon as possible after the passage of such
 1577 resolution, the engineer for the district shall prepare, in
 1578 duplicate, plans and specifications for each improvement ordered
 1579 thereby and an estimate of the cost thereof. Such cost shall
 1580 include, in addition to the items of cost as defined in this
 1581 act, the following items of incidental expenses:

- 1582 1. Printing and publishing notices and proceedings.
- 1583 2. Costs of abstracts of title.
- 1584 3. Any other expense necessary or proper in conducting the
 1585 proceedings and work provided for in this section, including the
 1586 estimated amount of discount, if any, financial expenses upon
 1587 the sale of assessment bonds or any other obligations issued
 1588 hereunder for which such special assessment bonds or any other
 1589 obligations issued hereunder for which such special assessments
 1590 are to be pledged, and interest prior to and until not more than
 1591 2 years after the completion of said assessable improvements. If
 1592 the resolution shall provide alternative descriptions of
 1593 material, nature, character, and size, such estimate shall
 1594 include an estimate of the cost of the improvement of each such
 1595 description.

HB 0817

2004

1596 (d) The district engineer shall next prepare, in
1597 duplicate, a tentative apportionment of the estimated total cost
1598 of the improvement as between the district and each lot or
1599 parcel of land subject to special assessment under the
1600 resolution, such apportionment to be made in accordance with the
1601 provisions of the resolution and in relation to apportionment of
1602 cost provided herein for the preliminary assessment roll. Such
1603 tentative apportionment of total estimated cost shall not be
1604 held to limit or restrict the duties of the engineer in the
1605 preparation of such preliminary assessment roll under subsection
1606 (2). One of the duplicates of such plans, specifications, and
1607 estimates and such tentative apportionment shall be filed with
1608 the secretary of the board, and the other duplicate shall be
1609 retained by the engineer in his or her files, all thereof to
1610 remain open to public inspection.

1611 (2)(a) If the special assessments are to be levied under
1612 this subsection, the secretary of the board, upon the filing
1613 with him or her of such plans, specifications, estimates, and
1614 tentative apportionment of cost, shall publish once in a
1615 newspaper published in Highlands County and of general
1616 circulation in the district, a notice stating that, at a meeting
1617 of the board on a certain day and hour, not earlier than 15 days
1618 from such publication, the board will hear objections of all
1619 interested persons to the confirmation of such resolution, which
1620 notice shall state in brief and general terms a description of
1621 the proposed assessable improvements with the location thereof,
1622 and shall also state that plans, specifications, estimates, and
1623 tentative apportionment of cost thereof are on file with the
1624 secretary of the board. A copy of the notice shall be mailed to

HB 0817

2004

1625 the landowners of the land to be benefited by construction of
 1626 the assessable improvement. The landowners shall be determined
 1627 by reference to the last available tax roll of Highlands County.
 1628 The secretary of the board shall keep a record in which shall be
 1629 inscribed, at the request of any person, firm, or corporation
 1630 having or claiming to have any interest in any lot or parcel of
 1631 land, the name and post office address of such person, firm, or
 1632 corporation, together with a brief description or designation of
 1633 such lot or parcel, and it shall be the duty of the secretary of
 1634 the board to mail a copy of such notice to such person, firm, or
 1635 corporation at such address at least 10 days before the time for
 1636 the hearing as stated in such notice, but the failure of the
 1637 secretary of the board to keep such record or so to inscribe any
 1638 name or address or to mail any such notice shall not constitute
 1639 a valid objection to holding the hearing as provided in this
 1640 section or to any other action taken under the authority of this
 1641 section.

1642 (b) At the time named in such notice, or to which an
 1643 adjournment may be taken by the board, the board shall receive
 1644 any objections of interested persons and may then or thereafter
 1645 repeal or confirm such resolution with such amendments, if any,
 1646 as may be desired by the board and which do not cause any
 1647 additional property to be specially assessed.

1648 (c) All objections to any such resolution on the ground
 1649 that it contains items which cannot be properly assessed against
 1650 property, or that it is, for any default or defect in the
 1651 passage or character of the resolution or the plans or
 1652 specifications or estimate, void or voidable in whole or in
 1653 part, or that it exceeds the power of the board, shall be made

HB 0817

2004

1654 in writing in person or by attorney and filed with the secretary
1655 of the board at or before the time or adjourned time of such
1656 hearing. Any objections against the making of any assessable
1657 improvements not so made shall be considered as waived, and if
1658 any objection shall be made and overruled or shall not be
1659 sustained, the confirmation of the resolution shall be the final
1660 adjudication of the issue presented unless proper steps shall be
1661 taken in a court of competent jurisdiction to secure relief
1662 within 20 days.

1663 (d) Whenever any resolution providing for the construction
1664 or reconstruction of assessable improvements and for the levying
1665 of special assessments upon benefited property for the payment
1666 thereof shall have been confirmed, and said special assessments
1667 are levied under this subsection as hereinabove provided, or at
1668 any time thereafter, the board may issue assessment bonds
1669 payable out of such assessments when collected. Such bonds shall
1670 mature not later than 2 years after the maturity of the last
1671 annual installment in which said special assessments may be
1672 paid, as provided in subsection (4), and shall bear such
1673 interest as the board may determine not to exceed 10 percent per
1674 annum. Such assessment bonds shall be executed, shall have such
1675 provisions for redemption prior to maturity, and shall be sold
1676 in the manner and be subject to all of the applicable provisions
1677 contained in this act applicable to other bonds, except as the
1678 same are inconsistent with the provisions of this section. The
1679 amount of such assessment bonds for any assessable improvement,
1680 prior to the confirmation of the preliminary assessment roll
1681 provided for in this subsection shall not exceed the estimated
1682 amount of the cost of such assessable improvements which are to

HB 0817

2004

1683 be specially assessed against the lands and real estate of the
 1684 engineer referred to in this section.

1685 (e) After the passage of the resolution authorizing the
 1686 construction or reconstruction of assessable improvements has
 1687 been confirmed as provided for above where special assessments
 1688 are levied under this subsection or after the final confirmation
 1689 of the assessment roll where such assessments are levied under
 1690 subsection (3), the board may publish, at least once in a
 1691 newspaper published in Highlands County and of general
 1692 circulation in the district, a notice calling for sealed bids to
 1693 be received by the board on a date not earlier than 15 days from
 1694 the first publication for the construction of the work, unless
 1695 in the initial resolution the board shall have declared its
 1696 intention to have the work done by district forces without
 1697 contract. The notice shall refer in general terms to the extent
 1698 and nature of the improvements and may identify the same by the
 1699 short designation indicated in the initial resolution and by
 1700 reference to the plans and specifications on file. If the
 1701 initial resolution shall have given two or more alternative
 1702 descriptions of the assessable improvements as to its material,
 1703 nature, character, and size, and if the board shall not have
 1704 theretofore determined upon a definite description, the notice
 1705 shall call for bids upon each of such descriptions. Bids may be
 1706 requested for the work as a whole or for any part thereof
 1707 separately, and bids may be for any one or more of such
 1708 assessable improvements authorized by the same or different
 1709 resolutions, but any bid covering work upon more than one
 1710 improvement shall be in such form as to permit a separation of
 1711 cost as to each improvement. The notice shall require bidders to

HB 0817

2004

1712 file with their bids either a certified check drawn upon an
 1713 incorporated bank or trust company in such amount or percentage
 1714 of their respective bids, as the board shall deem advisable, or
 1715 a bid bond in like amount with corporate surety satisfactory to
 1716 the board to insure the execution of a contract to carry out the
 1717 work in accordance with such plans and specifications and insure
 1718 the filing, at the making of such contract, of a bond in the
 1719 amount of the contract price with corporate surety satisfactory
 1720 to the board conditioned for the performance of the work in
 1721 accordance with such contract. The board shall have the right to
 1722 reject any or all bids and, if all bids are rejected, the board
 1723 may readvertise or may determine to do the work by the district
 1724 forces without contract.

1725 (f) Promptly after the completion of the work in the case
 1726 of special assessments levied under this subsection, the
 1727 engineer for the district, who is hereby designated as the
 1728 official of the district to make the preliminary assessment of
 1729 benefits from assessable improvements, shall prepare a
 1730 preliminary assessment roll and file the same with the secretary
 1731 of the board, which roll shall contain the following:

1732 1. A description of abutting lots and parcels of land or
 1733 lands which will benefit from such assessable improvements and
 1734 the amount of such benefits to each such lot or parcel of land.
 1735 Such lots and parcels shall include the property of Highlands
 1736 County and any school district or other political subdivision.
 1737 There shall also be given the name of the owner of record of
 1738 each lot or parcel where practicable, and in all cases there
 1739 shall be given a statement of the method of assessment used by
 1740 the engineer for determining the benefits.

HB 0817

2004

1741 2. The total cost to the improvements and the amount of
 1742 incidental expense.

1743 (g) The preliminary roll shall be advisory only and shall
 1744 be subject to the action of the board as hereafter provided.
 1745 Upon the filing with the secretary of the board of the
 1746 preliminary assessment roll, the secretary of the board shall
 1747 publish, at least once in a newspaper published in Highlands
 1748 County and of general circulation in the district, a notice
 1749 stating that at a meeting of the board to be held on a certain
 1750 day and hour, not less than 15 days from the date of such
 1751 publication, which meeting may be a regular, adjourned, or
 1752 special meeting, all interested persons may appear and file
 1753 written objections to the confirmation of such roll. Such notice
 1754 shall state the class of the assessable improvements and the
 1755 location thereof by terminal points and route.

1756 (h) At the time and place stated in such notice, the board
 1757 shall meet and receive the objections in writing of all
 1758 interested persons as stated in such notice. The board may
 1759 adjourn the hearing from time to time. After the completion
 1760 thereof, the board shall either annul or sustain or modify in
 1761 whole or in part the prima facie assessment as indicated on such
 1762 roll, either by confirming the prima facie assessment against
 1763 any or all lots or parcels described therein or by canceling,
 1764 increasing, or reducing the same, according to the special
 1765 benefits which the board decides each such lot or parcel has
 1766 received or will receive on account of such improvements. If any
 1767 property which may be chargeable under this section shall have
 1768 been omitted from the preliminary roll or if the prima facie
 1769 assessment shall not have been made against it, the board may

HB 0817

2004

1770 place on such roll an apportionment to such property. The board
 1771 shall not confirm any assessment in excess of the special
 1772 benefits to the property assessed, and the assessments so
 1773 confirmed shall be in proportion to the special benefits.
 1774 Forthwith after such confirmation, such assessment roll shall be
 1775 delivered to the secretary of the board. The assessment so made
 1776 shall be final and conclusive as to each lot or parcel assessed
 1777 unless proper steps be taken within 30 days in a court of
 1778 competent jurisdiction to secure relief. If the assessment
 1779 against any property shall be sustained or reduced or abated by
 1780 the court, the secretary of the board shall note that fact on
 1781 the assessment roll opposite the description of the property
 1782 affected thereby. The amount of the special assessment against
 1783 any lot or parcel which may be abated by the court, unless the
 1784 assessment upon all benefited property be abated, or the amount
 1785 by which such assessment is so reduced, may by resolution of the
 1786 board be made chargeable against the district at large; or, at
 1787 the discretion of the board, a new assessment roll may be
 1788 prepared and confirmed in the manner hereinabove provided for
 1789 the preparation and confirmation of the original assessment
 1790 roll.

1791 (i) Pending the final confirmation of such special
 1792 assessments in the manner provided in this subsection, the
 1793 district shall have a lien on all such lands and real estate
 1794 after the confirmation of the initial resolution, in the manner
 1795 provided in this subsection.

1796 (3)(a) The district engineer, under the procedure provided
 1797 for in this subsection shall next, after the passage of the
 1798 initial resolution and filing of the plans and estimates of cost

HB 0817

2004

1799 by the district engineer, prepare an assessment roll for the
 1800 district in duplicate, which assessment roll shall contain an
 1801 apportionment of the estimated total cost of the improvement as
 1802 between the district and each lot or parcel of land subject to
 1803 the special assessment under the initial resolution, such
 1804 apportionment to be made in accordance with the provisions of
 1805 the initial resolution. One of the duplicates of said assessment
 1806 roll shall be filed with the secretary of the board, and the
 1807 other duplicate shall be retained by the district engineer in
 1808 his files, all thereof to remain open to public inspection.

1809 (b) Upon the completion and filing of said assessment
 1810 roll, the secretary of the board shall cause a copy thereof to
 1811 be published once in a newspaper published in Highlands County
 1812 and of general circulation in the district, together with a
 1813 notice directed to all property owners interested in said
 1814 special assessments stating that at a meeting of the board on a
 1815 certain day and hour, not earlier than 15 days from such
 1816 publication, the board, sitting as an equalizing board, will
 1817 hear objections of all interested persons to the final
 1818 confirmation of such assessment roll, and will finally confirm
 1819 such assessment roll or take such action relative thereto as it
 1820 deems necessary and advisable. A copy of the notice shall be
 1821 mailed to the landowners of the lands to be benefited by
 1822 construction of the assessable improvement. The landowners shall
 1823 be determined by reference to the last available tax roll of
 1824 Highlands County. The secretary of the board shall keep a record
 1825 in which shall be inscribed, at the request of any person, firm,
 1826 or corporation having or claiming to have any interest in any
 1827 lot or parcel of land, the name and post office address of such

HB 0817

2004

1828 person, firm, or corporation, together with a brief description
 1829 or designation of such lot or parcel, and it shall be the duty
 1830 of the secretary of the board to mail a copy of such notice to
 1831 such person, firm, or corporation at such address at least 10
 1832 days before the time for the hearing as stated in such notice,
 1833 but the failure of the secretary of the board to keep such
 1834 record or so to inscribe any name or address or to mail any such
 1835 notice shall not constitute a valid objection to holding the
 1836 hearing as provided in this section or to any other action taken
 1837 under the authority of this section.

1838 (c) At the time and place named in the notice provided for
 1839 in paragraph (b), the board shall meet as an equalizing board to
 1840 hear and consider any and all complaints as to said special
 1841 assessments, and shall adjust and equalize the said special
 1842 assessments on a basis of justice and right, and when so
 1843 equalized and approved such special assessments shall stand
 1844 confirmed and remain legal, valid, and binding liens upon the
 1845 properties upon which such special assessments are made, until
 1846 paid in accordance with the provisions of this act; provided,
 1847 however, that upon the completion of such improvements, if the
 1848 actual cost of such assessable improvements is less than the
 1849 amount of such special assessments levied, the district shall
 1850 rebate to the owners of any properties which shall have been
 1851 specially assessed for such assessable improvements the
 1852 difference in the special assessments as originally made,
 1853 levied, and confirmed, and the proportionate part of the actual
 1854 cost of said assessable improvements as finally determined upon
 1855 the completion of said assessable improvements; and in the event
 1856 that the actual cost of said assessable improvements shall be

HB 0817

2004

1857 more than the amount of such special assessments confirmed and
 1858 levied, finally determined upon the completion of said
 1859 assessable improvements, the proportionate part of such excess
 1860 cost of such assessable improvements may be levied against all
 1861 of the land and properties against which such special
 1862 assessments were originally levied, or, in the alternative, the
 1863 board may, in its discretion, pay such excess cost from any
 1864 legally available funds.

1865 (d) All objections to any such assessment roll on the
 1866 ground that it contains items which cannot be properly assessed
 1867 against property, or that it is, for any default or defect in
 1868 the passage or character of the assessment roll or the plans or
 1869 specifications or estimate, void or voidable in whole or in
 1870 part, or that it exceeds the power of the board, shall be made
 1871 in writing in person or by attorney, and filed with the
 1872 secretary of the board at or before the time or adjourned time
 1873 of the such hearing on the assessment roll. Any objections
 1874 against the making of any assessable improvements not so made
 1875 shall be considered as waived, and if any objections shall be
 1876 made and overruled or shall not be sustained, the confirmation
 1877 of the assessment roll shall be the final adjudication of the
 1878 issue presented unless proper steps shall be taken in a court of
 1879 competent jurisdiction to secure relief within 20 days.

1880 (e) All the provisions of subsection (2) not inconsistent
 1881 with this subsection shall apply to the levy of special
 1882 assessments under this subsection.

1883 (4)(a) Any assessment may be paid at the office of the
 1884 secretary of the board within 60 days after the confirmation
 1885 thereof, without interest. Thereafter, all assessments shall be

HB 0817

2004

1886 payable in equal installments, with interest as determined by
 1887 the board, not to exceed 10 percent per annum, from the
 1888 expiration of said 60 days in each of the succeeding number of
 1889 years which the board shall determine by resolution, not
 1890 exceeding 20 percent; provided, however, that the board may
 1891 provide that any assessment may be paid at any time before due,
 1892 together with interest accrued thereon to the date of payment,
 1893 if such prior payment shall be permitted by the proceedings
 1894 authorizing any assessment bonds or other obligations for the
 1895 payment of which such special assessments have been pledged.

1896 (b) All such special assessments levied pursuant to this
 1897 act may, in the discretion of the board, be collected by the tax
 1898 collector of the county at the same time as the general county
 1899 taxes are collected by the tax collector of the county, and the
 1900 board shall in such event certify to the county tax collector in
 1901 each year a list of all such special assessments and a
 1902 description of and names of the owners of the properties against
 1903 which such special assessments have been levied and the amounts
 1904 due thereof in such year, and interest thereon for any
 1905 deficiencies for prior years. The amount to be collected in such
 1906 year may include, in the discretion of the board, the principal
 1907 installment of such special assessments which will become due at
 1908 any time in the next succeeding fiscal year, and all or any part
 1909 of the interest which will become due on such special
 1910 assessments during such next fiscal year, together with any
 1911 deficiencies for prior years.

1912 (c) The board may, in lieu of providing for the collection
 1913 of said special assessments by the tax collector of the county,
 1914 provide for the collection of said special assessments by the

HB 0817

2004

1915 district under such terms and conditions as the board shall
 1916 determine. In such event, the bills or statements for the
 1917 amounts due in any fiscal year shall be mailed to the owners of
 1918 all properties affected by such special assessments at such time
 1919 or times as the board shall determine, and such bills or
 1920 statements may include all or any part of the principal and
 1921 interest which will mature and become due on the annual
 1922 installments of such special assessments during the fiscal year
 1923 in which installments of such special assessments are payable.

1924 (d) All charges of the county tax collector or of the
 1925 district, and the fees, costs, and expenses of any paying
 1926 agents, trustees, or other fiduciaries for assessment bonds
 1927 issued under this act shall be deemed to be costs of the
 1928 operation and maintenance of any drainage improvements in
 1929 connection with which such special assessments were levied; and
 1930 the board shall be authorized and directed to provide for the
 1931 payment each year of such costs of collection, fees, and other
 1932 expenses from the maintenance tax as provided in this act as
 1933 shall be mutually agreed upon between the board and the county
 1934 tax collector as additional compensation for his or her services
 1935 for each such assessment district in which the special
 1936 assessments are collected by him or her.

1937 (e) All assessments shall constitute a lien upon the
 1938 property so assessed from the date of final confirmation
 1939 thereof, of the same nature to the same extent as the lien for
 1940 general county taxes falling due in the same year or years in
 1941 which such assessments or installments thereof fall due, and any
 1942 assessment or installment not paid when due shall be collectable
 1943 with such interest and with a reasonable attorney's fee and

HB 0817

2004

1944 costs, but without penalties, by the district by proceedings in
 1945 a court of equity to foreclose the lien of assessments as a lien
 1946 for mortgages is or may be foreclosed under the laws of the
 1947 state; provided that any such proceedings to foreclose shall
 1948 embrace all installments of principal remaining unpaid with
 1949 accrued interest thereon, which installments shall, by virtue of
 1950 the institution of such proceedings, immediately become due and
 1951 payable. Nevertheless, if, prior to any sale of the property
 1952 under decree of foreclosure in such proceedings, payment be made
 1953 of the installment or installments which are shown to be due
 1954 under the provisions of subsection (2) or subsection (3) of this
 1955 section, and by this subsection and all costs, including
 1956 interest and reasonable attorney's fees, such payment shall have
 1957 the effect of restoring the remaining installments to their
 1958 original maturities as provided by the resolution passed
 1959 pursuant to this subsection and the proceedings shall be
 1960 dismissed. It shall be the duty of the board to enforce the
 1961 prompt collection of assessments by the means herein provided,
 1962 and such duty may be enforced at the suit of any holder of bonds
 1963 issued under this act in a court of competent jurisdiction by
 1964 mandamus or other appropriate proceedings or action. Not later
 1965 than 30 days after the annual installments are due and payable,
 1966 it shall be the duty of the board to direct the attorney for the
 1967 district to institute actions within 2 months after such
 1968 direction to enforce the collection of all special assessments
 1969 for assessable improvements made under this section and
 1970 remaining due and unpaid at the time of such direction. Such
 1971 action shall be prosecuted in the manner and under the
 1972 conditions in and under which mortgages are foreclosed under the

HB 0817

2004

1973 laws of the state. It shall be lawful to join in one action the
 1974 collection of assessments against any or all property assessed
 1975 by virtue of the same assessment roll unless the court shall
 1976 deem such joinder prejudicial to the interest of any defendant.
 1977 The court shall allow a reasonable attorney's fee for the
 1978 attorney for the district, and the same shall be collectable as
 1979 a part of or in addition to the costs of the action. At the sale
 1980 pursuant to decree in any such action, the district may be a
 1981 purchaser to the same extent as an individual person or
 1982 corporation, except that the part of the purchase price
 1983 represented by the assessments sued upon and the interest
 1984 thereon need not be paid in cash. Property so acquired by the
 1985 district may be sold or otherwise disposed of.

1986 (f) All assessments and charges made under the provisions
 1987 of this section for payment of all or any part of the cost of
 1988 any assessable improvements for which assessment bonds shall
 1989 have been issued under the provisions of this act, or which have
 1990 been pledged as additional security for any other bonds or
 1991 obligations issued under this act, shall be maintained in a
 1992 special fund or funds and be used only for the payment of
 1993 principal or interest on such assessment bonds or other bonds or
 1994 obligations.

1995 (g) Highlands County and each school district and other
 1996 political subdivision wholly or partly within the district shall
 1997 possess the same power and be subject to the same duties and
 1998 liabilities in respect of assessments under this section
 1999 affecting the real estate of such county, school district, or
 2000 other political subdivision which private owners of real estate
 2001 possess or are subject to hereunder, and such real estate of any

HB 0817

2004

2002 such county, school district, and political subdivision shall be
 2003 subject to liens for said assessments in all cases where the
 2004 same property would be subject to such liens had it at the time
 2005 the lien attached been owned by a private owner.

2006 (5)(a) The provisions of this subsection are supplemental,
 2007 additional, and alternative to the other provisions of this
 2008 section, it being intended to provide an alternate method of
 2009 procedure for the benefit of the district; and such provisions
 2010 will, at the election of the board by resolution, apply
 2011 notwithstanding any other provisions of this act.

2012 (b) If assessment bonds are to be issued, at the
 2013 discretion of the board, the amount of the interest (as
 2014 estimated by the board) which will accrue on such bonds and the
 2015 estimated amount of any administrative fees payable to the tax
 2016 collector or property appraiser, or both, with respect to the
 2017 collection of such special assessments must be included in and
 2018 added to, and may be payable from, the special assessments
 2019 levied pursuant to subsection (2) or subsection (3); but such
 2020 interest may not be considered in determining whether the
 2021 assessment exceeds the benefits to the assessed property. Annual
 2022 installments of special assessments levied pursuant to this
 2023 subsection will become due and be collected during such years
 2024 and in such amounts as are determined by the board; provided,
 2025 however, that no such installments may become due and payable
 2026 more than 30 years from the date of initial confirmation
 2027 thereof. The board, in determining the amount of the annual
 2028 installments of special assessments, shall take into account the
 2029 amount of principal, premium, if any, and interest coming due on
 2030 any special assessment bonds and any moneys available for the

HB 0817

2004

2031 payment thereof, and a sufficient amount of special assessments
 2032 must be appropriated by the board for the purpose of paying the
 2033 principal, premium, if any, and interest of the bonds when due.
 2034 The special assessments, when collected, must be preserved in a
 2035 separate fund for the payment of such bonds and, after such
 2036 payment, may be used by the district for any lawful purpose.

2037 (c) If so provided by resolution of the board, the
 2038 provisions of sections 298.365, 298.366, 298.401, 298.41, and
 2039 298.465, Florida Statutes, will apply to the collection and
 2040 enforcement of special assessments levied pursuant to this
 2041 section as if such assessments constituted taxes levied pursuant
 2042 to section 298.36, Florida Statutes.

2043 (d) If so provided by resolution of the board, in levying
 2044 and assessing special assessments pursuant to this section based
 2045 upon the acreage of land being assessed, each tract or parcel of
 2046 land which is less than 1 acre in area may be assessed as a full
 2047 acre, and each tract or parcel of land which is 1 acre or more
 2048 in area may be assessed at the nearest whole number of acres.

2049 Section 44. Issuance of certificates of indebtedness based
 2050 on assessments for assessable improvements; assessment bonds.--

2051 (1) The board may, after any assessments for assessable
 2052 improvements are made, determined, and confirmed as provided in
 2053 section 43, issue certificates of indebtedness for the amount so
 2054 assessed against the abutting property or property otherwise
 2055 benefited, as the case may be, and separate certificates shall
 2056 be issued against each part or parcel of land or property
 2057 assessed, which certificates shall state the general nature of
 2058 the improvements for which the said assessment is made. Said
 2059 certificates shall be payable in annual installments in

HB 0817

2004

2060 accordance with the installments of the special assessment for
 2061 which they are issued. The board may determine the interest to
 2062 be borne by such certificates, not to exceed 10 percent per
 2063 annum, and may sell such certificates at either private or
 2064 public sale and determine the form, manner of execution, and
 2065 other details of such certificates. Such certificates shall
 2066 recite that they are payable only from the special assessments
 2067 levied and collected from the part or parcel of land or property
 2068 against which they are issued. The proceeds of such certificates
 2069 may be pledged for the payment of principal of and interest on
 2070 any revenue bonds or general obligation bonds issued to finance
 2071 in whole or in part such assessable improvement, or, if not so
 2072 pledged, may be used to pay the cost or part of the cost of such
 2073 assessable improvements.

2074 (2) The district may also issue assessment bonds or other
 2075 obligations payable from a special fund into which such
 2076 certificates of indebtedness referred to in the subsection (1)
 2077 may be deposited; or, if such certificates of indebtedness have
 2078 not been issued, the district may assign to such special fund
 2079 for the benefit of the holders of such assessment bonds or other
 2080 obligations, or to a trustee for such bondholders, the
 2081 assessment liens provided for in this act unless the
 2082 certificates of indebtedness or assessment liens have been
 2083 theretofore pledged for any bonds or other obligations
 2084 authorized hereunder. In the event of the creation of such
 2085 special fund and the issuance of such assessment bonds or other
 2086 obligations, the proceeds of such certificates of indebtedness
 2087 of assessment liens deposited therein shall be used only for the
 2088 payment of the assessment bonds or other obligations issued as

HB 0817

2004

2089 provided in this section. The district is hereby authorized to
 2090 covenant with the holders of such assessment bonds or other
 2091 obligations that it will diligently and faithfully enforce and
 2092 collect all the special assessments and interest and penalties
 2093 thereon for which such certificates of indebtedness or
 2094 assessment liens have been deposited in or assigned to such
 2095 fund, and to foreclose such assessment liens so assigned to such
 2096 special fund or represented by the certificates of indebtedness
 2097 deposited in said special fund, after such assessment liens have
 2098 become delinquent, and deposit the proceeds derived from such
 2099 foreclosure, including interest and penalties, in such special
 2100 fund, and to make any other covenants deemed necessary or
 2101 advisable in order to properly secure the holders of such
 2102 assessment bonds or other obligations.

2103 (3) The assessment bonds or other obligations issued
 2104 pursuant to this section shall have such dates of issue and
 2105 maturity as shall be deemed advisable by the board, provided,
 2106 however, that the maturities of such assessment bonds or other
 2107 obligations shall not be more than 2 years after the due date of
 2108 the last installment which will be payable on any of the special
 2109 assessments for which such assessment liens, or the certificates
 2110 of indebtedness representing such assessment liens, are assigned
 2111 to or deposited in such special fund.

2112 (4) Such assessment bonds or other obligations issued
 2113 under this section shall bear such interest as the board may
 2114 determine not to exceed 10 percent per annum, shall be executed,
 2115 shall have such provisions for redemption prior to maturity, and
 2116 shall be sold in the manner and be subject to all of the
 2117 applicable provisions contained in this act for revenue bonds,

HB 0817

2004

2118 except as the same may be inconsistent with the provisions of
 2119 this section.

2120 (5) All assessment bonds or other obligations issued under
 2121 the provisions of this act, except certificates of indebtedness
 2122 issued against separate lots or parcels of land or property as
 2123 provided in this section, shall be and constitute and have all
 2124 the qualities and incidents of negotiable instruments under the
 2125 law merchant and the laws of the state.

2126 Section 45. Foreclosure of liens.--Any lien in favor of
 2127 the district arising under chapter 298, Florida Statutes, or
 2128 under this act may be foreclosed by the district by foreclosure
 2129 proceedings in the name of the district in the circuit court in
 2130 like manner as is provided in chapter 173, Florida Statutes, and
 2131 amendments thereto, and the provisions of said chapter shall be
 2132 applicable to such proceedings with the same force and effect as
 2133 if said provisions were expressly set forth in this act. Any act
 2134 required or authorized to be done by or on behalf of a city or
 2135 town in foreclosure proceedings under chapter 173, Florida
 2136 Statutes, may be performed by such officer or agent of the
 2137 district as the board of supervisors may designate. Such
 2138 foreclosure proceedings may be brought at any time after the
 2139 expiration of 1 year from the date any tax, or installment
 2140 thereof, becomes delinquent.

2141 Section 46. Payment of taxes and redemption of tax liens
 2142 by the district; sharing in proceeds of tax sale under section
 2143 197.542, Florida Statutes.--

2144 (1) The district has the right to:

2145 (a) Pay any delinquent state, county, district,
 2146 municipality or other tax or assessment upon lands located

HB 0817

2004

2147 wholly or partially within the boundaries of the district.

2148 (b) Redeem or purchase any tax sales certificate issued or
 2149 sold on account of any state, county, district, municipality, or
 2150 other taxes or assessments upon lands located wholly or
 2151 partially within the boundaries of the district.

2152 (2) Delinquent taxes paid, or tax sales certificates
 2153 redeemed or purchased by the district, together with all
 2154 penalties for the default in payment of the same and all costs
 2155 in collecting the same and a reasonable attorney's fee, shall
 2156 constitute a lien in favor of the district of equal dignity with
 2157 the liens of state and county taxes and other taxes of equal
 2158 dignity with state and county taxes, upon all the real property
 2159 against which said taxes were levied. The lien of the district
 2160 may be foreclosed in the manner provided in this act.

2161 (3) In any sale of land pursuant to section 197.542,
 2162 Florida Statutes, and amendments thereto, the district may
 2163 certify to the clerk of the circuit court of the county holding
 2164 such sale, the amount of taxes due to the district upon the
 2165 lands sought to be sold, and the district shall share in the
 2166 disbursement of the sales proceeds in accordance with the
 2167 provisions of this act and under law.

2168 Section 47. Mandatory use of certain district facilities
 2169 and services.--The district may require all lands, buildings,
 2170 and premises, and all persons, firms, and corporations within
 2171 the district to use the drainage, reclamation, and water and
 2172 sewer facilities of the district. Subject to such exceptions as
 2173 may be provided by the resolutions, rules, or bylaws of the
 2174 board, and subject to the terms and provisions of any resolution
 2175 authorizing any bonds and agreements with bondholders, no

HB 0817

2004

2176 drainage and reclamation or water and sewer facilities shall be
 2177 constructed or operated within the district unless the board
 2178 gives its consent thereto and approves the plans and
 2179 specifications therefor.

2180 Section 48. Bids required.--No contract shall be let by
 2181 the board for the construction or maintenance of any project
 2182 authorized by this act, nor shall any goods, supplies, or
 2183 materials be purchased when the amount thereof to be paid by
 2184 said district shall exceed the amount provided in section
 2185 287.017, Florida Statutes, for category four, unless notice of
 2186 bids shall be advertised once a week for 2 consecutive weeks in
 2187 a newspaper published in Highlands County and in general
 2188 circulation in the district, and in each case the bid of the
 2189 lowest responsible bidder shall be accepted, unless all bids are
 2190 rejected because the bids are too high. The board may require
 2191 the bidders to furnish bond with responsible surety to be
 2192 approved by the board. Nothing in this section shall prevent the
 2193 board from undertaking and performing the construction,
 2194 operation, and maintenance of any project or facility authorized
 2195 by this act by the employment of labor, material and machinery.

2196 Section 49. Maintenance of projects across rights-of-
 2197 way.--The district shall have the power to construct and operate
 2198 its projects in, along, or under any dedications to the public,
 2199 platted rights-of-ways, platted reservations, streets, alleys,
 2200 highways, or other public places or ways, and across any drain,
 2201 ditch, canal, floodway, holding basin, excavation, grade, fill,
 2202 or cut, within or without the district.

2203 Section 50. Agreements with state commissions and
 2204 others.--The board shall have the power to retain and enter into

HB 0817

2004

2205 agreements with fiscal agents, financial advisors, state
 2206 commission, engineers, and other consultants or advisors with
 2207 respect to the issuance and sale of any bonds, and the cost and
 2208 expense thereof may be treated as part of the cost and expense
 2209 of such project. Upon request of the board any state commission
 2210 may provide such technical assistance or other services relating
 2211 to bond issues as may be necessary or desirable under the
 2212 circumstances.

2213 Section 51. Agreements with other political bodies for the
 2214 joint discharge of common functions.--The board and any other
 2215 political bodies, whether now in existence or hereafter created,
 2216 are authorized to enter into and carry into effect contracts and
 2217 agreements relating to the common powers, duties, and functions
 2218 of the board and any other powers, duties, and functions of the
 2219 board and any other political bodies, to the end that there may
 2220 be effective cooperation and coordination in discharging their
 2221 common functions, powers and duties.

2222 Section 52. Fees, rentals, and charges; procedure for
 2223 adoption and modifications, minimum revenue requirements.--

2224 (1) The district is authorized to prescribe, fix,
 2225 establish, and collect rates, fees, rentals, or other charges
 2226 (hereinafter sometimes referred to as "revenues"), and to revise
 2227 the same from time to time, for the facilities and services
 2228 furnished by the district, within or without the limits of the
 2229 district; including, but not limited to, drainage facilities,
 2230 recreation facilities, and water and sewer systems, to recover
 2231 the costs of making connection with any district facility or
 2232 system; and to provide for reasonable penalties against any user
 2233 or property for any such rates, fees, rentals, or other charges

HB 0817

2004

2234 that are delinquent.

2235 (2) No such rates, fees, rentals, or other charges for any
 2236 of the facilities or services of the district shall be fixed
 2237 until after a public hearing at which all the users of the
 2238 proposed facility or services or owners, tenants, or occupants
 2239 served or to be served thereby and all other interested persons
 2240 shall have an opportunity to be heard concerning the proposed
 2241 rates, fees, rentals, or other charges. Notice of such public
 2242 hearing setting forth the proposed schedule or schedules of
 2243 rates, fees, rentals, and other charges shall have been
 2244 published in a newspaper in Highlands County and of general
 2245 circulation in the district at least once at least 10 days prior
 2246 to such public hearing, which may be adjourned from time to
 2247 time. After such hearing such schedule or schedules, either as
 2248 initially proposed or as modified or amended, may be finally
 2249 adopted. A copy of the schedule or schedules of such rates,
 2250 fees, rentals, or charges as finally adopted shall be kept on
 2251 file in an office designated by the board and shall be open at
 2252 all reasonable times to public inspection. The rates, fees,
 2253 rentals, or charges so fixed for any class of users or property
 2254 served shall be extended to cover any additional users or
 2255 properties thereafter served which shall fall in the same class,
 2256 without the necessity of any notice or hearing. Any change or
 2257 revision of rates, fees, rentals, or charges may be made in the
 2258 same manner as the same were originally established as
 2259 hereinabove provided, except that if such changes or revisions
 2260 are made substantially pro rata as to all classes of the type of
 2261 service involved, no notice or hearing shall be required.

2262 (3) Such rates, fees, rentals, and charges shall be just

HB 0817

2004

2263 and equitable and uniform for users of the same class and, where
 2264 appropriate, may be based or computed either upon the amount of
 2265 service furnished or upon the number or average number of
 2266 persons residing or working in or otherwise occupying the
 2267 premises serviced, or upon any other factor affecting the use of
 2268 the facilities furnished, or upon any combination of the
 2269 foregoing factors, as may be determined by the board on an
 2270 equitable basis.

2271 (4) The rates, fees, rentals, or other charges prescribed
 2272 shall be such as will produce revenues, together with any other
 2273 assessments, taxes, revenues, or fund available or pledged for
 2274 such purpose, at least sufficient to provide for the items
 2275 hereinafter listed, but not necessarily in the order stated:

2276 (a) To provide for all expenses of operation and
 2277 maintenance of such facility or service.

2278 (b) To pay when due all bonds and interest thereon for the
 2279 payment of which such revenues are, or shall have been, pledged
 2280 or encumbered, including reserves for such purpose.

2281 (c) To provide for any other funds which may be required
 2282 under the resolution or resolutions authorizing the issuance of
 2283 bonds pursuant to this act.

2284 (5) The board shall have the power to enter into contracts
 2285 for the use of the projects of the district and with respect to
 2286 the services and facilities furnished or to be furnished by the
 2287 district, including, but not limited to, service agreements with
 2288 landowners and others within or without the district providing
 2289 for the drainage of land by the district or the furnishing of
 2290 any of the other services and facilities of the district, for
 2291 such consideration and on such other terms and conditions as the

HB 0817

2004

2292 board may approve. No hearing or notice thereof shall be
 2293 required prior to the authorization or execution by the board of
 2294 any such contract or agreement, and the same shall not be
 2295 subject to revision except in accordance with their terms. Such
 2296 contracts or agreements, and revenues or service charges
 2297 received or to be received by the district thereunder, may be
 2298 pledged as security for any of the lands of the district.

2299 Section 53. Recovery of delinquent charges.--In the event
 2300 that any of the rates, fees, rentals, charges, or delinquent
 2301 penalties shall not be paid as and when due and shall be in
 2302 default for 30 days or more, the unpaid balance thereof and all
 2303 interest accrued thereon, together with reasonable attorney's
 2304 fees and costs, may be recovered by the district in a civil
 2305 action.

2306 Section 54. Discontinuance of service.--In the event that
 2307 the fees, rentals, or other charges for the services and
 2308 facilities of any project are not paid when due, the board shall
 2309 have the power to discontinue and shut off the same until such
 2310 fees, rentals, or other charges, including interest, penalties,
 2311 and charges for the shutting off and discontinuance and the
 2312 restoration of such services and facilities, are fully paid, and
 2313 for such purposes may enter on any lands, waters, and premises
 2314 of any person, firm, corporation, or body, public or private,
 2315 within or without the district limits. Such delinquent fees,
 2316 rentals, or other charges, together with interest, penalties,
 2317 and charges for the shutting off and discontinuance and the
 2318 restoration of such services and facilities, and reasonable
 2319 attorney's fees and other expenses, may be recovered by the
 2320 district may also enforce payment of such delinquent fees,

HB 0817

2004

2321 rentals, or other charges by any other lawful method of
 2322 enforcement.

2323 Section 55. Action taken on consent of landowners.--Any
 2324 action required under this act or under chapter 298, Florida
 2325 Statutes, to be taken on public hearing for the purpose of
 2326 receiving and passing on such objections by landowners may be
 2327 taken without such notice or hearing upon the written consent of
 2328 all of the landowners affected by such action.

2329 Section 56. Enforcement and penalties.--The board or any
 2330 aggrieved person may have recourse to such remedies in law and
 2331 equity as may be necessary to ensure compliance with the
 2332 provisions of this act, including injunctive relief to enjoin or
 2333 restrain any person violating the provisions of this act, and
 2334 any bylaws, resolutions, regulations, rules, codes, and orders
 2335 adopted under this act. In case any building or structure is
 2336 erected, constructed, reconstructed, altered, repaired,
 2337 converted, or maintained, or any building, structure, land, or
 2338 water is used, in violation of this act, or of any code, order,
 2339 resolution or other regulation made under authority conferred by
 2340 this act or under law, the board and any citizen residing in the
 2341 district may institute any appropriate action or proceeding to
 2342 prevent such unlawful erection, construction, reconstruction,
 2343 alteration, repair, conversion, maintenance, or use, to
 2344 restrain, correct or avoid such violation, to prevent the
 2345 occupancy of such building, structure, land or water, and to
 2346 prevent any illegal act, conduct, business, or use in or about
 2347 such premises, land, or water.

2348 Section 57. Suits against the district.--No suit or action
 2349 shall be brought or maintained against the district for damages

HB 0817

2004

2350 arising out of tort or breach of contract, including without
 2351 limitation any claim arising upon account of an act causing a
 2352 wrongful death, unless written notice of such claim is, within
 2353 180 days after receiving the alleged injury, given to the
 2354 secretary of the board, with detailed specifications as to the
 2355 time, place, and manner of injury. No such suit or action shall
 2356 be brought or maintained unless brought within 24 months from
 2357 the time of the injury or damages.

2358 Section 58. Exemption of district property from
 2359 execution.--All district property shall be exempt from levy and
 2360 sale by virtue of an execution and no execution or other
 2361 judicial process shall issue against such property, nor shall
 2362 any judgment against the district be a charge or lien on its
 2363 property or revenues, provided that nothing herein contained
 2364 shall apply to or limit the rights of bondholders to pursue any
 2365 remedy for the enforcement of any lien or pledge given by the
 2366 district in connection with any of the bonds or obligations of
 2367 the district.

2368 Section 59. All acts and proceedings of the circuit court
 2369 taken by, for, and on behalf of the district since the creation
 2370 thereof, and all of the acts and proceedings of the board of
 2371 supervisors, the commissioners, and all other officers and
 2372 agents of the district and of the county, acting for and on
 2373 behalf of the district, and any and all tax levies and
 2374 assessments which have been made by the board of supervisors for
 2375 and on behalf of the district, are each and every one of them,
 2376 and each and every part thereof, hereby ratified, validated, and
 2377 confirmed.

2378 Section 4. Chapters 71-669, 77-563, 88-461, and 90-434,

HB 0817

2004

2379 Laws of Florida, are repealed.

2380 Section 5. In any case one or more of the sections or
 2381 provisions of this act or the application of such sections or
 2382 provisions to any situation, circumstances, or person shall for
 2383 any reason be held to be unconstitutional, such
 2384 unconstitutionality shall not affect any other sections or
 2385 provisions of this act or the application of such sections or
 2386 provisions to any other situation, circumstances, or person, and
 2387 it is intended that this act shall be construed and applied as
 2388 if such section or provision had not been included in this act
 2389 for any unconstitutional application.

2390 Section 6. This act shall take effect upon becoming a law.