

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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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, amending, and repealing chapters  
71-669, 77-563, 88-461, and 90-434, Laws of Florida,;  
providing for minimum charter requirements; providing for  
provision of other laws made applicable; 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Laws of Florida, are codified, reenacted, amended, and repealed  
as herein provided.

Section 3. The Spring Lake Improvement District is re-

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

30 created, and the charter for the district is re-created and  
 31 reenacted to read:

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

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

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

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

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

53 (5) In accordance with chapter 298, Florida Statutes, the  
 54 district is governed by a board of supervisors. The membership  
 55 and organization of the board shall be as set forth in this act  
 56 and chapters 189 and 298, Florida Statutes, as they may be  
 57 amended from time to time.

58 (6) The compensation of board members shall be governed by

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

59 this act and chapter 298, Florida Statutes, as they may be  
 60 amended from time to time.

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

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

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

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

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

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

86 (13) The method for collecting non-ad valorem assessments,  
 87 fees, or service charges shall be as set forth in this act and

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

88 chapters 197 and 298, Florida Statutes, as they may be amended  
 89 from time to time.

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

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

119 Spring Lake Improvement District, lying in Township  
 120 35, South, Range 30 East, in Highlands County,  
 121 Florida.

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

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

132 The East half of Section 9;

133 All of Section 10;

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

136 The South 1/2 of Section 11 less the North 5/8 of the  
 137 East half of the Southeast 1/4 of said Section 11, and  
 138 less the East 210 feet of the West 552 feet of the

139 North 210 feet of the South 495 feet of the Southeast  
 140 1/4 of said Section 11, and less the present right of

141 way of said U.S. Highway No. 98 and less a tract of

142 land in Lot 5, Section 11, recorded in Deed Book 129,  
 143 Page 553, Public Records of Highlands County, Florida;

144 lying South and West of the Arbuckle Creek, containing  
 145 one acre, and less a tract of land conveyed by A. J.

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

175 Records of Highlands County, Florida;  
 176 All containing 3,359 acres, more or less.  
 177 which said lands are included within the following  
 178 described boundaries:  
 179 Beginning at the Northwest corner of the East Half (E  
 180 1/2) of Section 9, Township 35 South, Range 30 East;  
 181 thence South 89°38'30" East along the North line of  
 182 said Section 9, (said North line of Section 9 is  
 183 assumed to bear South 89°38'30" East and all other  
 184 bearings shown herein are relative thereto) a distance  
 185 of 2,713.31 feet to the Northwest corner of Section  
 186 10; thence South 89°59'14" East along the North line  
 187 of said Section 10, a distance of 4,869.06 feet to the  
 188 Northeast corner of said Section 10; thence South  
 189 00°00'16" West along the East line of Section 10, a  
 190 distance of 2978.76 feet to the North line of the  
 191 South Half (S 1/2) of Section 11; thence South  
 192 89°53'44" East along said North line of the South half  
 193 (S 1/2) of said Section 11, a distance of 4,216.90  
 194 feet; thence South 00°12'18" West, a distance of  
 195 2,152.51 feet; thence North 89°58'44" East, a distance  
 196 of 340.51 feet; thence South 01°20'00" East, a  
 197 distance of 210 feet; thence North 89°58'44" East, a  
 198 distance of 210 feet; thence North 01°20'00" West, a  
 199 distance of 210 feet; thence North 89°58'44" East, a  
 200 distance of 770 feet to the East line of said Section  
 201 11; thence South 00°12'18" West along said East line  
 202 of Section 11, a distance of 495 feet to the Southwest  
 203 corner of Fractional Section 12; thence North

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

204     36°12'54" East along the Northwesterly line of  
 205     Government Lot 12 of said Fractional Section 12, a  
 206     distance of 1,405.21 feet; thence North 70°08'05" East  
 207     along the Government Meander Line of Government Lots  
 208     12 and 13, of said Fractional Section 12, a distance  
 209     of 793.48 feet; thence North 36°18'51" East, a  
 210     distance of 992.76 feet; thence North 52°43'14" East,  
 211     a distance of 641.15 feet, more or less, to the  
 212     Northeast corner of said Government Lot 13; thence  
 213     South 00°24'59" West, a distance of 1,947.37 feet,  
 214     more or less, to the shoreline of Lake Istokpoga;  
 215     thence Southwesterly along the shoreline of Lake  
 216     Istokpoga through Fractional Sections 12, 13, 14, 23  
 217     and part of Fractional Section 22 to the intersection  
 218     of the shoreline and the Southerly extension of the  
 219     West line of Spring Lake Section One a Subdivision  
 220     recorded in Plat Book 9, Page 23, Public Records of  
 221     Highlands County, Florida; thence North along said  
 222     Southerly extension a distance of 1434.17 feet more or  
 223     less to the Southwest corner of said Spring Lake  
 224     Section One Subdivision; thence East along the South  
 225     line of said Subdivision, a distance of 731.91 feet;  
 226     thence North 62°08'00" East, a distance of 2463.74  
 227     feet to the Southeast corner of said Subdivision;  
 228     thence North 27°52'00" West, along the East line of  
 229     said Subdivision and its Northerly extension to the  
 230     center line of U.S. Highway No. 98 as now laid out and  
 231     in use and recorded in Plat Book 4, Page 14 of said  
 232     Public Records; thence South 62°08'00" West along said



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

233 center line, a distance of 3,105.57 feet to the  
 234 beginning of a curve concave to the right having a  
 235 radius of 1,432.39 feet and a central angle of  
 236 28°58'45"; thence Westerly along the arc of said curve  
 237 and said center line, a distance of 724.48 feet;  
 238 thence North 88°53'15" West along the tangent to said  
 239 curve and along said center line, a distance of 824.99  
 240 feet to the East line of said Section 16; thence North  
 241 00°26'13" East along said East line, a distance of  
 242 50.02 feet to the North right of way line of said U.S.  
 243 Highway No. 98; thence North 88°53'15" West along said  
 244 right of way line, a distance of 131.25 feet; thence  
 245 North 01°06'45" East along said right of way line, a  
 246 distance of 30 feet to the North right of way line;  
 247 thence North 88°53'15" West along said North right of  
 248 way line, a distance of 4,596.83 feet; thence South  
 249 01°06'45" West, a distance of 30 feet; thence North  
 250 88°53'15" West along said North right of way line, a  
 251 distance of 553.20 feet to the East line of Section  
 252 17; thence North 88°52'15" West along said North right  
 253 of way line, a distance of 2,047.78 feet; thence North  
 254 88°43'15" West along said North right of way line, a  
 255 distance of 3,222.59 feet to the East line of Section  
 256 18; thence continue North 88°43'15" West along said  
 257 North right of way line, a distance of 3,315.44 feet;  
 258 thence North 04°26'45" West, a distance of 364.50  
 259 feet; thence South 85°33'15" West, a distance of  
 260 223.77 feet to the East right of way line of the  
 261 Access Road to Hendricks Field as now laid out and in

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

262 use; thence Northerly along the arc of a curve concave  
 263 to the left, having a radius of 1,008.20 feet and a  
 264 central angle of 41°13'42", a distance of 725.46 feet;  
 265 thence North 01°52'15" West along the tangent to said  
 266 curve and said East right of way line, a distance of  
 267 1,741.82 feet to the beginning of a curve concave to  
 268 the right having a radius of 2,814.79 feet and a  
 269 central angle of 03°39'30"; thence Northerly along the  
 270 arc of said curve and said East right of way line, a  
 271 distance of 179.72 feet to the North line of Section  
 272 18; thence North 89°02'39" East along said North line  
 273 of said Section 18, a distance of 3,390.48 feet to the  
 274 Northeast corner of Section 18; thence North 88°18'45"  
 275 East along the North line of Section 17, a distance of  
 276 5,285.76 feet to the Northeast corner of said Section  
 277 17; thence South 89°46'15" East along the North line  
 278 of Section 16, a distance of 2,648.72 feet to the West  
 279 line of the East Half (E 1/2) of said Section 9,  
 280 thence North 03°29'15" East along said West line, a  
 281 distance of 5,126.74 feet to the Northwest corner of  
 282 the East Half (E 1/2) of Section 9 and the Point of  
 283 Beginning.  
 284 Less the existing right of way of U.S. Highway No. 98.  
 285 Also less a tract of land in Government Lot 5, Section  
 286 11, Township 35 South, Range 30 East, recorded in Deed  
 287 Book 129, Page 553, Public Records of Highlands  
 288 County, Florida, lying South and West of Arbuckle  
 289 Creek, containing one acre.  
 290 Also less a tract of land recorded in Deed Book 128,

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

291 Page 304, Public Records of Highlands County, Florida,  
 292 containing one acre.

293 Containing 3,359 acres, more or less.

294  
 295 Section 4. Applicability of certain provisions of chapter  
 296 298, Florida Statutes, to the Spring Lake Improvement District;  
 297 inconsistent laws inapplicable.--The provisions of chapter 298,  
 298 Florida Statutes, and all amendments thereto, now existing or  
 299 hereafter enacted, are declared to be applicable to the Spring  
 300 Lake Improvement District insofar as not inconsistent with the  
 301 provisions of this act or any subsequent special acts relating  
 302 to the Spring Lake Improvement District. Notwithstanding the  
 303 foregoing, the provisions of sections 298.11, 298.12, 298.14,  
 304 298.15, 298.17, 298.18, 298.19, 298.20, 298.23, 298.24, 298.25,  
 305 298.365, 298.366, 298.401, 298.41, 298.465, 298.48, 298.52,  
 306 298.54, 298.56, 298.57, 298.61, 298.70, 298.71, 298.72, 298.73,  
 307 and 298.74, Florida Statutes, and amendments thereto, shall not  
 308 be applicable to the Spring Lake Improvement District.

309 Section 5. Definitions.--Unless the context indicates  
 310 otherwise, the following words as used in this act shall have  
 311 the following meanings:

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

319 (2) "Bond" includes certificate, and provisions applicable

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

320 to bonds shall be equally applicable to certificates. "Bond"  
 321 includes general obligations bonds, assessment bonds, refunding  
 322 bonds, revenue bonds, and such other obligations in the nature  
 323 of bonds as are provided for in this act.

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

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

361 (5) "District" means the Spring Lake Improvement District  
 362 and "district manager" means the manager of the district.

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

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

374 (8) "Sewer system" means any plant, system, facility, or  
 375 property and additions, extensions, and improvements thereto at  
 376 any future time constructed or acquired as part thereof useful  
 377 or necessary or having the present capacity for future use in

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

403 (10) "Water system" means any plant, system, facility, or  
 404 property and additions, extensions, and improvements thereto at  
 405 any future time constructed or acquired as part thereof, useful  
 406 or necessary or having the present capacity for future use in

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

417 (1) The board of the district shall exercise the powers  
 418 granted to the district under this act and under chapter 298,  
 419 Florida Statutes. The board shall consist of the number of  
 420 members, and each member shall hold office for the term of years  
 421 until his or her successor shall be chosen and shall qualify, as  
 422 set forth in section 189.4051, Florida Statutes. All members of  
 423 the board shall be landowners within the district.

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

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

464 (5) As soon as practicable after each election, the board



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

465 shall organize by choosing one of their number as president of  
 466 the board and by electing a secretary, who need not be a member  
 467 of the board.

468 (6) A majority of the members of the board shall  
 469 constitute a quorum.

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

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

488 Section 7. Appointment and duties of district  
 489 manager.--For the purpose of preserving and maintaining any  
 490 facility constructed or erected under the provisions of this act  
 491 or under the provisions of chapter 298, Florida Statutes, and  
 492 for maintaining and operating the equipment owned by the  
 493 district and such other duties as may be prescribed by the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

494 board, the board may employ and fix the compensation of a  
 495 district manager who shall have charge and supervision of the  
 496 works of the district.

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

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

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

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

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

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

548 (3) To acquire and maintain appropriate sites for storage  
 549 and maintenance of the equipment of the district and to acquire,  
 550 maintain, and construct a suitable building to house the office  
 551 and records of the district.

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

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

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

577       (8) To construct or enlarge, or cause to be constructed or  
 578 enlarged, any and all bridges or culverts that may be needed in  
 579 or out of the district, across any drain, ditch, canal,  
 580 floodway, holding basin, excavation, public highway, tract,

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

581 grade, fill, or cut; to construct roadways over levees and  
 582 embankments; to construct any and all of said works and  
 583 improvements across, through, or over any public right-of-way,  
 584 highway, grade, fill, or cut in or out of the district.

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

591 (10) To access and impose an ad valorem tax, an annual  
 592 drainage tax, and a maintenance tax as hereinafter provided.

593 (11) To impose and foreclose special assessment liens as  
 594 hereinafter provided.

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

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

606 (14) To cooperate with or contract with other drainage  
 607 districts or other governmental agencies as may be necessary,  
 608 convenient, incidental, or proper in connection with any of the  
 609 powers, duties, or purposes of the district as stated in this

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

610 act.

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

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

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

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

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

633 (20) To regulate the supply and level of water within the  
 634 district; to divert waters from one area, lake, pond, river,  
 635 stream, basin, or drainage or water flood control facility to  
 636 any other area, lake, pond, river, stream, basin, or drainage  
 637 and water flood control facility; to regulate control and  
 638 restrict the development and use of natural or artificial

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

639 streams or bodies of water, lakes, or ponds; and to take all  
 640 measures determined by the board to be necessary or desirable to  
 641 prevent or alleviate land erosion. The powers granted to the  
 642 district by this subsection shall be concurrent within the  
 643 boundaries of the district with other public bodies, agencies,  
 644 or authorities as may be authorized by law. The district is  
 645 eligible to receive moneys, disbursements, and assistance from  
 646 the state available to flood control or water management  
 647 districts and the navigation districts or agencies.

648 (21) To own, acquire, construct, reconstruct, equip,  
 649 operate, maintain, extend, and improve water systems and sewer  
 650 systems or combined water and sewer systems; to regulate the use  
 651 of sewers and the supply of water within the district and to  
 652 prohibit or regulate the use and maintenance of outhouses,  
 653 privies, septic tanks, or other sanitary structures or  
 654 appliances within the district; to prescribe methods of  
 655 pretreatment of wastes not amenable to treatment with domestic  
 656 sewage before accepting such wastes for treatment and to refuse  
 657 to accept such wastes when not sufficiently pretreated as may be  
 658 prescribed, and to prescribe penalties for the refusal of any  
 659 person or corporation to so pretreat such wastes; to sell or  
 660 otherwise dispose of the effluent, sludge, or other byproducts  
 661 as a result of sewage treatment; and to construct and operate  
 662 connecting, intercepting, or outlet sewers and sewer mains and  
 663 pipes and water mains, conduits, or pipelines in, along, or  
 664 under any street, alleys, highways, or other public places or  
 665 ways within or without the district, when deemed necessary or  
 666 desirable by the board. The plans for any water or sewer system  
 667 shall be subject to the approval of the State Board of Health.

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

683       (24) To build, install, maintain, and operate  
 684 streetlights.

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

692       (26) To require every landowner within the district to  
 693 maintain his or her respective property in a neat and attractive  
 694 condition, free of high grass, weeds, underbrush, and refuse; to  
 695 regulate and restrict by appropriate resolution the maintenance  
 696 thereof; to mow and maintain said property on the landowner's



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

697 failure to do so; and to impose, assess, collect, and place a  
 698 lien upon such property for the cost and expense of mowing and  
 699 maintenance by the district.

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

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

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

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

726 date, time, and place of the public hearing, which shall be not  
 727 less than 7 days after the second publication. At the time and  
 728 place designated in the notice, the board shall hear all  
 729 objections to the budget as proposed, and make such changes as  
 730 the board deems necessary. At the conclusion of the budget  
 731 hearing the board shall, by resolution, adopt the budget as  
 732 finally approved by the board.

733 Section 14. Notice and call of meetings; landowners;  
 734 quorum; adjournments; representation at meetings; taking action  
 735 without meeting.--

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

748 (2) The board may call special meetings of the landowners  
 749 at any time to receive reports of the board or for each other  
 750 purpose as the board may determine. A special meeting of the  
 751 landowners may also be called at any time upon notice as  
 752 provided hereinabove at the written request of the owners of not  
 753 less than 25 percent in acreage of the land within the district  
 754 for the purpose of taking any lawful action by the landowners of

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HB 1487, Engrossed 1

2005 Legislature

755 the district. Such special meeting shall be called by any court  
 756 of competent jurisdiction in the event that the board fails to  
 757 do so upon request as provided in the preceding sentence. Except  
 758 as otherwise provided in section 6 of this act with respect to  
 759 the election of supervisors, action taken at a meeting of the  
 760 landowners shall be by affirmative vote of the owners of at  
 761 least a majority in acreage of the land within the district  
 762 represented at such meeting.

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

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

774 (1) The board shall cause to be made by the chief engineer  
 775 or such other engineer or engineers as the board may employ for  
 776 that purpose, a complete and comprehensive plan for the drainage  
 777 and reclamation of the lands located within the district. The  
 778 engineer or engineers designated by the board to make said plan  
 779 shall make all necessary surveys of the lands within the  
 780 boundary lines of said district and of all lands adjacent  
 781 thereto that will be improved or reclaimed in part or in whole  
 782 by any system of drainage that may be outlined and adopted, and  
 783 shall make a report in writing to the board with maps and

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

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

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

811 (4) When the board approves a plan, a resolution shall be  
 812 adopted and a certified copy thereof shall be filed in the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

813 office of the secretary and incorporated into the records of the  
 814 district.

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

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

838 (7) Immediately upon the filing of said order of  
 839 appointment, the secretary of the district shall notify each of  
 840 said commissioners of his or her appointment, and in the said  
 841 notice he or she shall state the time and place for the first

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

859 (8) Immediately after qualifying as provided in subsection  
 860 (7), the commissioners shall commence the performance of their  
 861 duties. The chief engineer, or one of his or her assistants,  
 862 shall accompany said commissioners when engaged in the discharge  
 863 of their duties and shall render his or her opinion in writing  
 864 when called for. Said commissioners shall proceed to view the  
 865 premises and determine the value of the lands within or without  
 866 the district to be acquired and used for rights-of-way, holding  
 867 basins, and other works described in the plan and they shall  
 868 appraise all benefits and damages which will accrue to all lands  
 869 by reason of the execution of the plan. The commissioners in  
 870 appraising benefits to lands, public highways, railroads, and

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HB 1487, Engrossed 1

2005 Legislature

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

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

900 made, the board may report to the commissioners the parcels of  
 901 land it may wish to purchase and for which it may wish  
 902 appraisals to be made, both for easement and for purchase in fee  
 903 simple, and the board may specify the particular purpose for  
 904 which, and the extent to which, an easement in any property is  
 905 desired, describing such purpose and extent. Wherever so  
 906 instructed by the board, the commissioners shall appraise lands  
 907 which it may be necessary or desirable for the district to own  
 908 and when so requested by the board they shall also appraise both  
 909 the total value of the land and also the damages due to any  
 910 easement required for the purposes of the district.

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

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

924 "NOTICE OF FILING COMMISSIONERS' REPORT FOR SPRING  
 925 LAKE IMPROVEMENT DISTRICT.

926 Notice is hereby given that the Commissioners  
 927 heretofore appointed to appraise benefits and damages  
 928 to property and lands located within Spring Lake



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

929 Improvement District in the State of Florida and to  
 930 appraise the cash value of the land necessary to be  
 931 taken for rights-of-way, holding basins, and other  
 932 works of said district did file their report in the  
 933 office of the undersigned Clerk of the Circuit Court,  
 934 upon the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and you,  
 935 and each of you, are hereby notified that you may  
 936 examine said report and file exceptions to same on or  
 937 before the \_\_\_\_\_ day of \_\_\_\_\_,  
 938 (which date shall be not less than twenty-eight (28)  
 939 days nor more than thirty (30) days from the first  
 940 date of publication).

941 \_\_\_\_\_  
 942 Clerk of the Circuit Court of  
 943 Highlands County, Florida"  
 944 \_\_\_\_\_

945 The drainage district or any owner of land or other property to  
 946 be affected by said report may file exception to any part, or  
 947 all, of the report of said commissioners within the time  
 948 specified in the notice prescribed in the preceding paragraph.  
 949 All exceptions shall be heard and determined by the court. If no  
 950 exceptions are filed, or if it is shown, upon the hearing of all  
 951 of said exceptions, that the estimated cost of construction of  
 952 improvements contemplated in the plan is less than the benefits  
 953 assessed against the lands in said district, the court shall  
 954 approve and confirm said commissioners' report; but, if the  
 955 court upon hearing the objections filed, finds that any or all  
 956 such objections should be sustained, it shall order the report  
 957 changed to conform with such findings, and when so changed the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

981 (11) The Clerk of the Circuit Court of Highlands County  
 982 shall transmit a certified copy of the court decree and copy of  
 983 the commissioners' report, as confirmed or amended by the court,  
 984 to the secretary of the board, and such clerk shall receive a  
 985 fee of \$5 for receiving, filing, and preserving same as a  
 986 permanent record.

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

1008 Section 17. Assessing land for reclamation; apportionment  
 1009 of tax; lands belonging to state assessed; drainage tax  
 1010 record.--After the lists of lands, with the assessed benefits  
 1011 and the decree and judgment of court, have been filed in the  
 1012 office of the clerk of the circuit court as provided in section  
 1013 15, then the board shall, without any unnecessary delay, levy a  
 1014 tax of such portion of said lands in the district to which  
 1015 benefits have been assessed, as may be found necessary by the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1016 board of supervisors to pay the costs of the completion of the  
 1017 proposed works and improvements, as shown in said plan and in  
 1018 carrying out the objects of said district; and, in addition  
 1019 thereto, 10 percent of said total amount for emergencies. The  
 1020 said tax shall be apportioned to, and levied on, each tract of  
 1021 land in said district in proportion to the benefits assessed,  
 1022 and not in excess thereof; and in case bonds are issued, as  
 1023 provided in this chapter, a tax shall be levied in a sum not  
 1024 less than an amount 90 percent of which shall be equal to the  
 1025 principal of said bonds. The amount of bonds to be issued for  
 1026 paying the cost of the works as set forth in the plan shall be  
 1027 ascertained and determined by the board, provided, however, that  
 1028 the total amount of all bonds to be issued by the district shall  
 1029 in no case exceed 90 percent of the benefits assessed upon the  
 1030 lands of the district. The amount of the interest (as estimated  
 1031 by said board), which will accrue on such bonds, shall be  
 1032 included and added to the said tax, but the interest to accrue  
 1033 on account of the issuing of said bonds shall not be construed  
 1034 as a part of the costs of construction in determining whether or  
 1035 not the expenses and costs of making said improvements are equal  
 1036 to, or in excess of, the benefits assessed. The secretary of the  
 1037 board of supervisors, as soon as said total tax is levied,  
 1038 shall, at the expense of the district, prepare a list of all  
 1039 taxes levied, in the form of a well-bound book, which book shall  
 1040 be endorsed and named "DRAINAGE TAX RECORD OF SPRING LAKE  
 1041 IMPROVEMENT DISTRICT, HIGHLANDS COUNTY, FLORIDA," which  
 1042 endorsement shall be printed or written at the top of each page  
 1043 in said book, and shall be signed and certified by the president  
 1044 and secretary of the board, attested by the seal of the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1045 district, and the same shall thereafter become a permanent  
 1046 record in the office of said secretary.

1047 Section 18. Prepayment of taxes or assessments.--The board  
 1048 may provide that any tax or assessment may be paid at any time  
 1049 before due, together with the interest accrued thereon to the  
 1050 date of prepayment and any prepayment premiums or penalties, if  
 1051 such prior payment shall be permitted by the proceedings  
 1052 authorizing any bonds or other obligations for the payment of  
 1053 which special assessments have been pledged or taxes levied.

1054 Section 19. Tax liens.--All taxes of the district provided  
 1055 for in this act or chapter 298, Florida Statutes, together with  
 1056 all penalties for default in the payment of the same and all  
 1057 costs in collecting the same including reasonable attorney's  
 1058 fees fixed by the court and taxed as cost in the action brought  
 1059 to enforce payment, shall from January 1 for each year the  
 1060 property is liable to assessment and until paid constitute a  
 1061 lien of equal dignity with the liens for state and county taxes  
 1062 and other taxes of equal dignity with state and county taxes  
 1063 upon all the lands against which such taxes shall be levied. A  
 1064 sale of any of the real property within the district for state  
 1065 and county or other taxes shall not operate to relieve or  
 1066 release the property so sold from the lien for subsequent  
 1067 district taxes or installments of district taxes which lien may  
 1068 be enforced against such property as though no such sale thereof  
 1069 had been made. The provisions of section 194.171, Florida  
 1070 Statutes, and amendments thereto shall be applicable to district  
 1071 taxes with the same force and effect as if said provisions were  
 1072 expressly set forth in this act.

1073 Section 20. Issuance of bond anticipation notes.--In

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1074 addition to the other powers provided for in this act and not in  
 1075 limitation thereof, the district shall have the power, at any  
 1076 time and from time to time after the issuance of any bonds of  
 1077 the district shall have been authorized, to borrow money for the  
 1078 purposes for which such bonds are to be issued in anticipation  
 1079 of the receipt of the proceeds of the sale of such bonds and to  
 1080 issue bond anticipation notes in a principal sum not in excess  
 1081 of the authorized maximum amount of such bond issue. Such notes  
 1082 shall be in such denomination or denominations, bear interest at  
 1083 such rate as the board may determine not to exceed 10 percent  
 1084 per annum, mature at such time or times not later than 5 years  
 1085 from the date of issuance, and be in such form and executed in  
 1086 such manner as the board shall prescribe. Such notes may be sold  
 1087 at either public or private sale or, if such notes shall be  
 1088 renewal notes, may be exchanged for notes then outstanding on  
 1089 such terms as the board shall determine. Such notes shall be  
 1090 paid from the proceeds of such bonds when issued. The board may  
 1091 in its discretion, in lieu of retiring the notes by means of  
 1092 bonds, retire them by means of current revenues or from any  
 1093 taxes or assessments levied for the payment of such bonds, but  
 1094 in such event a like amount of the bonds authorized shall not be  
 1095 issued.

1096 Section 21. Short-term borrowing.--The district at any  
 1097 time may obtain loans, in such amount and on such terms and  
 1098 conditions as the board may approve, for the purpose of paying  
 1099 any of the expenses of the district or any costs incurred or  
 1100 that may be incurred in connection with any of the projects of  
 1101 the district, which loans shall have a term not exceeding 2  
 1102 years from the date of issuance thereof, and may be renewable

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

1120 Section 22. Issuance of bonds.--In the discretion of the  
 1121 board, any issue of bonds may be secured by a trust agreement by  
 1122 and between the district and a corporate trustee or trustees,  
 1123 which may be any trust company or bank having the powers of a  
 1124 trust company within or without the state. The resolution  
 1125 authorizing the issuance of the bonds or such trust agreement  
 1126 may pledge the revenues to be received from any projects of the  
 1127 district and may contain such provisions for protecting and  
 1128 enforcing the rights and remedies of the bondholders as the  
 1129 board may approve, including, without limitation, covenants,  
 1130 setting forth the duties of the district in relation to the  
 1131 acquisition, construction, reconstructions, improvements,

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1132 maintenance, repair, operation, and insurance of any projects,  
 1133 the fixing and revising of the rates, fees, and charges, and the  
 1134 custody, safeguarding, and application of all moneys, and for  
 1135 the employment of counseling engineers in connection with such  
 1136 acquisition, construction, reconstruction, improvement,  
 1137 maintenance, repair, or operation. It shall be lawful for any  
 1138 bank or trust company incorporated under the laws of the state  
 1139 which may act as a depository of the proceeds of bonds or of  
 1140 revenues to furnish such indemnifying bonds or to pledge such  
 1141 securities as may be required by the district. Such resolution  
 1142 or trust agreement may set forth the rights and remedies of the  
 1143 bondholders and of the trustee, if any, and may restrict the  
 1144 individual right of action by bondholders. The board may provide  
 1145 for the payment of the proceeds of the sale of the bonds and the  
 1146 revenues of any project to such officer, board, or depository as  
 1147 it may designate for the custody thereof, and for the method of  
 1148 disbursement thereof with such safeguards and restrictions as it  
 1149 may determine. All expenses incurred in carrying out the  
 1150 provisions of such resolution or trust agreement may be treated  
 1151 as party of the cost of operation of the project to which such  
 1152 trust agreement pertains.

1153 Section 23. Sale of bonds.--Bonds may be sold in blocks or  
 1154 installments at different times, or an entire issue or series  
 1155 may be sold at one time. Bonds may be sold at public or private  
 1156 sale after such advertisement, if any, as the board may deem  
 1157 advisable but not in any event at less than 90 percent of the  
 1158 par value thereof, together with accrued interest thereon. Bonds  
 1159 may be sold or exchanged for refunding bonds. Special assessment  
 1160 and revenue bonds may be delivered as payment by the district of



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1161 the purchase price or lease of any project or part thereof, or a  
 1162 combination of projects or parts thereof, or as the purchase  
 1163 price or exchanged for any property, real, personal, or mixed,  
 1164 including franchises, or services rendered by any contractor,  
 1165 engineer or other person, all at one time or in blocks from time  
 1166 to time, in such manner and upon such terms as the board in its  
 1167 discretion shall determine. The price or prices for any bonds  
 1168 sold, exchanged, or delivered may be:

1169 (1) The money paid for the bonds.

1170 (2) The principal amount, plus accrued interest to the  
 1171 date of redemption or exchange, or outstanding obligations  
 1172 exchanged for refunding bonds.

1173 (3) In the case of special assessment or revenue bonds,  
 1174 the amount of any indebtedness to contractors or other persons  
 1175 paid with such bonds, or the fair value of any properties  
 1176 exchanged for the bonds, as determined by the board.

1177 Section 24. Authorization and form of bonds.--Bonds may be  
 1178 authorized by resolution or resolutions of the board, which  
 1179 shall be adopted by a majority of all the members thereof then  
 1180 in office. Such resolution or resolutions may be adopted at the  
 1181 same meeting at which they are introduced, and need not be  
 1182 published or posted. The board may by resolution authorize the  
 1183 issuance of bonds, fix the aggregate amount of bonds to be  
 1184 issued, the purpose or purposes for which the moneys derived  
 1185 therefrom shall be expended, the rate or rates of interest, not  
 1186 to exceed 10 percent per annum, the denomination of the bonds,  
 1187 whether or not the bonds are to be issued in one or more series,  
 1188 the date or dates of maturity, which shall not exceed 40 years  
 1189 from their respective dates of issuance, the medium of payment,

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1190 the place or places within or without the state where payment  
 1191 shall be made, registration privileges, redemption terms and  
 1192 privileges (whether with or without premium), the manner of  
 1193 execution, the form of the bonds including any interest coupons  
 1194 to be attached thereto, the manner of execution of bonds and  
 1195 coupons, and any and all other terms, covenants, and conditions  
 1196 thereof, and the establishment of revenue or other funds. Such  
 1197 authorizing resolution may further provide that such bonds may  
 1198 be executed manually or by engraved, lithographed, or facsimile  
 1199 signature, provided that where signatures are engraved,  
 1200 lithographed, or facsimiled no bond shall be valid unless  
 1201 countersigned by a registrar or other officer designated by  
 1202 appropriate resolution of the board. The seal of the district  
 1203 may be affixed, lithographed, engraved, or otherwise reproduced  
 1204 in facsimile on such bonds. In case any officer whose signature  
 1205 shall appear on any bonds or coupons shall cease to be such  
 1206 officer before the delivery of such bonds, such signature or  
 1207 facsimile shall nevertheless be valid and sufficient for all  
 1208 purposes the same as if he or she had remained in office until  
 1209 such delivery.

1210 Section 25. Interim certificates; replacement  
 1211 certificates.--Pending the preparation of definitive bonds, the  
 1212 board may issue interim certificates or receipts or temporary  
 1213 bonds, in such form and with such provisions as the board may  
 1214 determine, exchangeable for definitive bonds when such bonds  
 1215 shall have been executed and are available for delivery. The  
 1216 board may also provide for the replacement of any bond which  
 1217 shall become mutilated, lost, or destroyed.

1218 Section 26. Negotiability of bonds.--Any bond issued under

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1219 this act and any interim certificate or receipt or temporary  
 1220 bond shall, in the absence of an express recital on the face  
 1221 thereof that it is nonnegotiable, be fully negotiable and shall  
 1222 be and constitute negotiable instruments within the meaning and  
 1223 for all purposes of the law merchant and the laws of this state.

1224 Section 27. Defeasance.--The board may make such provision  
 1225 with respect to the defeasance of the right, title, and interest  
 1226 of the holders of any of the bonds and obligations of the  
 1227 district in any revenues, funds, or other properties by which  
 1228 such bonds are secured as the board deems appropriate and,  
 1229 without limitation on the foregoing, may provide that when such  
 1230 bonds or obligations become due and payable or shall have been  
 1231 called for redemption, and the whole amount of the principal,  
 1232 interest, and premium, if any, due and payable upon the bonds or  
 1233 obligations then outstanding shall be paid, or sufficient moneys  
 1234 or direct obligations of the United States Government the  
 1235 principal of and the interest on which when due will provide  
 1236 sufficient moneys shall be held or deposited in trust for such  
 1237 purpose, and provision shall also be made for paying all other  
 1238 sums payable in connection with such bonds or other obligations,  
 1239 then and in such event the right, title, and interest of the  
 1240 holders of the bonds in any revenues, funds, or other properties  
 1241 by which such bonds are secured shall thereupon cease,  
 1242 determine, and become void, and the board may apply any surplus  
 1243 in any sinking fund established in connection with such bonds or  
 1244 obligations and all balances remaining in all other funds or  
 1245 accounts other than money held for the redemption or payment of  
 1246 the bonds or other obligations to any lawful purpose of the  
 1247 district as the board shall determine.

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1248       Section 28. Issuance of additional bonds.--If the proceeds  
 1249 of any bonds shall be less than the cost of completing the  
 1250 project in connection with which such bonds are issued, the  
 1251 board may authorize the issuance of additional bonds, upon such  
 1252 terms and conditions as the board may provide in the resolution  
 1253 authorizing the issuance thereof, but only in compliance with  
 1254 the resolution or other proceedings authorizing the issuance of  
 1255 the original bonds.

1256       Section 29. Refunding bonds.--The district shall have the  
 1257 power to issue bonds to provide for the retirement or refunding  
 1258 of any bonds or obligations of the district that at the time of  
 1259 such issuance are or subsequently thereto become due and  
 1260 payable, or that at the time of issuance have been called or  
 1261 will be subject to call for redemption within 10 years  
 1262 thereafter, or the surrender of which can be procured from the  
 1263 holders thereof at prices satisfactory to the board. Refunding  
 1264 bonds may be issued at any time when in the judgment of the  
 1265 board such issuance will be advantageous to the district. No  
 1266 approval of the qualified electors who are freeholders residing  
 1267 in the district shall be required for the issuance of refunding  
 1268 bonds except in cases where such approval is required by the  
 1269 Florida Constitution. The board may by resolution confer upon  
 1270 the holders of such refunding bonds all rights, powers, and  
 1271 remedies to which the holders would be entitled if they  
 1272 continued to be the owners and had possession of the bonds for  
 1273 the refinancing of which said refunding bonds are issued,  
 1274 including, but not limited to, the preservation of the lien of  
 1275 such bonds on the revenues of any project or on pledged funds,  
 1276 without extinguishment, impairment, or diminution thereof. The

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1277 provisions of this act pertaining to bonds of the district  
 1278 shall, unless the context otherwise requires, govern the  
 1279 issuance of refunding bonds, the form and other details thereof,  
 1280 the rights of the holders thereof, and the duties of the board  
 1281 with respect to the same.

1282 Section 30. Revenue bonds.--

1283 (1) The district shall have the power to issue revenue  
 1284 bonds from time to time without limitation as to amount. Such  
 1285 revenue bonds may be secured by or payable from the gross or net  
 1286 pledge of the revenues to be derived from any project or  
 1287 combination of projects, from the rates, fees, or other charges  
 1288 to be collected from the users of any project or projects, from  
 1289 any revenue-producing undertaking or activity of the district,  
 1290 or from any other source or pledged security. Such bonds shall  
 1291 not constitute an indebtedness of the district, and the approval  
 1292 neither of the qualified electors nor of the qualified electors  
 1293 who are freeholders shall be required unless such bonds are  
 1294 additionally secured by the full faith and credit and taxing  
 1295 power of the district.

1296 (2) Any two or more projects may be combined and  
 1297 consolidated into a single project, and may thereafter be  
 1298 operated and maintained as a single project. The revenue bonds  
 1299 authorized herein may be issued to finance any one or more such  
 1300 projects, regardless whether or not such projects have been  
 1301 combined and consolidated into a single project. If the board  
 1302 deems it advisable, the proceedings authorizing such revenue  
 1303 bonds may provide that the district may thereafter combine the  
 1304 projects then being financed or theretofore financed with other  
 1305 projects to be subsequently financed by the district, and that

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

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

1317 Section 31. General obligations bonds.--

1318 (1) The district shall have the power from time to time to  
 1319 issue general obligation bonds in an aggregate principal amount  
 1320 of bonds outstanding at any one time not in excess of 35 percent  
 1321 of the assessed value of the taxable property within the  
 1322 district as shown on the pertinent tax records at the time of  
 1323 the authorization of the general obligation bonds for which the  
 1324 full faith and credit of the district is pledged. Except for  
 1325 refunding bonds, no general obligation bonds shall be issued  
 1326 unless the issuance thereof shall have been approved at an  
 1327 election of freeholders held in accordance with the requirements  
 1328 for such election as prescribed by the Florida Constitution.  
 1329 Such elections shall be called to be held in the district by the  
 1330 Board of County Commissioners of Highlands County upon the  
 1331 request of the board of the district. The expenses of calling  
 1332 and holding such referendum elections shall be borne by the  
 1333 district and the district shall reimburse the county for any  
 1334 expenses incurred in calling or holding such elections. In the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1335 alternative, at the option of the board, the board may make such  
 1336 other provision for the registration of such qualified electors  
 1337 who are freeholders and the calling and holding of such  
 1338 elections as the board may from time to time deem appropriate.

1339 (2) The district may pledge its full faith and credit for  
 1340 the payment of the principal and interest on such general  
 1341 obligations bonds, and for any reserve or other funds provided  
 1342 therefor, and may unconditionally and irrevocably pledge itself  
 1343 to levy ad valorem taxes on all taxable property in the  
 1344 district, to the extent necessary for the payment thereof,  
 1345 without limitations as to rate or amount.

1346 (3) If the board shall determine to issue general  
 1347 obligation bonds for more than one different purpose, the  
 1348 approval of the issuance of the bonds for each and all such  
 1349 purposes may be submitted to the freeholders on one and the same  
 1350 ballot. The failure of the freeholders to approve the issuance  
 1351 of bonds for any one or more purposes shall not defeat the  
 1352 approval of bonds for any purpose which shall be approved by the  
 1353 freeholders.

1354 Section 32. Bonds as legal investment or  
 1355 security.--Notwithstanding any provisions of any other law to  
 1356 the contrary, all bonds issued under the provisions of this act  
 1357 shall constitute legal investments for savings banks, banks,  
 1358 trust companies, insurance companies, executors, administrators,  
 1359 trustees, guardians, and other fiduciaries, and for any board,  
 1360 body, agency, instrumentality, county, municipality, or other  
 1361 political subdivision of the state, and shall be and constitute  
 1362 securities which may be deposited by bands or trust companies as  
 1363 security for deposits of state, county, municipal, or other

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1364 public funds, or by insurance companies as required or voluntary  
 1365 statutory deposits.

1366 Section 33. Covenants.--Any resolution authorizing the  
 1367 issuance of bonds may contain such covenants as the board may  
 1368 deem advisable and all such covenants shall constitute valid and  
 1369 legally binding and enforceable contracts between the district  
 1370 and the bondholders, regardless of the time of issuance thereof.  
 1371 Such covenants may include, without limitation, covenants  
 1372 concerning the disposition of the bond proceeds; the use and  
 1373 dispositions of project revenues; the pledging of revenues,  
 1374 taxes, and assessments; the obligations of the district with  
 1375 respect to the operation of the project and the maintenance of  
 1376 adequate project revenues; the issuance of additional bonds; the  
 1377 appointment, powers, and duties of trustees and receivers; the  
 1378 acquisition of outstanding bonds and obligations; restrictions  
 1379 on the establishing of competing projects or facilities;  
 1380 restrictions on the sale or disposal of the assets and property  
 1381 of the district; the priority of assessment liens; the priority  
 1382 of claims by bondholders on the taxing power of the district;  
 1383 the maintenance of deposits to assure the payment of revenues by  
 1384 users of district facilities and services; the discontinuance of  
 1385 district services by reason of delinquent payments; acceleration  
 1386 upon default; the execution of necessary instruments; the  
 1387 procedure for amending or abrogating covenants with the  
 1388 bondholders; and such other covenants as may be deemed necessary  
 1389 or desirable for the security of the bondholders.

1390 Section 34. Validity of bonds; validation proceedings.--  
 1391 (1) Any bonds issued by the district shall be  
 1392 incontestable in the hands of bone fide purchasers or holders



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1393 for value and shall not be invalid because of any irregularity  
 1394 or defects in the proceedings for the issue and sale thereof.  
 1395 Prior to the issuance of any bonds, the district may, but is not  
 1396 required to, publish a notice at least once in a newspaper or  
 1397 newspapers published or of general circulation in Highlands  
 1398 County and within the district stating the date of adoption of  
 1399 the resolution authorizing such obligations the amount, the  
 1400 maximum rate of interest and maturity of such obligations, and  
 1401 the purpose in general terms for which such obligations are to  
 1402 be issued, and further stating that any action or proceeding  
 1403 questioning the validity of such obligations or of the  
 1404 proceedings authorizing the issuance thereof, or of any of the  
 1405 covenants made therein, must be instituted within 20 days after  
 1406 the first publication of such notice, or the validity of such  
 1407 obligations, proceedings and covenants shall not be thereafter  
 1408 questioned in any county whatsoever. If no such action or  
 1409 proceeding is so instituted within such 20-day period, then the  
 1410 validity of such obligations, proceedings, and covenants shall  
 1411 be conclusive, and all persons or parties whatsoever shall be  
 1412 forever barred from questioning the validity of such  
 1413 obligations, proceedings, or covenants in any court whatsoever.

1414 (2) The power of the district to issue bonds under the  
 1415 provisions of this act may be determined and any of the bonds of  
 1416 the district may be validated and confirmed by circuit court  
 1417 decree, under the provisions of chapter 75, Florida Statutes,  
 1418 and laws amendatory thereof or supplementary thereto.

1419 Section 35. Within act furnishes full authority for  
 1420 issuance of bonds.--This act constitutes full and complete  
 1421 authority for the issuance of bonds and the exercise of the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1422 powers of the district provided herein. No procedures or  
 1423 proceedings, publications, notices, consents, approvals, orders,  
 1424 acts, or things by the board, or any board, officers,  
 1425 commission, department, agency, or instrumentality of the  
 1426 district, other than those required by this act, shall be  
 1427 required to issue any bonds or to do any act or perform anything  
 1428 under this act, and the issuance or sale of bonds pursuant to  
 1429 the provisions of this act need not comply with the requirements  
 1430 of any other law applicable to the issuance or sale of bonds,  
 1431 except as otherwise provided in this act, and shall not require  
 1432 the consent or approval of any other board, officers,  
 1433 commission, department, agency, or instrumentality of the state  
 1434 or any political subdivision thereof. Except as otherwise  
 1435 provided herein, no proceedings or procedures of any character  
 1436 whatever shall be necessary or required for the issuance of  
 1437 bonds other than the adoption of an appropriate resolution by  
 1438 the board as provided in this act with respect to the issuance  
 1439 of the same. The powers conferred by this act on the district  
 1440 with respect to the issuance and sale of bonds shall be in  
 1441 addition and supplemental to the powers conferred by any other  
 1442 law.

1443 Section 36. Pledge by the state to the bondholders of the  
 1444 district and to the federal government.--The state pledges to  
 1445 the holders of any bonds issued under this act that it will not  
 1446 limit or alter the rights of the district to own, acquire,  
 1447 construct, reconstruct, improve, maintain, operate, or furnish  
 1448 the projects or to levy and collect the taxes, assessments,  
 1449 rentals, rates, fees, and other charges provided for herein, and  
 1450 to fulfill the terms of any agreement made with the holders of

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HB 1487, Engrossed 1

2005 Legislature

1451 such bonds or other obligations, that it will not in any way  
 1452 impair the rights or remedies of the holders.

1453 Section 37. Ad valorem taxes.--The board shall have the  
 1454 power to levy and assess an ad valorem tax on all the taxable  
 1455 real and tangible personal property in the district to pay the  
 1456 principal of and interest on any general obligation bonds of the  
 1457 district and to provide for any sinking or other funds  
 1458 established in connection with any such bonds. The ad valorem  
 1459 tax provided for herein shall be in addition to county and all  
 1460 other ad valorem taxes provided for by law. Such tax shall be  
 1461 assessed, levied, and collected in the same manner and same time  
 1462 as county taxes.

1463 Section 38. Annual installment taxes.--

1464 (1) The board shall annually determine, order, and levy  
 1465 the annual installment of the total taxes which are levied under  
 1466 section 298.36, Florida Statutes, which shall be due and be  
 1467 collected during each year that county taxes are due and  
 1468 collected and said annual installment and levy shall be  
 1469 evidenced to and certified by the board not later than August 31  
 1470 of each year to the Highlands County Property Appraiser. Said  
 1471 tax shall be entered by the county property appraiser on the  
 1472 county tax rolls and shall be collected by the Highlands County  
 1473 Tax Collector in the same manner and same time as county taxes  
 1474 and the proceeds thereof paid to the district. The tax shall be  
 1475 a lien until paid on the property against which assessed and  
 1476 enforceable in like manner as county taxes.

1477 (2) In the alternative, the board may by resolution  
 1478 determine the amount of taxes as provided by chapter 298.365,  
 1479 Florida Statutes, and thereafter the annual installments shall

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HB 1487, Engrossed 1

2005 Legislature

1480 be levied, collected, and enforced as provided in chapter 298,  
 1481 Florida Statutes.

1482 Section 39. Maintenance tax.--To maintain and preserve the  
 1483 drainage improvements or other improvements of the district, a  
 1484 maintenance tax shall be evidenced to and certified by the board  
 1485 of supervisors not later than August 31 of each year to the  
 1486 property appraiser and shall be entered by the property  
 1487 appraiser on the county tax rolls and shall be collected by the  
 1488 tax collector in the same manner and time as county taxes and  
 1489 the proceeds therefrom paid to the district. The tax shall be a  
 1490 lien until paid on the property against which assessed and  
 1491 enforceable in like manner as county taxes. If the maintenance  
 1492 is for original construction based upon an apportionment of  
 1493 benefits, the maintenance tax shall be apportioned on the same  
 1494 basis of the net assessments of benefits assessed or accruing  
 1495 for original construction and shall not exceed 10 percent  
 1496 thereof in any one year. If the maintenance is for other  
 1497 drainage improvements or other improvements owned, operated, or  
 1498 acquired by the district, the amount of said maintenance tax  
 1499 shall be determined by the board and assessed by the board upon  
 1500 such lands which may be all of the lands within the district  
 1501 benefited by the maintenance thereof, apportioned between the  
 1502 benefited lands in proportion to the benefits received by each  
 1503 tract of land.

1504 Section 40. Enforcement of taxes.--The collection and  
 1505 enforcement of all taxes levied by the district shall be at the  
 1506 same time and in like manner as county taxes and the provisions  
 1507 of the Florida Statutes relating to the sale of lands for unpaid  
 1508 and delinquent taxes; the issuance, sale, and delivery of tax

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1509 certificates for such unpaid and delinquent county taxes; the  
 1510 redemption thereof; and the issuance to individuals of tax deeds  
 1511 based thereon and all other procedures in connection therewith  
 1512 shall be applicable to the district to the same extent as if  
 1513 said statutory provisions were expressly set forth herein. All  
 1514 taxes shall be subject to the same discounts as county taxes.

1515 Section 41. When unpaid tax is delinquent; penalty.--All  
 1516 taxes provided for in this act shall become delinquent and bear  
 1517 penalties on the amount of said taxes in the same manner as  
 1518 county taxes.

1519 Section 42. Tax exemption.--As the exercise of the powers  
 1520 conferred by this act constitute the performance of essential  
 1521 public functions, and as the projects of the district will  
 1522 constitute public property used for public purposes, all assets  
 1523 and properties of the district, and all bonds issued hereunder  
 1524 and interest paid thereon, and all fees, charges, and other  
 1525 revenues derived by the district from the projects provided by  
 1526 this act shall be exempt from all taxes by the state or by any  
 1527 political subdivision, agency, or instrumentality thereof;  
 1528 provided, however, that nothing in this act shall be deemed to  
 1529 exempt from taxation any property, project, facility, business  
 1530 activity, or enterprise that cannot validly be undertaken as a  
 1531 public function by special taxing districts or other public  
 1532 bodies under the laws and Florida Constitution; and further,  
 1533 that nothing in this act shall be deemed to exempt any property,  
 1534 project, facility, business activity, or enterprise of the  
 1535 district, or revenues derived therefrom, which would be subject  
 1536 to taxation under the general laws of this state if such  
 1537 property, project, or facility were owned or undertaken by a

## ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1538 municipal corporation.

1539 Section 43. Special assessments.--The board may provide  
1540 for the construction or reconstruction of assessable  
1541 improvements as defined in this act, and for the levying of  
1542 special assessments upon benefited property for the payment  
1543 thereof, under the provisions of this section.

1544 (1) (a) Such special assessments may be levied and assessed  
1545 in either of the alternate methods provided herein, and except  
1546 for such procedure, all the other provisions of this section and  
1547 this act shall apply to the levy of such special assessments.

1548 (b) The initial proceeding under this section shall be the  
1549 passage by the board of a resolution ordering the construction  
1550 or reconstruction of such assessable improvements, indicating  
1551 the location by terminal points and routes and either giving a  
1552 description of the improvements by its material, nature,  
1553 character, and size or giving two or more descriptions with the  
1554 directions that the material, nature, character, and size shall  
1555 be subsequently determined in conformity with one of such  
1556 descriptions. Drainage improvements need not be continuous and  
1557 may be in more than one locality. The resolution ordering any  
1558 such improvement may give any short and convenient designation  
1559 to each improvement ordered thereby, and the property against  
1560 which assessments are to be made for the cost of such  
1561 improvement may give any short and convenient designation to  
1562 each improvement ordered thereby, and the property against which  
1563 assessments are to be made for the cost of such improvement may  
1564 be designated as an assessment district, followed by a letter or  
1565 number or name to distinguish it from other assessment  
1566 districts, after which it shall be sufficient to refer to such

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1567 improvement and property by such designation in all proceedings  
 1568 and assessments, except in the notices required by this section.

1569 (c) As soon as possible after the passage of such  
 1570 resolution, the engineer for the district shall prepare, in  
 1571 duplicate, plans and specifications for each improvement ordered  
 1572 thereby and an estimate of the cost thereof. Such cost shall  
 1573 include, in addition to the items of cost as defined in this  
 1574 act, the following items of incidental expenses:

- 1575 1. Printing and publishing notices and proceedings.
- 1576 2. Costs of abstracts of title.
- 1577 3. Any other expense necessary or proper in conducting the  
 1578 proceedings and work provided for in this section, including the  
 1579 estimated amount of discount, if any, financial expenses upon  
 1580 the sale of assessment bonds or any other obligations issued  
 1581 hereunder for which such special assessment bonds or any other  
 1582 obligations issued hereunder for which such special assessments  
 1583 are to be pledged, and interest prior to and until not more than  
 1584 2 years after the completion of said assessable improvements. If  
 1585 the resolution shall provide alternative descriptions of  
 1586 material, nature, character, and size, such estimate shall  
 1587 include an estimate of the cost of the improvement of each such  
 1588 description.

1589 (d) The district engineer shall next prepare, in  
 1590 duplicate, a tentative apportionment of the estimated total cost  
 1591 of the improvement as between the district and each lot or  
 1592 parcel of land subject to special assessment under the  
 1593 resolution, such apportionment to be made in accordance with the  
 1594 provisions of the resolution and in relation to apportionment of  
 1595 cost provided herein for the preliminary assessment roll. Such

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1596 tentative apportionment of total estimated cost shall not be  
 1597 held to limit or restrict the duties of the engineer in the  
 1598 preparation of such preliminary assessment roll under subsection  
 1599 (2). One of the duplicates of such plans, specifications, and  
 1600 estimates and such tentative apportionment shall be filed with  
 1601 the secretary of the board, and the other duplicate shall be  
 1602 retained by the engineer in his or her files, all thereof to  
 1603 remain open to public inspection.

1604 (2) (a) If the special assessments are to be levied under  
 1605 this subsection, the secretary of the board, upon the filing  
 1606 with him or her of such plans, specifications, estimates, and  
 1607 tentative apportionment of cost, shall publish once in a  
 1608 newspaper published in Highlands County and of general  
 1609 circulation in the district, a notice stating that, at a meeting  
 1610 of the board on a certain day and hour, not earlier than 15 days  
 1611 from such publication, the board will hear objections of all  
 1612 interested persons to the confirmation of such resolution, which  
 1613 notice shall state in brief and general terms a description of  
 1614 the proposed assessable improvements with the location thereof,  
 1615 and shall also state that plans, specifications, estimates, and  
 1616 tentative apportionment of cost thereof are on file with the  
 1617 secretary of the board. A copy of the notice shall be mailed to  
 1618 the landowners of the land to be benefited by construction of  
 1619 the assessable improvement. The landowners shall be determined  
 1620 by reference to the last available tax roll of Highlands County.  
 1621 The secretary of the board shall keep a record in which shall be  
 1622 inscribed, at the request of any person, firm, or corporation  
 1623 having or claiming to have any interest in any lot or parcel of  
 1624 land, the name and post office address of such person, firm, or



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1625 corporation, together with a brief description or designation of  
 1626 such lot or parcel, and it shall be the duty of the secretary of  
 1627 the board to mail a copy of such notice to such person, firm, or  
 1628 corporation at such address at least 10 days before the time for  
 1629 the hearing as stated in such notice, but the failure of the  
 1630 secretary of the board to keep such record or so to inscribe any  
 1631 name or address or to mail any such notice shall not constitute  
 1632 a valid objection to holding the hearing as provided in this  
 1633 section or to any other action taken under the authority of this  
 1634 section.

1635 (b) At the time named in such notice, or to which an  
 1636 adjournment may be taken by the board, the board shall receive  
 1637 any objections of interested persons and may then or thereafter  
 1638 repeal or confirm such resolution with such amendments, if any,  
 1639 as may be desired by the board and which do not cause any  
 1640 additional property to be specially assessed.

1641 (c) All objections to any such resolution on the ground  
 1642 that it contains items which cannot be properly assessed against  
 1643 property, or that it is, for any default or defect in the  
 1644 passage or character of the resolution or the plans or  
 1645 specifications or estimate, void or voidable in whole or in  
 1646 part, or that it exceeds the power of the board, shall be made  
 1647 in writing in person or by attorney and filed with the secretary  
 1648 of the board at or before the time or adjourned time of such  
 1649 hearing. Any objections against the making of any assessable  
 1650 improvements not made shall be considered as waived, and if any  
 1651 objection shall be made and overruled or shall not be sustained,  
 1652 the confirmation of the resolution shall be the final  
 1653 adjudication of the issue presented unless proper steps shall be

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1654 taken in a court of competent jurisdiction to secure relief  
 1655 within 20 days.

1656 (d) Whenever any resolution providing for the construction  
 1657 or reconstruction of assessable improvements and for the levying  
 1658 of special assessments upon benefited property for the payment  
 1659 thereof shall have been confirmed, and said special assessments  
 1660 are levied under this subsection as hereinabove provided, or at  
 1661 any time thereafter, the board may issue assessment bonds  
 1662 payable out of such assessments when collected. Such bonds shall  
 1663 mature not later than 2 years after the maturity of the last  
 1664 annual installment in which said special assessments may be  
 1665 paid, as provided in subsection (4), and shall bear such  
 1666 interest as the board may determine not to exceed 10 percent per  
 1667 annum. Such assessment bonds shall be executed, shall have such  
 1668 provisions for redemption prior to maturity, and shall be sold  
 1669 in the manner and be subject to all of the applicable provisions  
 1670 contained in this act applicable to other bonds, except as the  
 1671 same are inconsistent with the provisions of this section. The  
 1672 amount of such assessment bonds for any assessable improvement,  
 1673 prior to the confirmation of the preliminary assessment roll  
 1674 provided for in this subsection shall not exceed the estimated  
 1675 amount of the cost of such assessable improvements which are to  
 1676 be specially assessed against the lands and real estate of the  
 1677 engineer referred to in this section.

1678 (e) After the passage of the resolution authorizing the  
 1679 construction or reconstruction of assessable improvements has  
 1680 been confirmed as provided for above where special assessments  
 1681 are levied under this subsection or after the final confirmation  
 1682 of the assessment roll where such assessments are levied under

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1683 subsection (3), the board may publish, at least once in a  
 1684 newspaper published in Highlands County and of general  
 1685 circulation in the district, a notice calling for sealed bids to  
 1686 be received by the board on a date not earlier than 15 days from  
 1687 the first publication for the construction of the work, unless  
 1688 in the initial resolution the board shall have declared its  
 1689 intention to have the work done by district forces without  
 1690 contract. The notice shall refer in general terms to the extent  
 1691 and nature of the improvements and may identify the same by the  
 1692 short designation indicated in the initial resolution and by  
 1693 reference to the plans and specifications on file. If the  
 1694 initial resolution shall have given two or more alternative  
 1695 descriptions of the assessable improvements as to its material,  
 1696 nature, character, and size, and if the board shall not have  
 1697 theretofore determined upon a definite description, the notice  
 1698 shall call for bids upon each of such descriptions. Bids may be  
 1699 requested for the work as a whole or for any part thereof  
 1700 separately, and bids may be for any one or more of such  
 1701 assessable improvements authorized by the same or different  
 1702 resolutions, but any bid covering work upon more than one  
 1703 improvement shall be in such form as to permit a separation of  
 1704 cost as to each improvement. The notice shall require bidders to  
 1705 file with their bids either a certified check drawn upon an  
 1706 incorporated bank or trust company in such amount or percentage  
 1707 of their respective bids, as the board shall deem advisable, or  
 1708 a bid bond in like amount with corporate surety satisfactory to  
 1709 the board to insure the execution of a contract to carry out the  
 1710 work in accordance with such plans and specifications and insure  
 1711 the filing, at the making of such contract, of a bond in the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1712 amount of the contract price with corporate surety satisfactory  
 1713 to the board conditioned for the performance of the work in  
 1714 accordance with such contract. The board shall have the right to  
 1715 reject any or all bids and, if all bids are rejected, the board  
 1716 may readvertise or may determine to do the work by the district  
 1717 forces without contract.

1718 (f) Promptly after the completion of the work in the case  
 1719 of special assessments levied under this subsection, the  
 1720 engineer for the district, who is hereby designated as the  
 1721 official of the district to make the preliminary assessment of  
 1722 benefits from assessable improvements, shall prepare a  
 1723 preliminary assessment roll and file the same with the secretary  
 1724 of the board, which roll shall contain the following:

1725 1. A description of abutting lots and parcels of land or  
 1726 lands which will benefit from such assessable improvements and  
 1727 the amount of such benefits to each such lot or parcel of land.  
 1728 Such lots and parcels shall include the property of Highlands  
 1729 County and any school district or other political subdivision.  
 1730 There shall also be given the name of the owner of record of  
 1731 each lot or parcel where practicable, and in all cases there  
 1732 shall be given a statement of the method of assessment used by  
 1733 the engineer for determining the benefits.

1734 2. The total cost to the improvements and the amount of  
 1735 incidental expense.

1736 (g) The preliminary roll shall be advisory only and shall  
 1737 be subject to the action of the board as hereafter provided.  
 1738 Upon the filing with the secretary of the board of the  
 1739 preliminary assessment roll, the secretary of the board shall  
 1740 publish, at least once in a newspaper published in Highlands

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1741 County and of general circulation within the district, a notice  
 1742 stating that at a meeting of the board to be held on a certain  
 1743 day and hour, not less than 15 days from the date of such  
 1744 publication, which meeting may be a regular, adjourned, or  
 1745 special meeting, all interested persons may appear and file  
 1746 written objections to the confirmation of such roll. Such notice  
 1747 shall state the class of the assessable improvements and the  
 1748 location thereof by terminal points and route.

1749 (h) At the time and place stated in such notice, the board  
 1750 shall meet and receive the objections in writing of all  
 1751 interested persons as stated in such notice. The board may  
 1752 adjourn the hearing from time to time. After the completion  
 1753 thereof, the board shall either annul or sustain or modify in  
 1754 whole or in part the prima facie assessment as indicated on such  
 1755 roll, either by confirming the prima facie assessment against  
 1756 any or all lots or parcels described therein or by canceling,  
 1757 increasing, or reducing the same, according to the special  
 1758 benefits which the board decides each such lot or parcel has  
 1759 received or will receive on account of such improvements. If any  
 1760 property which may be chargeable under this section shall have  
 1761 been omitted from the preliminary roll or if the prima facie  
 1762 assessment shall not have been made against it, the board may  
 1763 place on such roll an apportionment to such property. The board  
 1764 shall not confirm any assessment in excess of the special  
 1765 benefits to the property assessed, and the assessments so  
 1766 confirmed shall be in proportion to the special benefits.  
 1767 Forthwith after such confirmation, such assessment roll shall be  
 1768 delivered to the secretary of the board. The assessment so made  
 1769 shall be final and conclusive as to each lot or parcel assessed

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1770 unless proper steps be taken within 30 days in a court of  
 1771 competent jurisdiction to secure relief. If the assessment  
 1772 against any property shall be sustained or reduced or abated by  
 1773 the court, the secretary of the board shall note that fact on  
 1774 the assessment roll opposite the description of the property  
 1775 affected thereby. The amount of the special assessment against  
 1776 any lot or parcel which may be abated by the court, unless the  
 1777 assessment upon all benefited property be abated, or the amount  
 1778 by which such assessment is so reduced, may by resolution of the  
 1779 board be made chargeable against the district at large; or, at  
 1780 the discretion of the board, a new assessment roll may be  
 1781 prepared and confirmed in the manner hereinabove provided for  
 1782 the preparation and confirmation of the original assessment  
 1783 roll.

1784 (i) Pending the final confirmation of such special  
 1785 assessments in the manner provided in this subsection, the  
 1786 district shall have a lien on all such lands and real estate  
 1787 after the confirmation of the initial resolution, in the manner  
 1788 provided in this subsection.

1789 (3) (a) The district engineer, under the procedure provided  
 1790 for in this subsection shall next, after the passage of the  
 1791 initial resolution and filing of the plans and estimates of cost  
 1792 by the district engineer, prepare an assessment roll for the  
 1793 district in duplicate, which assessment roll shall contain an  
 1794 apportionment of the estimated total cost of the improvement as  
 1795 between the district and each lot or parcel of land subject to  
 1796 the special assessment under the initial resolution, such  
 1797 apportionment to be made in accordance with the provisions of  
 1798 the initial resolution. One of the duplicates of said assessment

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1799 roll shall be filed with the secretary of the board, and the  
 1800 other duplicate shall be retained by the district engineer in  
 1801 his files, all thereof to remain open to public inspection.

1802 (b) Upon the completion and filing of said assessment  
 1803 roll, the secretary of the board shall cause a copy thereof to  
 1804 be published once in a newspaper published in Highlands County  
 1805 and of general circulation within the district, together with a  
 1806 notice directed to all property owners interested in said  
 1807 special assessments stating that at a meeting of the board on a  
 1808 certain day and hour, not earlier than 15 days from such  
 1809 publication, the board, sitting as an equalizing board, will  
 1810 hear objections of all interested persons to the final  
 1811 confirmation of such assessment roll, and will finally confirm  
 1812 such assessment roll or take such action relative thereto as it  
 1813 deems necessary and advisable. A copy of the notice shall be  
 1814 mailed to the landowners of the lands to be benefited by  
 1815 construction of the assessable improvement. The landowners shall  
 1816 be determined by reference to the last available tax roll of  
 1817 Highlands County. The secretary of the board shall keep a record  
 1818 in which shall be inscribed, at the request of any person, firm,  
 1819 or corporation having or claiming to have any interest in any  
 1820 lot or parcel of land, the name and post office address of such  
 1821 person, firm, or corporation, together with a brief description  
 1822 or designation of such lot or parcel, and it shall be the duty  
 1823 of the secretary of the board to mail a copy of such notice to  
 1824 such person, firm, or corporation at such address at least 10  
 1825 days before the time for the hearing as stated in such notice,  
 1826 but the failure of the secretary of the board to keep such  
 1827 record or so to inscribe any name or address or to mail any such

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1828 notice shall not constitute a valid objection to holding the  
 1829 hearing as provided in this section or to any other action taken  
 1830 under the authority of this section.

1831 (c) At the time and place named in the notice provided for  
 1832 in paragraph (b), the board shall meet as an equalizing board to  
 1833 hear and consider any and all complaints as to said special  
 1834 assessments, and shall adjust and equalize the said special  
 1835 assessments on a basis of justice and right, and when so  
 1836 equalized and approved such special assessments shall stand  
 1837 confirmed and remain legal, valid, and binding liens upon the  
 1838 properties upon which such special assessments are made, until  
 1839 paid in accordance with the provisions of this act; provided,  
 1840 however, that upon the completion of such improvements, if the  
 1841 actual cost of such assessable improvements is less than the  
 1842 amount of such special assessments levied, the district shall  
 1843 rebate to the owners of any properties which shall have been  
 1844 specially assessed for such assessable improvements the  
 1845 difference in the special assessments as originally made,  
 1846 levied, and confirmed, and the proportionate part of the actual  
 1847 cost of said assessable improvements as finally determined upon  
 1848 the completion of said assessable improvements; and in the event  
 1849 that the actual cost of said assessable improvements shall be  
 1850 more than the amount of such special assessments confirmed and  
 1851 levied, finally determined upon the completion of said  
 1852 assessable improvements, the proportionate part of such excess  
 1853 cost of such assessable improvements may be levied against all  
 1854 of the land and properties against which such special  
 1855 assessments were originally levied, or, in the alternative, the  
 1856 board may, in its discretion, pay such excess cost from any



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1857 legally available funds.

1858 (d) All objections to any such assessment roll on the  
 1859 ground that it contains items which cannot be properly assessed  
 1860 against property, or that it is, for any default or defect in  
 1861 the passage or character of the assessment roll or the plans or  
 1862 specifications or estimate, void or voidable in whole or in  
 1863 part, or that it exceeds the power of the board, shall be made  
 1864 in writing in person or by attorney, and filed with the  
 1865 secretary of the board at or before the time or adjourned time  
 1866 of the such hearing on the assessment roll. Any objections  
 1867 against the making of any assessable improvements not so made  
 1868 shall be considered as waived, and if any objections shall be  
 1869 made and overruled or shall not be sustained, the confirmation  
 1870 of the assessment roll shall be the final adjudication of the  
 1871 issue presented unless proper steps shall be taken in a court of  
 1872 competent jurisdiction to secure relief within 20 days.

1873 (e) All the provisions of subsection (2) not inconsistent  
 1874 with this subsection shall apply to the levy of special  
 1875 assessments under this subsection.

1876 (4) (a) Any assessment may be paid at the office of the  
 1877 secretary of the board within 60 days after the confirmation  
 1878 thereof, without interest. Thereafter, all assessments shall be  
 1879 payable in equal installments, with interest as determined by  
 1880 the board, not to exceed 10 percent per annum, from the  
 1881 expiration of said 60 days in each of the succeeding number of  
 1882 years which the board shall determine by resolution, not  
 1883 exceeding 20 percent; provided, however, that the board may  
 1884 provide that any assessment may be paid at any time before due,  
 1885 together with interest accrued thereon to the date of payment,

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1886 if such prior payment shall be permitted by the proceedings  
 1887 authorizing any assessment bonds or other obligations for the  
 1888 payment of which such special assessments have been pledged.

1889 (b) All such special assessments levied pursuant to this  
 1890 act may, in the discretion of the board, be collected by the tax  
 1891 collector of the county at the same time as the general county  
 1892 taxes are collected by the tax collector of the county, and the  
 1893 board shall in such event certify to the county tax collector in  
 1894 each year a list of all such special assessments and a  
 1895 description of and names of the owners of the properties against  
 1896 which such special assessments have been levied and the amounts  
 1897 due thereof in such year, and interest thereon for any  
 1898 deficiencies for prior years. The amount to be collected in such  
 1899 year may include, in the discretion of the board, the principal  
 1900 installment of such special assessments which will become due at  
 1901 any time in the next succeeding fiscal year, and all or any part  
 1902 of the interest which will become due on such special  
 1903 assessments during such next fiscal year, together with any  
 1904 deficiencies for prior years.

1905 (c) The board may, in lieu of providing for the collection  
 1906 of said special assessments by the tax collector of the county,  
 1907 provide for the collection of said special assessments by the  
 1908 district under such terms and conditions as the board shall  
 1909 determine. In such event, the bills or statements for the  
 1910 amounts due in any fiscal year shall be mailed to the owners of  
 1911 all properties affected by such special assessments at such time  
 1912 or times as the board shall determine, and such bills or  
 1913 statements may include all or any part of the principal and  
 1914 interest which will mature and become due on the annual

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1915 installments of such special assessments during the fiscal year  
 1916 in which installments of such special assessments are payable.

1917 (d) All charges of the county tax collector or of the  
 1918 district, and the fees, costs, and expenses of any paying  
 1919 agents, trustees, or other fiduciaries for assessment bonds  
 1920 issued under this act shall be deemed to be costs of the  
 1921 operation and maintenance of any drainage improvements in  
 1922 connection with which such special assessments were levied; and  
 1923 the board shall be authorized and directed to provide for the  
 1924 payment each year of such costs of collection, fees, and other  
 1925 expenses from the maintenance tax as provided in this act as  
 1926 shall be mutually agreed upon between the board and the county  
 1927 tax collector as additional compensation for his or her services  
 1928 for each such assessment district in which the special  
 1929 assessments are collected by him or her.

1930 (e) All assessments shall constitute a lien upon the  
 1931 property so assessed from the date of final confirmation  
 1932 thereof, of the same nature to the same extent as the lien for  
 1933 general county taxes falling due in the same year or years in  
 1934 which such assessments or installments thereof fall due, and any  
 1935 assessment or installment not paid when due shall be collectable  
 1936 with such interest and with a reasonable attorney's fee and  
 1937 costs, but without penalties, by the district by proceedings in  
 1938 a court of equity to foreclose the lien of assessments as a lien  
 1939 for mortgages is or may be foreclosed under the laws of the  
 1940 state; provided that any such proceedings to foreclose shall  
 1941 embrace all installments of principal remaining unpaid with  
 1942 accrued interest thereon, which installments shall, by virtue of  
 1943 the institution of such proceedings, immediately become due and

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1944 payable. Nevertheless, if, prior to any sale of the property  
 1945 under decree of foreclosure in such proceedings, payment be made  
 1946 of the installment or installments which are shown to be due  
 1947 under the provisions of subsection (2) or subsection (3) of this  
 1948 section, and by this subsection and all costs, including  
 1949 interest and reasonable attorney's fees, such payment shall have  
 1950 the effect of restoring the remaining installments to their  
 1951 original maturities as provided by the resolution passed  
 1952 pursuant to this subsection and the proceedings shall be  
 1953 dismissed. It shall be the duty of the board to enforce the  
 1954 prompt collection of assessments by the means herein provided,  
 1955 and such duty may be enforced at the suit of any holder of bonds  
 1956 issued under this act in a court of competent jurisdiction by  
 1957 mandamus or other appropriate proceedings or action. Not later  
 1958 than 30 days after the annual installments are due and payable,  
 1959 it shall be the duty of the board to direct the attorney for the  
 1960 district to institute actions within 2 months after such  
 1961 direction to enforce the collection of all special assessments  
 1962 for assessable improvements made under this section and  
 1963 remaining due and unpaid at the time of such direction. Such  
 1964 action shall be prosecuted in the manner and under the  
 1965 conditions in and under which mortgages are foreclosed under the  
 1966 laws of the state. It shall be lawful to join in one action the  
 1967 collection of assessments against any or all property assessed  
 1968 by virtue of the same assessment roll unless the court shall  
 1969 deem such joinder prejudicial to the interest of any defendant.  
 1970 The court shall allow a reasonable attorney's fee for the  
 1971 attorney for the district, and the same shall be collectable as  
 1972 a part of or in addition to the costs of the action. At the sale

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

1973 pursuant to decree in any such action, the district may be a  
 1974 purchaser to the same extent as an individual person or  
 1975 corporation, except that the part of the purchase price  
 1976 represented by the assessments sued upon and the interest  
 1977 thereon need not be paid in cash. Property so acquired by the  
 1978 district may be sold or otherwise disposed of.

1979 (f) All assessments and charges made under the provisions  
 1980 of this section for payment of all or any part of the cost of  
 1981 any assessable improvements for which assessment bonds shall  
 1982 have been issued under the provisions of this act, or which have  
 1983 been pledged as additional security for any other bonds or  
 1984 obligations issued under this act, shall be maintained in a  
 1985 special fund or funds and be used only for the payment of  
 1986 principal or interest on such assessment bonds or other bonds or  
 1987 obligations.

1988 (g) Highlands County and each school district and other  
 1989 political subdivision wholly or partly within the district shall  
 1990 possess the same power and be subject to the same duties and  
 1991 liabilities in respect of assessments under this section  
 1992 affecting the real estate of such county, school district, or  
 1993 other political subdivision which private owners of real estate  
 1994 possess or are subject to hereunder, and such real estate of any  
 1995 such county, school district, and political subdivision shall be  
 1996 subject to liens for said assessments in all cases where the  
 1997 same property would be subject to such liens had at the time the  
 1998 lien attached been owned by a private owner.

1999 (5) (a) The provisions of this subsection are supplemental,  
 2000 additional, and alternative to the other provisions of this  
 2001 section, and intended to provide an alternate method of

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2002 procedure for the benefit of the district; and such provisions  
 2003 will, at the election of the board by resolution, apply  
 2004 notwithstanding any other provisions of this act.

2005 (b) If assessment bonds are to be issued, at the  
 2006 discretion of the board, the amount of the interest (as  
 2007 estimated by the board) which will accrue on such bonds and the  
 2008 estimated amount of any administrative fees payable to the tax  
 2009 collector or property appraiser, or both, with respect to the  
 2010 collection of such special assessments must be included in and  
 2011 added to, and may be payable from, the special assessments  
 2012 levied pursuant to subsection (2) or subsection (3); but such  
 2013 interest may not be considered in determining whether the  
 2014 assessment exceeds the benefits to the assessed property. Annual  
 2015 installments of special assessments levied pursuant to this  
 2016 subsection will become due and be collected during such years  
 2017 and in such amounts as are determined by the board; provided,  
 2018 however, that no such installments may become due and payable  
 2019 more than 30 years from the date of initial confirmation  
 2020 thereof. The board, in determining the amount of the annual  
 2021 installments of special assessments, shall take into account the  
 2022 amount of principal, premium, if any, and interest coming due on  
 2023 any special assessment bonds and any moneys available for the  
 2024 payment thereof, and a sufficient amount of special assessments  
 2025 must be appropriated by the board for the purpose of paying the  
 2026 principal, premium, if any, and interest of the bonds when due.  
 2027 The special assessments, when collected, must be preserved in a  
 2028 separate fund for the payment of such bonds and, after such  
 2029 payment, may be used by the district for any lawful purpose.

2030 (c) If so provided by resolution of the board, the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2031 provisions of sections 298.365, 298.366, 298.401, 298.41, and  
 2032 298.465, Florida Statutes, will apply to the collection and  
 2033 enforcement of special assessments levied pursuant to this  
 2034 section as if such assessments constituted taxes levied pursuant  
 2035 to section 298.36, Florida Statutes.

2036 (d) If so provided by resolution of the board, in levying  
 2037 and assessing special assessments pursuant to this section based  
 2038 upon the acreage of land being assessed, each tract or parcel of  
 2039 land which is less than 1 acre in area may be assessed as a full  
 2040 acre, and each tract or parcel of land which is 1 acre or more  
 2041 in area may be assessed at the nearest whole number of acres.

2042 Section 44. Issuance of certificates of indebtedness based  
 2043 on assessments for assessable improvements; assessment bonds.--

2044 (1) The board may, after any assessments for assessable  
 2045 improvements are made, determined, and confirmed as provided in  
 2046 section 43, issue certificates of indebtedness for the amount so  
 2047 assessed against the abutting property or property otherwise  
 2048 benefited, as the case may be, and separate certificates shall  
 2049 be issued against each part or parcel of land or property  
 2050 assessed, which certificates shall state the general nature of  
 2051 the improvements for which the said assessment is made. Said  
 2052 certificates shall be payable in annual installments in  
 2053 accordance with the installments of the special assessment for  
 2054 which they are issued. The board may determine the interest to  
 2055 be borne by such certificates, not to exceed 10 percent per  
 2056 annum, and may sell such certificates at either private or  
 2057 public sale and determine the form, manner of execution, and  
 2058 other details of such certificates. Such certificates shall  
 2059 recite that they are payable only from the special assessments

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2060 levied and collected from the part or parcel of land or property  
 2061 against which they are issued. The proceeds of such certificates  
 2062 may be pledged for the payment of principal of and interest on  
 2063 any revenue bonds or general obligation bonds issued to finance  
 2064 in whole or in part such assessable improvement, or, if not so  
 2065 pledged, may be used to pay the cost or part of the cost of such  
 2066 assessable improvements.

2067 (2) The district may also issue assessment bonds or other  
 2068 obligations payable from a special fund into which such  
 2069 certificates of indebtedness referred to in subsection (1) may  
 2070 be deposited; or, if such certificates of indebtedness have not  
 2071 been issued, the district may assign to such special fund for  
 2072 the benefit of the holders of such assessment bonds or other  
 2073 obligations, or to a trustee for such bondholders, the  
 2074 assessment liens provided for in this act unless the  
 2075 certificates of indebtedness or assessment liens have been  
 2076 theretofore pledged for any bonds or other obligations  
 2077 authorized hereunder. In the event of the creation of such  
 2078 special fund and the issuance of such assessment bonds or other  
 2079 obligations, the proceeds of such certificates of indebtedness  
 2080 of assessment liens deposited therein shall be used only for the  
 2081 payment of the assessment bonds or other obligations issued as  
 2082 provided in this section. The district is hereby authorized to  
 2083 covenant with the holders of such assessment bonds or other  
 2084 obligations that it will diligently and faithfully enforce and  
 2085 collect all the special assessments and interest and penalties  
 2086 thereon for which such certificates of indebtedness or  
 2087 assessment liens have been deposited in or assigned to such  
 2088 fund, and to foreclose such assessment liens so assigned to such



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2089 special fund or represented by the certificates of indebtedness  
 2090 deposited in said special fund, after such assessment liens have  
 2091 become delinquent, and deposit the proceeds derived from such  
 2092 foreclosure, including interest and penalties, in such special  
 2093 fund, and to make any other covenants deemed necessary or  
 2094 advisable in order to properly secure the holders of such  
 2095 assessment bonds or other obligations.

2096 (3) The assessment bonds or other obligations issued  
 2097 pursuant to this section shall have such dates of issue and  
 2098 maturity as shall be deemed advisable by the board, provided,  
 2099 however, that the maturities of such assessment bonds or other  
 2100 obligations shall not be more than 2 years after the due date of  
 2101 the last installment which will be payable on any of the special  
 2102 assessments for which such assessment liens, or the certificates  
 2103 of indebtedness representing such assessment liens, are assigned  
 2104 to or deposited in such special fund.

2105 (4) Such assessment bonds or other obligations issued  
 2106 under this section shall bear such interest as the board may  
 2107 determine not to exceed 10 percent per annum, shall be executed,  
 2108 shall have such provisions for redemption prior to maturity, and  
 2109 shall be sold in the manner and be subject to all of the  
 2110 applicable provisions contained in this act for revenue bonds,  
 2111 except as the same may be inconsistent with the provisions of  
 2112 this section.

2113 (5) All assessment bonds or other obligations issued under  
 2114 the provisions of this act, except certificates of indebtedness  
 2115 issued against separate lots or parcels of land or property as  
 2116 provided in this section, shall be and constitute and have all  
 2117 the qualities and incidents of negotiable instruments under the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2118 law merchant and the laws of the state.

2119 Section 45. Foreclosure of liens.--Any lien in favor of  
 2120 the district arising under chapter 298, Florida Statutes, or  
 2121 under this act may be foreclosed by the district by foreclosure  
 2122 proceedings in the name of the district in the circuit court in  
 2123 like manner as is provided in chapter 173, Florida Statutes, and  
 2124 amendments thereto, and the provisions of said chapter shall be  
 2125 applicable to such proceedings with the same force and effect as  
 2126 if said provisions were expressly set forth in this act. Any act  
 2127 required or authorized to be done by or on behalf of a city or  
 2128 town in foreclosure proceedings under chapter 173, Florida  
 2129 Statutes, may be performed by such officer or agent of the  
 2130 district as the board of supervisors may designate. Such  
 2131 foreclosure proceedings may be brought at any time after the  
 2132 expiration of 1 year from the date any tax, or installment  
 2133 thereof, becomes delinquent.

2134 Section 46. Payment of taxes and redemption of tax liens  
 2135 by the district; sharing in proceeds of tax sale under section  
 2136 197.542, Florida Statutes.--

2137 (1) The district has the right to:

2138 (a) Pay any delinquent state, county, district,  
 2139 municipality, or other tax or assessment upon lands located  
 2140 wholly or partially within the boundaries of the district.

2141 (b) Redeem or purchase any tax sales certificate issued or  
 2142 sold on account of any state, county, district, municipality, or  
 2143 other taxes or assessments upon lands located wholly or  
 2144 partially within the boundaries of the district.

2145 (2) Delinquent taxes paid, or tax sales certificates  
 2146 redeemed or purchased by the district, together with all

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2147 penalties for the default in payment of the same and all costs  
 2148 in collecting the same and a reasonable attorney's fee, shall  
 2149 constitute a lien in favor of the district of equal dignity with  
 2150 the liens of state and county taxes and other taxes of equal  
 2151 dignity with state and county taxes, upon all the real property  
 2152 against which said taxes were levied. The lien of the district  
 2153 may be foreclosed in the manner provided in this act.

2154 (3) In any sale of land pursuant to section 197.542,  
 2155 Florida Statutes, and amendments thereto, the district may  
 2156 certify to the clerk of the circuit court of the county holding  
 2157 such sale, the amount of taxes due to the district upon the  
 2158 lands sought to be sold, and the district shall share in the  
 2159 disbursement of the sales proceeds in accordance with the  
 2160 provisions of this act and under law.

2161 Section 47. Mandatory use of certain district facilities  
 2162 and services.--The district may require all lands, buildings,  
 2163 and premises, and all persons, firms, and corporations within  
 2164 the district to use the drainage, reclamation, and water and  
 2165 sewer facilities of the district. Subject to such exceptions as  
 2166 may be provided by the resolutions, rules, or bylaws of the  
 2167 board, and subject to the terms and provisions of any resolution  
 2168 authorizing any bonds and agreements with bondholders, no  
 2169 drainage and reclamation or water and sewer facilities shall be  
 2170 constructed or operated within the district unless the board  
 2171 gives its consent thereto and approves the plans and  
 2172 specifications therefor.

2173 Section 48. Bids required.--No contract shall be let by  
 2174 the board for the construction or maintenance of any project  
 2175 authorized by this act, nor shall any goods, supplies, or

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2176 materials be purchased when the amount thereof to be paid by  
 2177 said district shall exceed the amount provided in section  
 2178 287.017, Florida Statutes, for category two, unless notice of  
 2179 bids shall be advertised once a week for 2 consecutive weeks in  
 2180 a newspaper published in Highlands County and in general  
 2181 circulation within the district, and in each case the bid of the  
 2182 lowest responsible bidder shall be accepted, unless all bids are  
 2183 rejected because the bids are too high. The board may require  
 2184 the bidders to furnish bond with responsible surety to be  
 2185 approved by the board. Nothing in this section shall prevent the  
 2186 board from undertaking and performing the construction,  
 2187 operation, and maintenance of any project or facility authorized  
 2188 by this act by the employment of labor, material, and machinery.

2189 Section 49. Maintenance of projects across rights-of-  
 2190 way.--The district shall have the power to construct and operate  
 2191 its projects in, along, or under any dedications to the public,  
 2192 platted rights-of-ways, platted reservations, streets, alleys,  
 2193 highways, or other public places or ways, and across any drain,  
 2194 ditch, canal, floodway, holding basin, excavation, grade, fill,  
 2195 or cut, within or without the district.

2196 Section 50. Agreements with state commissions and  
 2197 others.--The board shall have the power to retain and enter into  
 2198 agreements with fiscal agents, financial advisors, state  
 2199 commission, engineers, and other consultants or advisors with  
 2200 respect to the issuance and sale of any bonds, and the cost and  
 2201 expense thereof may be treated as part of the cost and expense  
 2202 of such project. Upon request of the board any state commission  
 2203 may provide such technical assistance or other services relating  
 2204 to bond issues as may be necessary or desirable under the

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2205 circumstances.

2206 Section 51. Agreements with other political bodies for the  
 2207 joint discharge of common functions.--The board and any other  
 2208 political bodies, whether now in existence or hereafter created,  
 2209 are authorized to enter into and carry into effect contracts and  
 2210 agreements relating to the common powers, duties, and functions  
 2211 of the board and any other powers, duties, and functions of the  
 2212 board and any other political bodies, to the end that there may  
 2213 be effective cooperation and coordination in discharging their  
 2214 common functions, powers and duties.

2215 Section 52. Fees, rentals, and charges; procedure for  
 2216 adoption and modifications, minimum revenue requirements.--

2217 (1) The district is authorized to prescribe, fix,  
 2218 establish, and collect rates, fees, rentals, or other charges  
 2219 (hereinafter sometimes referred to as "revenues"), and to revise  
 2220 the same from time to time, for the facilities and services  
 2221 furnished by the district, within or without the limits of the  
 2222 district; including, but not limited to, drainage facilities,  
 2223 recreation facilities, and water and sewer systems, to recover  
 2224 the costs of making connection with any district facility or  
 2225 system; and to provide for reasonable penalties against any user  
 2226 or property for any such rates, fees, rentals, or other charges  
 2227 that are delinquent.

2228 (2) No such rates, fees, rentals, or other charges for any  
 2229 of the facilities or services of the district shall be fixed  
 2230 until after a public hearing at which all the users of the  
 2231 proposed facility or services or owners, tenants, or occupants  
 2232 served or to be served thereby and all other interested persons  
 2233 shall have an opportunity to be heard concerning the proposed

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2234 rates, fees, rentals, or other charges. Notice of such public  
 2235 hearing setting forth the proposed schedule or schedules of  
 2236 rates, fees, rentals, and other charges shall have been  
 2237 published in a newspaper in Highlands County and of general  
 2238 circulation within the district at least once at least 10 days  
 2239 prior to such public hearing, which may be adjourned from time  
 2240 to time. After such hearing such schedule or schedules, either  
 2241 as initially proposed or as modified or amended, may be finally  
 2242 adopted. A copy of the schedule or schedules of such rates,  
 2243 fees, rentals, or charges as finally adopted shall be kept on  
 2244 file in an office designated by the board and shall be open at  
 2245 all reasonable times to public inspection. The rates, fees,  
 2246 rentals, or charges so fixed for any class of users or property  
 2247 served shall be extended to cover any additional users or  
 2248 properties thereafter served which shall fall in the same class,  
 2249 without the necessity of any notice or hearing. Any change or  
 2250 revision of rates, fees, rentals, or charges may be made in the  
 2251 same manner as the same were originally established as  
 2252 hereinabove provided, except that if such changes or revisions  
 2253 are made substantially pro rata as to all classes of the type of  
 2254 service involved, no notice or hearing shall be required.

2255 (3) Such rates, fees, rentals, and charges shall be just  
 2256 and equitable and uniform for users of the same class and, where  
 2257 appropriate, may be based or computed either upon the amount of  
 2258 service furnished or upon the number or average number of  
 2259 persons residing or working in or otherwise occupying the  
 2260 premises serviced, or upon any other factor affecting the use of  
 2261 the facilities furnished, or upon any combination of the  
 2262 foregoing factors, as may be determined by the board on an

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2263 equitable basis.

2264 (4) The rates, fees, rentals, or other charges prescribed  
 2265 shall be such as will produce revenues, together with any other  
 2266 assessments, taxes, revenues, or fund available or pledged for  
 2267 such purpose, at least sufficient to provide for the items  
 2268 hereinafter listed, but not necessarily in the order stated:

2269 (a) To provide for all expenses of operation and  
 2270 maintenance of such facility or service.

2271 (b) To pay when due all bonds and interest thereon for the  
 2272 payment of which such revenues are, or shall have been, pledged  
 2273 or encumbered, including reserves for such purpose.

2274 (c) To provide for any other funds which may be required  
 2275 under the resolution or resolutions authorizing the issuance of  
 2276 bonds pursuant to this act.

2277 (5) The board shall have the power to enter into contracts  
 2278 for the use of the projects of the district and with respect to  
 2279 the services and facilities furnished or to be furnished by the  
 2280 district, including, but not limited to, service agreements with  
 2281 landowners and others within or without the district providing  
 2282 for the drainage of land by the district or the furnishing of  
 2283 any of the other services and facilities of the district, for  
 2284 such consideration and on such other terms and conditions as the  
 2285 board may approve. No hearing or notice thereof shall be  
 2286 required prior to the authorization or execution by the board of  
 2287 any such contract or agreement, and the same shall not be  
 2288 subject to revision except in accordance with their terms. Such  
 2289 contracts or agreements, and revenues or service charges  
 2290 received or to be received by the district thereunder, may be  
 2291 pledged as security for any of the lands of the district.

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2292       Section 53. Recovery of delinquent charges.--In the event  
 2293 that any of the rates, fees, rentals, charges, or delinquent  
 2294 penalties shall not be paid as and when due and shall be in  
 2295 default for 30 days or more, the unpaid balance thereof and all  
 2296 interest accrued thereon, together with reasonable attorney's  
 2297 fees and costs, may be recovered by the district in a civil  
 2298 action.

2299       Section 54. Discontinuance of service.--In the event that  
 2300 the fees, rentals, or other charges for the services and  
 2301 facilities of any project are not paid when due, the board shall  
 2302 have the power to discontinue and shut off the same until such  
 2303 fees, rentals, or other charges, including interest, penalties,  
 2304 and charges for the shutting off and discontinuance and the  
 2305 restoration of such services and facilities, are fully paid, and  
 2306 for such purposes may enter on any lands, waters, and premises  
 2307 of any person, firm, corporation, or body, public or private,  
 2308 within or without the district limits. Such delinquent fees,  
 2309 rentals, or other charges, together with interest, penalties,  
 2310 and charges for the shutting off and discontinuance and the  
 2311 restoration of such services and facilities, and reasonable  
 2312 attorney's fees and other expenses, may be recovered by the  
 2313 district may also enforce payment of such delinquent fees,  
 2314 rentals, or other charges by any other lawful method of  
 2315 enforcement.

2316       Section 55. Action taken on consent of landowners.--Any  
 2317 action required under this act or under chapter 298, Florida  
 2318 Statutes, to be taken on public hearing for the purpose of  
 2319 receiving and passing on such objections by landowners may be  
 2320 taken without such notice or hearing upon the written consent of



ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2321 all of the landowners affected by such action.

2322 Section 56. Enforcement and penalties.--The board or any  
 2323 aggrieved person may have recourse to such remedies in law and  
 2324 equity as may be necessary to ensure compliance with the  
 2325 provisions of this act, including injunctive relief to enjoin or  
 2326 restrain any person violating the provisions of this act, and  
 2327 any bylaws, resolutions, regulations, rules, codes, and orders  
 2328 adopted under this act. In case any building or structure is  
 2329 erected, constructed, reconstructed, altered, repaired,  
 2330 converted, or maintained, or any building, structure, land, or  
 2331 water is used, in violation of this act, or of any code, order,  
 2332 resolution or other regulation made under authority conferred by  
 2333 this act or under law, the board and any citizen residing in the  
 2334 district may institute any appropriate action or proceeding to  
 2335 prevent such unlawful erection, construction, reconstruction,  
 2336 alteration, repair, conversion, maintenance, or use, to  
 2337 restrain, correct or avoid such violation, to prevent the  
 2338 occupancy of such building, structure, land or water, and to  
 2339 prevent any illegal act, conduct, business, or use in or about  
 2340 such premises, land, or water.

2341 Section 57. Suits against the district.--No suit or action  
 2342 shall be brought or maintained against the district for damages  
 2343 arising out of tort or breach of contract, including without  
 2344 limitation any claim arising upon account of an act causing a  
 2345 wrongful death, unless written notice of such claim is, within  
 2346 180 days after receiving the alleged injury, given to the  
 2347 secretary of the board, with detailed specifications as to the  
 2348 time, place, and manner of injury. No such suit or action shall  
 2349 be brought or maintained unless brought within 24 months from

ENROLLED

HB 1487, Engrossed 1

2005 Legislature

2350 the time of the injury or damages.

2351 Section 58. Exemption of district property from  
 2352 execution.--All district property shall be exempt from levy and  
 2353 sale by virtue of an execution and no execution or other  
 2354 judicial process shall issue against such property, nor shall  
 2355 any judgment against the district be a charge or lien on its  
 2356 property or revenues, provided that nothing herein contained  
 2357 shall apply to or limit the rights of bondholders to pursue any  
 2358 remedy for the enforcement of any lien or pledge given by the  
 2359 district in connection with any of the bonds or obligations of  
 2360 the district.

2361 Section 4. Chapters 71-669, 77-563, 88-461, and 90-434,  
 2362 Laws of Florida, are repealed.

2363 Section 5. In any case one or more of the sections or  
 2364 provisions of this act or the application of such sections or  
 2365 provisions to any situation, circumstances, or person shall for  
 2366 any reason be held to be unconstitutional, such  
 2367 unconstitutionality shall not affect any other sections or  
 2368 provisions of this act or the application of such sections or  
 2369 provisions to any other situation, circumstances, or person, and  
 2370 it is intended that this act shall be construed and applied as  
 2371 if such section or provision had not been included in this act  
 2372 for any unconstitutional application.

2373 Section 6. This act shall take effect upon becoming a law.