

By Senator Alexander

17-1687-05

See HB 1487

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 Chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 The East half of Section 9;

19 All of Section 10;

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

23 The South 1/2 of Section 11 less the North 5/8
24 of the East half of the Southeast 1/4 of said
25 Section 11, and less the East 210 feet of the
26 West 552 feet of the North 210 feet of the
27 South 495 feet of the Southeast 1/4 of said
28 Section 11, and less the present right of way
29 of said U.S. Highway No. 98 and less a tract of
30 land in Lot 5, Section 11, recorded in Deed
31 Book 129, Page 553, Public Records of Highlands

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

1 line of Spring Lake Section One Subdivision,
2 Plat Book 9, Page 23, Public Records of
3 Highlands County, Florida;
4 All that part of fractional Section 23 lying
5 Southerly of the Subdivision of Spring Lake
6 Section One, as recorded in Plat Book 9, Page
7 23, of the Public Records of Highlands County,
8 Florida;
9 All containing 3,359 acres, more or less.
10 which said lands are included within the
11 following described boundaries:
12 Beginning at the Northwest corner of the East
13 Half (E 1/2) of Section 9, Township 35 South,
14 Range 30 East; thence South 89°38'30" East
15 along the North line of said Section 9, (said
16 North line of Section 9 is assumed to bear
17 South 89°38'30" East and all other bearings
18 shown herein are relative thereto) a distance
19 of 2,713.31 feet to the Northwest corner of
20 Section 10; thence South 89°59'14" East along
21 the North line of said Section 10, a distance
22 of 4,869.06 feet to the Northeast corner of
23 said Section 10; thence South 00°00'16" West
24 along the East line of Section 10, a distance
25 of 2978.76 feet to the North line of the South
26 Half (S 1/2) of Section 11; thence South
27 89°53'44" East along said North line of the
28 South half (S 1/2) of said Section 11, a
29 distance of 4,216.90 feet; thence South
30 00°12'18" West, a distance of 2,152.51 feet;
31 thence North 89°58'44" East, a distance of

1 340.51 feet; thence South 01°20'00" East, a
2 distance of 210 feet; thence North 89°58'44"
3 East, a distance of 210 feet; thence North
4 01°20'00" West, a distance of 210 feet; thence
5 North 89°58'44" East, a distance of 770 feet to
6 the East line of said Section 11; thence South
7 00°12'18" West along said East line of Section
8 11, a distance of 495 feet to the Southwest
9 corner of Fractional Section 12; thence North
10 36°12'54" East along the Northwesterly line of
11 Government Lot 12 of said Fractional Section
12 12, a distance of 1,405.21 feet; thence North
13 70°08'05" East along the Government Meander
14 Line of Government Lots 12 and 13, of said
15 Fractional Section 12, a distance of 793.48
16 feet; thence North 36°18'51" East, a distance
17 of 992.76 feet; thence North 52°43'14" East, a
18 distance of 641.15 feet, more or less, to the
19 Northeast corner of said Government Lot 13;
20 thence South 00°24'59" West, a distance of
21 1,947.37 feet, more or less, to the shoreline
22 of Lake Istokpoga; thence Southwesterly along
23 the shoreline of Lake Istokpoga through
24 Fractional Sections 12, 13, 14, 23 and part of
25 Fractional Section 22 to the intersection of
26 the shoreline and the Southerly extension of
27 the West line of Spring Lake Section One a
28 Subdivision recorded in Plat Book 9, Page 23,
29 Public Records of Highlands County, Florida;
30 thence North along said Southerly extension a
31 distance of 1434.17 feet more or less to the

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

1 North right of way line, a distance of 553.20
2 feet to the East line of Section 17; thence
3 North 88°52'15" West along said North right of
4 way line, a distance of 2,047.78 feet; thence
5 North 88°43'15" West along said North right of
6 way line, a distance of 3,222.59 feet to the
7 East line of Section 18; thence continue North
8 88°43'15" West along said North right of way
9 line, a distance of 3,315.44 feet; thence North
10 04°26'45" West, a distance of 364.50 feet;
11 thence South 85°33'15" West, a distance of
12 223.77 feet to the East right of way line of
13 the Access Road to Hendricks Field as now laid
14 out and in use; thence Northerly along the arc
15 of a curve concave to the left, having a radius
16 of 1,008.20 feet and a central angle of
17 41°13'42", a distance of 725.46 feet; thence
18 North 01°52'15" West along the tangent to said
19 curve and said East right of way line, a
20 distance of 1,741.82 feet to the beginning of a
21 curve concave to the right having a radius of
22 2,814.79 feet and a central angle of 03°39'30";
23 thence Northerly along the arc of said curve
24 and said East right of way line, a distance of
25 179.72 feet to the North line of Section 18;
26 thence North 89°02'39" East along said North
27 line of said Section 18, a distance of 3,390.48
28 feet to the Northeast corner of Section 18;
29 thence North 88°18'45" East along the North
30 line of Section 17, a distance of 5,285.76 feet
31 to the Northeast corner of said Section 17;

1 thence South 89°46'15" East along the North
2 line of Section 16, a distance of 2,648.72 feet
3 to the West line of the East Half (E 1/2) of
4 said Section 9, thence North 03°29'15" East
5 along said West line, a distance of 5,126.74
6 feet to the Northwest corner of the East Half
7 (E 1/2) of Section 9 and the Point of
8 Beginning.
9 Less the existing right of way of U.S. Highway
10 No. 98.
11 Also less a tract of land in Government Lot 5,
12 Section 11, Township 35 South, Range 30 East,
13 recorded in Deed Book 129, Page 553, Public
14 Records of Highlands County, Florida, lying
15 South and West of Arbuckle Creek, containing
16 one acre.
17 Also less a tract of land recorded in Deed Book
18 128, Page 304, Public Records of Highlands
19 County, Florida, containing one acre.
20 Containing 3,359 acres, more or less.
21 Section 4. Applicability of certain provisions of
22 chapter 298, Florida Statutes, to the Spring Lake Improvement
23 District; inconsistent laws inapplicable.--The provisions of
24 chapter 298, Florida Statutes, and all amendments thereto, now
25 existing or hereafter enacted, are declared to be applicable
26 to the Spring Lake Improvement District insofar as not
27 inconsistent with the provisions of this act or any subsequent
28 special acts relating to the Spring Lake Improvement District.
29 Notwithstanding the foregoing, the provisions of sections
30 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.19,
31 298.20, 298.23, 298.24, 298.25, 298.365, 298.366, 298.401,

1 298.41, 298.465, 298.48, 298.52, 298.54, 298.56, 298.57,
2 298.61, 298.70, 298.71, 298.72, 298.73, and 298.74, Florida
3 Statutes, and amendments thereto, shall not be applicable to
4 the Spring Lake Improvement District.

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

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

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

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

27 (4) "Cost," when used with reference to any project,
28 includes, but is not limited to, the expenses of determining
29 the feasibility or practicability of acquisition,
30 construction, or reconstruction; the cost of surveys,
31 estimates, plans, and specifications; the cost of acquisition,

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

29 (5) "District" means the Spring Lake Improvement
30 District and "district manager" means the manager of the
31 district.

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

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

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

30 (9) "Water and flood control facilities" means any
31 canals, ditches, or other drainage facilities, reservoirs,

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

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

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

26 (1) The board of the district shall exercise the
27 powers granted to the district under this act and under
28 chapter 298, Florida Statutes. The board shall consist of the
29 number of members, and each member shall hold office for the
30 term of years until his or her successor shall be chosen and
31 shall qualify, as set forth in section 189.4051, Florida

1 Statutes. All members of the board shall be landowners within
2 the district.

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

1 district from the election provisions of section 189.4051,
2 Florida Statutes.

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

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

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

18 (6) A majority of the members of the board shall
19 constitute a quorum.

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

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

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

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

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

1 performance by the treasurer of his or her powers and duties.

2 The board shall audit or have audited the books of the
3 treasurer at least once a year.

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

29 (11) To impose and foreclose special assessment liens
30 as hereinafter provided.

31

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

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

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

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

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

25 (17) To construct, improve, and maintain roadways and
26 roads necessary and convenient to provide access to and
27 efficient development of areas made suitable and available for
28 cultivation, settlement, urban subdivision, homesites, and
29 other beneficial developments as a result of the drainage
30 operations of the district.

31

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

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

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

26 (21) To own, acquire, construct, reconstruct, equip,
27 operate, maintain, extend, and improve water systems and sewer
28 systems or combined water and sewer systems; to regulate the
29 use of sewers and the supply of water within the district and
30 to prohibit or regulate the use and maintenance of outhouses,
31 privies, septic tanks, or other sanitary structures or

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

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

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

1 (24) To build, install, maintain, and operate
2 streetlights.

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

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

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

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

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

26 Section 13. Annual budget.--Prior to May 15th of each
27 year after the effective date of this act, the secretary of
28 the district shall prepare a proposed budget to be submitted
29 to the board for their approval. The proposed budget shall
30 include an estimate of all necessary expenditures of the
31 district for the next ensuing fiscal year and an estimate of

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

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

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

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

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

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

1 Section 15. Water control plan; proceedings
2 thereof.--The board may proceed to adopt a water control plan
3 as provided in chapter 298, Florida Statutes, or as provided
4 in this section, in which case the following shall apply:
5 (1) The board shall cause to be made by the chief
6 engineer or such other engineer or engineers as the board may
7 employ for that purpose, a complete and comprehensive plan for
8 the drainage and reclamation of the lands located within the
9 district. The engineer or engineers designated by the board to
10 make said plan shall make all necessary surveys of the lands
11 within the boundary lines of said district and of all lands
12 adjacent thereto that will be improved or reclaimed in part or
13 in whole by any system of drainage that may be outlined and
14 adopted, and shall make a report in writing to the board with
15 maps and profiles of said surveys, which report shall contain
16 a full and complete plan for drainage and reclaiming the lands
17 located within the district from overflow or damage by water,
18 with the length, width, and depth of such canals, ditches,
19 dikes, or levees or other works as may be necessary in
20 conjunction with any canals, drains, ditches, dikes, levees,
21 or other works heretofore constructed by any other drainage or
22 reclamation district, or any other person or persons, or which
23 may hereafter be built by any or either of such agencies that
24 may be necessary or which can be advantageously used in such
25 plan and also an estimate of the cost of carrying out and
26 completing the plan of reclamation, including the cost of
27 superintending the same and all incidental expenses in
28 connection therewith.
29 (2) Upon the completion of such plan, the board shall
30 hold a hearing thereon to hear objections thereto and shall
31 give notice of the time and place fixed for such hearing by

1 publication once each week for 2 consecutive weeks in a
2 newspaper published in Highlands County in general circulation
3 within the district, and shall permit the inspection of said
4 plan at the office of the district by all persons interested.
5 All objections to said plan shall be filed at or before the
6 time fixed in said notice for the hearing and shall be in
7 writing.

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

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

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

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

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

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

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

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

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

30 (10) Upon the filing of the report of the
31 commissioners, the clerk shall give notice thereof by

1 publishing once a week for 2 consecutive weeks in a newspaper
2 published in Highlands County in general circulation within
3 the district. It shall not be necessary for the clerk to name
4 the parties interested, nor to describe separate lots or
5 tracts of land giving said notice, but it shall be sufficient
6 to publish the said notice in the following form:

7 "NOTICE OF FILING COMMISSIONERS' REPORT FOR
8 SPRING LAKE IMPROVEMENT DISTRICT.

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

26 _____
27 Clerk of the Circuit Court of
28 Highlands County, Florida"
29 _____

30 The drainage district or any owner of land or other property
31 to be affected by said report may file exception to any part,

1 or all, of the report of said commissioners within the time
2 specified in the notice prescribed in the preceding paragraph.
3 All exceptions shall be heard and determined by the court. If
4 no exceptions are filed, or if it is shown, upon the hearing
5 of all of said exceptions, that the estimated cost of
6 construction of improvements contemplated in the plan is less
7 than the benefits assessed against the lands in said district,
8 the court shall approve and confirm said commissioners'
9 report; but, if the court upon hearing the objections filed,
10 finds that any or all such objections should be sustained, it
11 shall order the report changed to conform with such findings,
12 and when so changed the court shall approve and conform such
13 report and enter its decree accordingly. The court shall
14 adjudge and apportion the costs incurred by the exceptions
15 filed, and shall condemn any land or other property, that is
16 shown by the report of the commissioners to be needed for
17 rights-of-way, holding basins, or other works, following the
18 procedure provided in chapters 73 and 74, Florida Statutes;
19 provided, however, that any property owner may accept the
20 assessment of damages in his or her favor made by the
21 commissioners, or acquiesce in their failure to assess damages
22 in his or her favor, and shall be construed to have done so,
23 unless he or she gives the supervisors of the district, on or
24 before the time shall have expired for filing exceptions, as
25 provided in this act, notice in writing that he or she demands
26 an assessment of his or her damages by a jury; in which event
27 the supervisors of the district shall institute in the circuit
28 court of Highlands County an action to condemn the lands and
29 other property that must be taken or damaged in the making of
30 such improvements, with the right and privilege of paying into
31 court a sum to be fixed by the circuit court or judge, and

1 proceeding with the work, before the assessment by the jury;
2 provided, any person or party interested may prosecute and
3 appeal to the appropriate district court of appeal in the
4 manner and within the time provided by the Florida appellate
5 rules.

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

12 Section 16. Adoption, revision, and revocation of
13 water control plan.--In addition to and not in limitation of
14 its powers to provide for and adopt a water control plan
15 provided in section 15 and under section 298, Florida
16 Statutes, and amendments thereto, the board may at any time
17 and from time to time adopt, revoke, or modify in whole or in
18 part, any plan or any plan providing for the drainage of lands
19 within the district, and may provide for such new and
20 additional drainage facilities, canals, ditches, levees, and
21 other works as the board may determine. In connection with the
22 revision of any plan or the providing of any new or additional
23 drainage facilities, canals, ditches, levees, or other works,
24 or in the event the total taxes and assessments theretofore
25 levied or the funds derived from the sale of bonds are
26 insufficient to pay the cost of any drainage works, benefits
27 may be reassessed, additional assessments made, and taxes
28 levied in accordance with the procedures provided in this act
29 or in chapter 298, Florida Statutes. The board may at any time
30 approve and make effective technical changes or modifications
31

1 in any plan or drainage not affecting assessed benefits, levy
2 of taxes, or the security of bondholders.

3 Section 17. Assessing land for reclamation;
4 apportionment of tax; lands belonging to state assessed;
5 drainage tax record.--After the lists of lands, with the
6 assessed benefits and the decree and judgment of court, have
7 been filed in the office of the clerk of the circuit court as
8 provided in section 15, then the board shall, without any
9 unnecessary delay, levy a tax of such portion of said lands in
10 the district to which benefits have been assessed, as may be
11 found necessary by the board of supervisors to pay the costs
12 of the completion of the proposed works and improvements, as
13 shown in said plan and in carrying out the objects of said
14 district; and, in addition thereto, 10 percent of said total
15 amount for emergencies. The said tax shall be apportioned to,
16 and levied on, each tract of land in said district in
17 proportion to the benefits assessed, and not in excess
18 thereof; and in case bonds are issued, as provided in this
19 chapter, a tax shall be levied in a sum not less than an
20 amount 90 percent of which shall be equal to the principal of
21 said bonds. The amount of bonds to be issued for paying the
22 cost of the works as set forth in the plan shall be
23 ascertained and determined by the board, provided, however,
24 that the total amount of all bonds to be issued by the
25 district shall in no case exceed 90 percent of the benefits
26 assessed upon the lands of the district. The amount of the
27 interest (as estimated by said board), which will accrue on
28 such bonds, shall be included and added to the said tax, but
29 the interest to accrue on account of the issuing of said bonds
30 shall not be construed as a part of the costs of construction
31 in determining whether or not the expenses and costs of making

1 said improvements are equal to, or in excess of, the benefits
2 assessed. The secretary of the board of supervisors, as soon
3 as said total tax is levied, shall, at the expense of the
4 district, prepare a list of all taxes levied, in the form of a
5 well-bound book, which book shall be endorsed and named
6 "DRAINAGE TAX RECORD OF SPRING LAKE IMPROVEMENT DISTRICT,
7 HIGHLANDS COUNTY, FLORIDA," which endorsement shall be printed
8 or written at the top of each page in said book, and shall be
9 signed and certified by the president and secretary of the
10 board, attested by the seal of the district, and the same
11 shall thereafter become a permanent record in the office of
12 said secretary.

13 Section 18. Prepayment of taxes or assessments.--The
14 board may provide that any tax or assessment may be paid at
15 any time before due, together with the interest accrued
16 thereon to the date of prepayment and any prepayment premiums
17 or penalties, if such prior payment shall be permitted by the
18 proceedings authorizing any bonds or other obligations for the
19 payment of which special assessments have been pledged or
20 taxes levied.

21 Section 19. Tax liens.--All taxes of the district
22 provided for in this act or chapter 298, Florida Statutes,
23 together with all penalties for default in the payment of the
24 same and all costs in collecting the same including reasonable
25 attorney's fees fixed by the court and taxed as cost in the
26 action brought to enforce payment, shall from January 1 for
27 each year the property is liable to assessment and until paid
28 constitute a lien of equal dignity with the liens for state
29 and county taxes and other taxes of equal dignity with state
30 and county taxes upon all the lands against which such taxes
31 shall be levied. A sale of any of the real property within the

1 district for state and county or other taxes shall not operate
2 to relieve or release the property so sold from the lien for
3 subsequent district taxes or installments of district taxes
4 which lien may be enforced against such property as though no
5 such sale thereof had been made. The provisions of section
6 194.171, Florida Statutes, and amendments thereto shall be
7 applicable to district taxes with the same force and effect as
8 if said provisions were expressly set forth in this act.

9 Section 20. Issuance of bond anticipation notes.--In
10 addition to the other powers provided for in this act and not
11 in limitation thereof, the district shall have the power, at
12 any time and from time to time after the issuance of any bonds
13 of the district shall have been authorized, to borrow money
14 for the purposes for which such bonds are to be issued in
15 anticipation of the receipt of the proceeds of the sale of
16 such bonds and to issue bond anticipation notes in a principal
17 sum not in excess of the authorized maximum amount of such
18 bond issue. Such notes shall be in such denomination or
19 denominations, bear interest at such rate as the board may
20 determine not to exceed 10 percent per annum, mature at such
21 time or times not later than 5 years from the date of
22 issuance, and be in such form and executed in such manner as
23 the board shall prescribe. Such notes may be sold at either
24 public or private sale or, if such notes shall be renewal
25 notes, may be exchanged for notes then outstanding on such
26 terms as the board shall determine. Such notes shall be paid
27 from the proceeds of such bonds when issued. The board may in
28 its discretion, in lieu of retiring the notes by means of
29 bonds, retire them by means of current revenues or from any
30 taxes or assessments levied for the payment of such bonds, but
31

1 in such event a like amount of the bonds authorized shall not
2 be issued.

3 Section 21. Short-term borrowing.--The district at any
4 time may obtain loans, in such amount and on such terms and
5 conditions as the board may approve, for the purpose of paying
6 any of the expenses of the district or any costs incurred or
7 that may be incurred in connection with any of the projects of
8 the district, which loans shall have a term not exceeding 2
9 years from the date of issuance thereof, and may be renewable
10 for a like term or terms, shall bear such interest as the
11 board may determine, not to exceed 10 percent per annum, and
12 may be payable from and secured by a pledge of such funds,
13 revenues, taxes, and assessments as the board may determine.
14 For the purpose of defraying such costs and expenses, the
15 district may issue negotiable notes, warrants, or other
16 evidences of debt signed on behalf of the district by any one
17 of the board duly authorized by the board, such notes or other
18 evidences of indebtedness to be payable at such times, to bear
19 such interest as the board may determine not to exceed 10
20 percent per annum, and to be sold or discounted at such price
21 or prices and on such terms as the board may deem advisable.
22 The board shall have the right to provide for the payment
23 thereof by pledging the whole or any part of the funds,
24 revenues, taxes, and assessments of the district. The approval
25 of the qualified electors who are freeholders residing in the
26 district shall not be necessary except where required by the
27 Florida Constitution.

28 Section 22. Issuance of bonds.--In the discretion of
29 the board, any issue of bonds may be secured by a trust
30 agreement by and between the district and a corporate trustee
31 or trustees, which may be any trust company or bank having the

1 powers of a trust company within or without the state. The
2 resolution authorizing the issuance of the bonds or such trust
3 agreement may pledge the revenues to be received from any
4 projects of the district and may contain such provisions for
5 protecting and enforcing the rights and remedies of the
6 bondholders as the board may approve, including, without
7 limitation, covenants, setting forth the duties of the
8 district in relation to the acquisition, construction,
9 reconstructions, improvements, maintenance, repair, operation,
10 and insurance of any projects, the fixing and revising of the
11 rates, fees, and charges, and the custody, safeguarding, and
12 application of all moneys, and for the employment of
13 counseling engineers in connection with such acquisition,
14 construction, reconstruction, improvement, maintenance,
15 repair, or operation. It shall be lawful for any bank or trust
16 company incorporated under the laws of the state which may act
17 as a depository of the proceeds of bonds or of revenues to
18 furnish such indemnifying bonds or to pledge such securities
19 as may be required by the district. Such resolution or trust
20 agreement may set forth the rights and remedies of the
21 bondholders and of the trustee, if any, and may restrict the
22 individual right of action by bondholders. The board may
23 provide for the payment of the proceeds of the sale of the
24 bonds and the revenues of any project to such officer, board,
25 or depository as it may designate for the custody thereof, and
26 for the method of disbursement thereof with such safeguards
27 and restrictions as it may determine. All expenses incurred in
28 carrying out the provisions of such resolution or trust
29 agreement may be treated as party of the cost of operation of
30 the project to which such trust agreement pertains.
31

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

18 (1) The money paid for the bonds.

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

22 (3) In the case of special assessment or revenue
23 bonds, the amount of any indebtedness to contractors or other
24 persons paid with such bonds, or the fair value of any
25 properties exchanged for the bonds, as determined by the
26 board.

27 Section 24. Authorization and form of bonds.--Bonds
28 may be authorized by resolution or resolutions of the board,
29 which shall be adopted by a majority of all the members
30 thereof then in office. Such resolution or resolutions may be
31 adopted at the same meeting at which they are introduced, and

1 need not be published or posted. The board may by resolution
2 authorize the issuance of bonds, fix the aggregate amount of
3 bonds to be issued, the purpose or purposes for which the
4 moneys derived therefrom shall be expended, the rate or rates
5 of interest, not to exceed 10 percent per annum, the
6 denomination of the bonds, whether or not the bonds are to be
7 issued in one or more series, the date or dates of maturity,
8 which shall not exceed 40 years from their respective dates of
9 issuance, the medium of payment, the place or places within or
10 without the state where payment shall be made, registration
11 privileges, redemption terms and privileges (whether with or
12 without premium), the manner of execution, the form of the
13 bonds including any interest coupons to be attached thereto,
14 the manner of execution of bonds and coupons, and any and all
15 other terms, covenants, and conditions thereof, and the
16 establishment of revenue or other funds. Such authorizing
17 resolution may further provide that such bonds may be executed
18 manually or by engraved, lithographed, or facsimile signature,
19 provided that where signatures are engraved, lithographed, or
20 facsimiled no bond shall be valid unless countersigned by a
21 registrar or other officer designated by appropriate
22 resolution of the board. The seal of the district may be
23 affixed, lithographed, engraved, or otherwise reproduced in
24 facsimile on such bonds. In case any officer whose signature
25 shall appear on any bonds or coupons shall cease to be such
26 officer before the delivery of such bonds, such signature or
27 facsimile shall nevertheless be valid and sufficient for all
28 purposes the same as if he or she had remained in office until
29 such delivery.

30 Section 25. Interim certificates; replacement
31 certificates.--Pending the preparation of definitive bonds,

1 the board may issue interim certificates or receipts or
2 temporary bonds, in such form and with such provisions as the
3 board may determine, exchangeable for definitive bonds when
4 such bonds shall have been executed and are available for
5 delivery. The board may also provide for the replacement of
6 any bond which shall become mutilated, lost, or destroyed.

7 Section 26. Negotiability of bonds.--Any bond issued
8 under this act and any interim certificate or receipt or
9 temporary bond shall, in the absence of an express recital on
10 the face thereof that it is nonnegotiable, be fully negotiable
11 and shall be and constitute negotiable instruments within the
12 meaning and for all purposes of the law merchant and the laws
13 of this state.

14 Section 27. Defeasance.--The board may make such
15 provision with respect to the defeasance of the right, title,
16 and interest of the holders of any of the bonds and
17 obligations of the district in any revenues, funds, or other
18 properties by which such bonds are secured as the board deems
19 appropriate and, without limitation on the foregoing, may
20 provide that when such bonds or obligations become due and
21 payable or shall have been called for redemption, and the
22 whole amount of the principal, interest, and premium, if any,
23 due and payable upon the bonds or obligations then outstanding
24 shall be paid, or sufficient moneys or direct obligations of
25 the United States Government the principal of and the interest
26 on which when due will provide sufficient moneys shall be held
27 or deposited in trust for such purpose, and provision shall
28 also be made for paying all other sums payable in connection
29 with such bonds or other obligations, then and in such event
30 the right, title, and interest of the holders of the bonds in
31 any revenues, funds, or other properties by which such bonds

1 are secured shall thereupon cease, determine, and become void,
2 and the board may apply any surplus in any sinking fund
3 established in connection with such bonds or obligations and
4 all balances remaining in all other funds or accounts other
5 than money held for the redemption or payment of the bonds or
6 other obligations to any lawful purpose of the district as the
7 board shall determine.

8 Section 28. Issuance of additional bonds.--If the
9 proceeds of any bonds shall be less than the cost of
10 completing the project in connection with which such bonds are
11 issued, the board may authorize the issuance of additional
12 bonds, upon such terms and conditions as the board may provide
13 in the resolution authorizing the issuance thereof, but only
14 in compliance with the resolution or other proceedings
15 authorizing the issuance of the original bonds.

16 Section 29. Refunding bonds.--The district shall have
17 the power to issue bonds to provide for the retirement or
18 refunding of any bonds or obligations of the district that at
19 the time of such issuance are or subsequently thereto become
20 due and payable, or that at the time of issuance have been
21 called or will be subject to call for redemption within 10
22 years thereafter, or the surrender of which can be procured
23 from the holders thereof at prices satisfactory to the board.
24 Refunding bonds may be issued at any time when in the judgment
25 of the board such issuance will be advantageous to the
26 district. No approval of the qualified electors who are
27 freeholders residing in the district shall be required for the
28 issuance of refunding bonds except in cases where such
29 approval is required by the Florida Constitution. The board
30 may by resolution confer upon the holders of such refunding
31 bonds all rights, powers, and remedies to which the holders

1 would be entitled if they continued to be the owners and had
2 possession of the bonds for the refinancing of which said
3 refunding bonds are issued, including, but not limited to, the
4 preservation of the lien of such bonds on the revenues of any
5 project or on pledged funds, without extinguishment,
6 impairment, or diminution thereof. The provisions of this act
7 pertaining to bonds of the district shall, unless the context
8 otherwise requires, govern the issuance of refunding bonds,
9 the form and other details thereof, the rights of the holders
10 thereof, and the duties of the board with respect to the same.

11 Section 30. Revenue bonds.--

12 (1) The district shall have the power to issue revenue
13 bonds from time to time without limitation as to amount. Such
14 revenue bonds may be secured by or payable from the gross or
15 net pledge of the revenues to be derived from any project or
16 combination of projects, from the rates, fees, or other
17 charges to be collected from the users of any project or
18 projects, from any revenue-producing undertaking or activity
19 of the district, or from any other source or pledged security.
20 Such bonds shall not constitute an indebtedness of the
21 district, and the approval neither of the qualified electors
22 nor of the qualified electors who are freeholders shall be
23 required unless such bonds are additionally secured by the
24 full faith and credit and taxing power of the district.

25 (2) Any two or more projects may be combined and
26 consolidated into a single project, and may thereafter be
27 operated and maintained as a single project. The revenue bonds
28 authorized herein may be issued to finance any one or more
29 such projects, regardless whether or not such projects have
30 been combined and consolidated into a single project. If the
31 board deems it advisable, the proceedings authorizing such

1 revenue bonds may provide that the district may thereafter
2 combine the projects then being financed or theretofore
3 financed with other projects to be subsequently financed by
4 the district, and that revenue bonds to be thereafter issued
5 by the district shall be on parity with the revenue bonds then
6 being issued, all on such terms, conditions, and limitations
7 as shall be provided, and may further provide that the
8 revenues to be derived from the subsequent projects shall at
9 the time of the issuance of such parity revenue bonds be also
10 pledged to the holders of any revenue bonds theretofore issued
11 to finance the revenue undertakings which are later combined
12 with such subsequent projects. The district may pledge for the
13 security of the revenue bonds a fixed amount, without regard
14 to any fixed proportion of the gross revenues of any project.

15 Section 31. General obligations bonds.--

16 (1) The district shall have the power from time to
17 time to issue general obligation bonds in an aggregate
18 principal amount of bonds outstanding at any one time not in
19 excess of 35 percent of the assessed value of the taxable
20 property within the district as shown on the pertinent tax
21 records at the time of the authorization of the general
22 obligation bonds for which the full faith and credit of the
23 district is pledged. Except for refunding bonds, no general
24 obligation bonds shall be issued unless the issuance thereof
25 shall have been approved at an election of freeholders held in
26 accordance with the requirements for such election as
27 prescribed by the Florida Constitution. Such elections shall
28 be called to be held in the district by the Board of County
29 Commissioners of Highlands County upon the request of the
30 board of the district. The expenses of calling and holding
31 such referendum elections shall be borne by the district and

1 the district shall reimburse the county for any expenses
2 incurred in calling or holding such elections. In the
3 alternative, at the option of the board, the board may make
4 such other provision for the registration of such qualified
5 electors who are freeholders and the calling and holding of
6 such elections as the board may from time to time deem
7 appropriate.

8 (2) The district may pledge its full faith and credit
9 for the payment of the principal and interest on such general
10 obligations bonds, and for any reserve or other funds provided
11 therefor, and may unconditionally and irrevocably pledge
12 itself to levy ad valorem taxes on all taxable property in the
13 district, to the extent necessary for the payment thereof,
14 without limitations as to rate or amount.

15 (3) If the board shall determine to issue general
16 obligation bonds for more than one different purpose, the
17 approval of the issuance of the bonds for each and all such
18 purposes may be submitted to the freeholders on one and the
19 same ballot. The failure of the freeholders to approve the
20 issuance of bonds for any one or more purposes shall not
21 defeat the approval of bonds for any purpose which shall be
22 approved by the freeholders.

23 Section 32. Bonds as legal investment or
24 security.--Notwithstanding any provisions of any other law to
25 the contrary, all bonds issued under the provisions of this
26 act shall constitute legal investments for savings banks,
27 banks, trust companies, insurance companies, executors,
28 administrators, trustees, guardians, and other fiduciaries,
29 and for any board, body, agency, instrumentality, county,
30 municipality, or other political subdivision of the state, and
31 shall be and constitute securities which may be deposited by

1 bands or trust companies as security for deposits of state,
2 county, municipal, or other public funds, or by insurance
3 companies as required or voluntary statutory deposits.

4 Section 33. Covenants.--Any resolution authorizing the
5 issuance of bonds may contain such covenants as the board may
6 deem advisable and all such covenants shall constitute valid
7 and legally binding and enforceable contracts between the
8 district and the bondholders, regardless of the time of
9 issuance thereof. Such covenants may include, without
10 limitation, covenants concerning the disposition of the bond
11 proceeds; the use and dispositions of project revenues; the
12 pledging of revenues, taxes, and assessments; the obligations
13 of the district with respect to the operation of the project
14 and the maintenance of adequate project revenues; the issuance
15 of additional bonds; the appointment, powers, and duties of
16 trustees and receivers; the acquisition of outstanding bonds
17 and obligations; restrictions on the establishing of competing
18 projects or facilities; restrictions on the sale or disposal
19 of the assets and property of the district; the priority of
20 assessment liens; the priority of claims by bondholders on the
21 taxing power of the district; the maintenance of deposits to
22 assure the payment of revenues by users of district facilities
23 and services; the discontinuance of district services by
24 reason of delinquent payments; acceleration upon default; the
25 execution of necessary instruments; the procedure for amending
26 or abrogating covenants with the bondholders; and such other
27 covenants as may be deemed necessary or desirable for the
28 security of the bondholders.

29 Section 34. Validity of bonds; validation
30 proceedings.--
31

1 (1) Any bonds issued by the district shall be
2 incontestable in the hands of bone fide purchasers or holders
3 for value and shall not be invalid because of any irregularity
4 or defects in the proceedings for the issue and sale thereof.
5 Prior to the issuance of any bonds, the district may, but is
6 not required to, publish a notice at least once in a newspaper
7 or newspapers published or of general circulation in Highlands
8 County and within the district stating the date of adoption of
9 the resolution authorizing such obligations the amount, the
10 maximum rate of interest and maturity of such obligations, and
11 the purpose in general terms for which such obligations are to
12 be issued, and further stating that any action or proceeding
13 questioning the validity of such obligations or of the
14 proceedings authorizing the issuance thereof, or of any of the
15 covenants made therein, must be instituted within 20 days
16 after the first publication of such notice, or the validity of
17 such obligations, proceedings and covenants shall not be
18 thereafter questioned in any county whatsoever. If no such
19 action or proceeding is so instituted within such 20-day
20 period, then the validity of such obligations, proceedings,
21 and covenants shall be conclusive, and all persons or parties
22 whatsoever shall be forever barred from questioning the
23 validity of such obligations, proceedings, or covenants in any
24 court whatsoever.

25 (2) The power of the district to issue bonds under the
26 provisions of this act may be determined and any of the bonds
27 of the district may be validated and confirmed by circuit
28 court decree, under the provisions of chapter 75, Florida
29 Statutes, and laws amendatory thereof or supplementary
30 thereto.

31

1 Section 35. Within act furnishes full authority for
2 issuance of bonds.--This act constitutes full and complete
3 authority for the issuance of bonds and the exercise of the
4 powers of the district provided herein. No procedures or
5 proceedings, publications, notices, consents, approvals,
6 orders, acts, or things by the board, or any board, officers,
7 commission, department, agency, or instrumentality of the
8 district, other than those required by this act, shall be
9 required to issue any bonds or to do any act or perform
10 anything under this act, and the issuance or sale of bonds
11 pursuant to the provisions of this act need not comply with
12 the requirements of any other law applicable to the issuance
13 or sale of bonds, except as otherwise provided in this act,
14 and shall not require the consent or approval of any other
15 board, officers, commission, department, agency, or
16 instrumentality of the state or any political subdivision
17 thereof. Except as otherwise provided herein, no proceedings
18 or procedures of any character whatever shall be necessary or
19 required for the issuance of bonds other than the adoption of
20 an appropriate resolution by the board as provided in this act
21 with respect to the issuance of the same. The powers conferred
22 by this act on the district with respect to the issuance and
23 sale of bonds shall be in addition and supplemental to the
24 powers conferred by any other law.

25 Section 36. Pledge by the state to the bondholders of
26 the district and to the federal government.--The state pledges
27 to the holders of any bonds issued under this act that it will
28 not limit or alter the rights of the district to own, acquire,
29 construct, reconstruct, improve, maintain, operate, or furnish
30 the projects or to levy and collect the taxes, assessments,
31 rentals, rates, fees, and other charges provided for herein,

1 and to fulfill the terms of any agreement made with the
2 holders of such bonds or other obligations, that it will not
3 in any way impair the rights or remedies of the holders.

4 Section 37. Ad valorem taxes.--The board shall have
5 the power to levy and assess an ad valorem tax on all the
6 taxable real and tangible personal property in the district to
7 pay the principal of and interest on any general obligation
8 bonds of the district and to provide for any sinking or other
9 funds established in connection with any such bonds. The ad
10 valorem tax provided for herein shall be in addition to county
11 and all other ad valorem taxes provided for by law. Such tax
12 shall be assessed, levied, and collected in the same manner
13 and same time as county taxes.

14 Section 38. Annual installment taxes.--

15 (1) The board shall annually determine, order, and
16 levy the annual installment of the total taxes which are
17 levied under section 298.36, Florida Statutes, which shall be
18 due and be collected during each year that county taxes are
19 due and collected and said annual installment and levy shall
20 be evidenced to and certified by the board not later than
21 August 31 of each year to the Highlands County Property
22 Appraiser. Said tax shall be entered by the county property
23 appraiser on the county tax rolls and shall be collected by
24 the Highlands County Tax Collector in the same manner and same
25 time as county taxes and the proceeds thereof paid to the
26 district. The tax shall be a lien until paid on the property
27 against which assessed and enforceable in like manner as
28 county taxes.

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

1 be levied, collected, and enforced as provided in chapter 298,
2 Florida Statutes.

3 Section 39. Maintenance tax.--To maintain and preserve
4 the drainage improvements or other improvements of the
5 district, a maintenance tax shall be evidenced to and
6 certified by the board of supervisors not later than August 31
7 of each year to the property appraiser and shall be entered by
8 the property appraiser on the county tax rolls and shall be
9 collected by the tax collector in the same manner and time as
10 county taxes and the proceeds therefrom paid to the district.
11 The tax shall be a lien until paid on the property against
12 which assessed and enforceable in like manner as county taxes.
13 If the maintenance is for original construction based upon an
14 apportionment of benefits, the maintenance tax shall be
15 apportioned on the same basis of the net assessments of
16 benefits assessed or accruing for original construction and
17 shall not exceed 10 percent thereof in any one year. If the
18 maintenance is for other drainage improvements or other
19 improvements owned, operated, or acquired by the district, the
20 amount of said maintenance tax shall be determined by the
21 board and assessed by the board upon such lands which may be
22 all of the lands within the district benefited by the
23 maintenance thereof, apportioned between the benefited lands
24 in proportion to the benefits received by each tract of land.

25 Section 40. Enforcement of taxes.--The collection and
26 enforcement of all taxes levied by the district shall be at
27 the same time and in like manner as county taxes and the
28 provisions of the Florida Statutes relating to the sale of
29 lands for unpaid and delinquent taxes; the issuance, sale, and
30 delivery of tax certificates for such unpaid and delinquent
31 county taxes; the redemption thereof; and the issuance to

1 individuals of tax deeds based thereon and all other
2 procedures in connection therewith shall be applicable to the
3 district to the same extent as if said statutory provisions
4 were expressly set forth herein. All taxes shall be subject to
5 the same discounts as county taxes.

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

10 Section 42. Tax exemption.--As the exercise of the
11 powers conferred by this act constitute the performance of
12 essential public functions, and as the projects of the
13 district will constitute public property used for public
14 purposes, all assets and properties of the district, and all
15 bonds issued hereunder and interest paid thereon, and all
16 fees, charges, and other revenues derived by the district from
17 the projects provided by this act shall be exempt from all
18 taxes by the state or by any political subdivision, agency, or
19 instrumentality thereof; provided, however, that nothing in
20 this act shall be deemed to exempt from taxation any property,
21 project, facility, business activity, or enterprise that
22 cannot validly be undertaken as a public function by special
23 taxing districts or other public bodies under the laws and
24 Florida Constitution; and further, that nothing in this act
25 shall be deemed to exempt any property, project, facility,
26 business activity, or enterprise of the district, or revenues
27 derived therefrom, which would be subject to taxation under
28 the general laws of this state if such property, project, or
29 facility were owned or undertaken by a municipal corporation.

30 Section 43. Special assessments.--The board may
31 provide for the construction or reconstruction of assessable

1 improvements as defined in this act, and for the levying of
2 special assessments upon benefited property for the payment
3 thereof, under the provisions of this section.

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

9 (b) The initial proceeding under this section shall be
10 the passage by the board of a resolution ordering the
11 construction or reconstruction of such assessable
12 improvements, indicating the location by terminal points and
13 routes and either giving a description of the improvements by
14 its material, nature, character, and size or giving two or
15 more descriptions with the directions that the material,
16 nature, character, and size shall be subsequently determined
17 in conformity with one of such descriptions. Drainage
18 improvements need not be continuous and may be in more than
19 one locality. The resolution ordering any such improvement may
20 give any short and convenient designation to each improvement
21 ordered thereby, and the property against which assessments
22 are to be made for the cost of such improvement may give any
23 short and convenient designation to each improvement ordered
24 thereby, and the property against which assessments are to be
25 made for the cost of such improvement may be designated as an
26 assessment district, followed by a letter or number or name to
27 distinguish it from other assessment districts, after which it
28 shall be sufficient to refer to such improvement and property
29 by such designation in all proceedings and assessments, except
30 in the notices required by this section.

31

1 (c) As soon as possible after the passage of such
2 resolution, the engineer for the district shall prepare, in
3 duplicate, plans and specifications for each improvement
4 ordered thereby and an estimate of the cost thereof. Such cost
5 shall include, in addition to the items of cost as defined in
6 this act, the following items of incidental expenses:

7 1. Printing and publishing notices and proceedings.

8 2. Costs of abstracts of title.

9 3. Any other expense necessary or proper in conducting
10 the proceedings and work provided for in this section,
11 including the estimated amount of discount, if any, financial
12 expenses upon the sale of assessment bonds or any other
13 obligations issued hereunder for which such special assessment
14 bonds or any other obligations issued hereunder for which such
15 special assessments are to be pledged, and interest prior to
16 and until not more than 2 years after the completion of said
17 assessable improvements. If the resolution shall provide
18 alternative descriptions of material, nature, character, and
19 size, such estimate shall include an estimate of the cost of
20 the improvement of each such description.

21 (d) The district engineer shall next prepare, in
22 duplicate, a tentative apportionment of the estimated total
23 cost of the improvement as between the district and each lot
24 or parcel of land subject to special assessment under the
25 resolution, such apportionment to be made in accordance with
26 the provisions of the resolution and in relation to
27 apportionment of cost provided herein for the preliminary
28 assessment roll. Such tentative apportionment of total
29 estimated cost shall not be held to limit or restrict the
30 duties of the engineer in the preparation of such preliminary
31 assessment roll under subsection (2). One of the duplicates of

1 such plans, specifications, and estimates and such tentative
2 apportionment shall be filed with the secretary of the board,
3 and the other duplicate shall be retained by the engineer in
4 his or her files, all thereof to remain open to public
5 inspection.

6 (2)(a) If the special assessments are to be levied
7 under this subsection, the secretary of the board, upon the
8 filing with him or her of such plans, specifications,
9 estimates, and tentative apportionment of cost, shall publish
10 once in a newspaper published in Highlands County and of
11 general circulation in the district, a notice stating that, at
12 a meeting of the board on a certain day and hour, not earlier
13 than 15 days from such publication, the board will hear
14 objections of all interested persons to the confirmation of
15 such resolution, which notice shall state in brief and general
16 terms a description of the proposed assessable improvements
17 with the location thereof, and shall also state that plans,
18 specifications, estimates, and tentative apportionment of cost
19 thereof are on file with the secretary of the board. A copy of
20 the notice shall be mailed to the landowners of the land to be
21 benefited by construction of the assessable improvement. The
22 landowners shall be determined by reference to the last
23 available tax roll of Highlands County. The secretary of the
24 board shall keep a record in which shall be inscribed, at the
25 request of any person, firm, or corporation having or claiming
26 to have any interest in any lot or parcel of land, the name
27 and post office address of such person, firm, or corporation,
28 together with a brief description or designation of such lot
29 or parcel, and it shall be the duty of the secretary of the
30 board to mail a copy of such notice to such person, firm, or
31 corporation at such address at least 10 days before the time

1 for the hearing as stated in such notice, but the failure of
2 the secretary of the board to keep such record or so to
3 inscribe any name or address or to mail any such notice shall
4 not constitute a valid objection to holding the hearing as
5 provided in this section or to any other action taken under
6 the authority of this section.

7 (b) At the time named in such notice, or to which an
8 adjournment may be taken by the board, the board shall receive
9 any objections of interested persons and may then or
10 thereafter repeal or confirm such resolution with such
11 amendments, if any, as may be desired by the board and which
12 do not cause any additional property to be specially assessed.

13 (c) All objections to any such resolution on the
14 ground that it contains items which cannot be properly
15 assessed against property, or that it is, for any default or
16 defect in the passage or character of the resolution or the
17 plans or specifications or estimate, void or voidable in whole
18 or in part, or that it exceeds the power of the board, shall
19 be made in writing in person or by attorney and filed with the
20 secretary of the board at or before the time or adjourned time
21 of such hearing. Any objections against the making of any
22 assessable improvements not made shall be considered as
23 waived, and if any objection shall be made and overruled or
24 shall not be sustained, the confirmation of the resolution
25 shall be the final adjudication of the issue presented unless
26 proper steps shall be taken in a court of competent
27 jurisdiction to secure relief within 20 days.

28 (d) Whenever any resolution providing for the
29 construction or reconstruction of assessable improvements and
30 for the levying of special assessments upon benefited property
31 for the payment thereof shall have been confirmed, and said

1 special assessments are levied under this subsection as
2 hereinabove provided, or at any time thereafter, the board may
3 issue assessment bonds payable out of such assessments when
4 collected. Such bonds shall mature not later than 2 years
5 after the maturity of the last annual installment in which
6 said special assessments may be paid, as provided in
7 subsection (4), and shall bear such interest as the board may
8 determine not to exceed 10 percent per annum. Such assessment
9 bonds shall be executed, shall have such provisions for
10 redemption prior to maturity, and shall be sold in the manner
11 and be subject to all of the applicable provisions contained
12 in this act applicable to other bonds, except as the same are
13 inconsistent with the provisions of this section. The amount
14 of such assessment bonds for any assessable improvement, prior
15 to the confirmation of the preliminary assessment roll
16 provided for in this subsection shall not exceed the estimated
17 amount of the cost of such assessable improvements which are
18 to be specially assessed against the lands and real estate of
19 the engineer referred to in this section.

20 (e) After the passage of the resolution authorizing
21 the construction or reconstruction of assessable improvements
22 has been confirmed as provided for above where special
23 assessments are levied under this subsection or after the
24 final confirmation of the assessment roll where such
25 assessments are levied under subsection (3), the board may
26 publish, at least once in a newspaper published in Highlands
27 County and of general circulation in the district, a notice
28 calling for sealed bids to be received by the board on a date
29 not earlier than 15 days from the first publication for the
30 construction of the work, unless in the initial resolution the
31 board shall have declared its intention to have the work done

1 by district forces without contract. The notice shall refer in
2 general terms to the extent and nature of the improvements and
3 may identify the same by the short designation indicated in
4 the initial resolution and by reference to the plans and
5 specifications on file. If the initial resolution shall have
6 given two or more alternative descriptions of the assessable
7 improvements as to its material, nature, character, and size,
8 and if the board shall not have theretofore determined upon a
9 definite description, the notice shall call for bids upon each
10 of such descriptions. Bids may be requested for the work as a
11 whole or for any part thereof separately, and bids may be for
12 any one or more of such assessable improvements authorized by
13 the same or different resolutions, but any bid covering work
14 upon more than one improvement shall be in such form as to
15 permit a separation of cost as to each improvement. The notice
16 shall require bidders to file with their bids either a
17 certified check drawn upon an incorporated bank or trust
18 company in such amount or percentage of their respective bids,
19 as the board shall deem advisable, or a bid bond in like
20 amount with corporate surety satisfactory to the board to
21 insure the execution of a contract to carry out the work in
22 accordance with such plans and specifications and insure the
23 filing, at the making of such contract, of a bond in the
24 amount of the contract price with corporate surety
25 satisfactory to the board conditioned for the performance of
26 the work in accordance with such contract. The board shall
27 have the right to reject any or all bids and, if all bids are
28 rejected, the board may readvertise or may determine to do the
29 work by the district forces without contract.

30 (f) Promptly after the completion of the work in the
31 case of special assessments levied under this subsection, the

1 engineer for the district, who is hereby designated as the
2 official of the district to make the preliminary assessment of
3 benefits from assessable improvements, shall prepare a
4 preliminary assessment roll and file the same with the
5 secretary of the board, which roll shall contain the
6 following:

7 1. A description of abutting lots and parcels of land
8 or lands which will benefit from such assessable improvements
9 and the amount of such benefits to each such lot or parcel of
10 land. Such lots and parcels shall include the property of
11 Highlands County and any school district or other political
12 subdivision. There shall also be given the name of the owner
13 of record of each lot or parcel where practicable, and in all
14 cases there shall be given a statement of the method of
15 assessment used by the engineer for determining the benefits.

16 2. The total cost to the improvements and the amount
17 of incidental expense.

18 (g) The preliminary roll shall be advisory only and
19 shall be subject to the action of the board as hereafter
20 provided. Upon the filing with the secretary of the board of
21 the preliminary assessment roll, the secretary of the board
22 shall publish, at least once in a newspaper published in
23 Highlands County and of general circulation within the
24 district, a notice stating that at a meeting of the board to
25 be held on a certain day and hour, not less than 15 days from
26 the date of such publication, which meeting may be a regular,
27 adjourned, or special meeting, all interested persons may
28 appear and file written objections to the confirmation of such
29 roll. Such notice shall state the class of the assessable
30 improvements and the location thereof by terminal points and
31 route.

1 (h) At the time and place stated in such notice, the
2 board shall meet and receive the objections in writing of all
3 interested persons as stated in such notice. The board may
4 adjourn the hearing from time to time. After the completion
5 thereof, the board shall either annul or sustain or modify in
6 whole or in part the prima facie assessment as indicated on
7 such roll, either by confirming the prima facie assessment
8 against any or all lots or parcels described therein or by
9 canceling, increasing, or reducing the same, according to the
10 special benefits which the board decides each such lot or
11 parcel has received or will receive on account of such
12 improvements. If any property which may be chargeable under
13 this section shall have been omitted from the preliminary roll
14 or if the prima facie assessment shall not have been made
15 against it, the board may place on such roll an apportionment
16 to such property. The board shall not confirm any assessment
17 in excess of the special benefits to the property assessed,
18 and the assessments so confirmed shall be in proportion to the
19 special benefits. Forthwith after such confirmation, such
20 assessment roll shall be delivered to the secretary of the
21 board. The assessment so made shall be final and conclusive as
22 to each lot or parcel assessed unless proper steps be taken
23 within 30 days in a court of competent jurisdiction to secure
24 relief. If the assessment against any property shall be
25 sustained or reduced or abated by the court, the secretary of
26 the board shall note that fact on the assessment roll opposite
27 the description of the property affected thereby. The amount
28 of the special assessment against any lot or parcel which may
29 be abated by the court, unless the assessment upon all
30 benefited property be abated, or the amount by which such
31 assessment is so reduced, may by resolution of the board be

1 made chargeable against the district at large; or, at the
2 discretion of the board, a new assessment roll may be prepared
3 and confirmed in the manner hereinabove provided for the
4 preparation and confirmation of the original assessment roll.

5 (i) Pending the final confirmation of such special
6 assessments in the manner provided in this subsection, the
7 district shall have a lien on all such lands and real estate
8 after the confirmation of the initial resolution, in the
9 manner provided in this subsection.

10 (3)(a) The district engineer, under the procedure
11 provided for in this subsection shall next, after the passage
12 of the initial resolution and filing of the plans and
13 estimates of cost by the district engineer, prepare an
14 assessment roll for the district in duplicate, which
15 assessment roll shall contain an apportionment of the
16 estimated total cost of the improvement as between the
17 district and each lot or parcel of land subject to the special
18 assessment under the initial resolution, such apportionment to
19 be made in accordance with the provisions of the initial
20 resolution. One of the duplicates of said assessment roll
21 shall be filed with the secretary of the board, and the other
22 duplicate shall be retained by the district engineer in his
23 files, all thereof to remain open to public inspection.

24 (b) Upon the completion and filing of said assessment
25 roll, the secretary of the board shall cause a copy thereof to
26 be published once in a newspaper published in Highlands County
27 and of general circulation within the district, together with
28 a notice directed to all property owners interested in said
29 special assessments stating that at a meeting of the board on
30 a certain day and hour, not earlier than 15 days from such
31 publication, the board, sitting as an equalizing board, will

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

23 (c) At the time and place named in the notice provided
24 for in paragraph (b), the board shall meet as an equalizing
25 board to hear and consider any and all complaints as to said
26 special assessments, and shall adjust and equalize the said
27 special assessments on a basis of justice and right, and when
28 so equalized and approved such special assessments shall stand
29 confirmed and remain legal, valid, and binding liens upon the
30 properties upon which such special assessments are made, until
31 paid in accordance with the provisions of this act; provided,

1 however, that upon the completion of such improvements, if the
2 actual cost of such assessable improvements is less than the
3 amount of such special assessments levied, the district shall
4 rebate to the owners of any properties which shall have been
5 specially assessed for such assessable improvements the
6 difference in the special assessments as originally made,
7 levied, and confirmed, and the proportionate part of the
8 actual cost of said assessable improvements as finally
9 determined upon the completion of said assessable
10 improvements; and in the event that the actual cost of said
11 assessable improvements shall be more than the amount of such
12 special assessments confirmed and levied, finally determined
13 upon the completion of said assessable improvements, the
14 proportionate part of such excess cost of such assessable
15 improvements may be levied against all of the land and
16 properties against which such special assessments were
17 originally levied, or, in the alternative, the board may, in
18 its discretion, pay such excess cost from any legally
19 available funds.

20 (d) All objections to any such assessment roll on the
21 ground that it contains items which cannot be properly
22 assessed against property, or that it is, for any default or
23 defect in the passage or character of the assessment roll or
24 the plans or specifications or estimate, void or voidable in
25 whole or in part, or that it exceeds the power of the board,
26 shall be made in writing in person or by attorney, and filed
27 with the secretary of the board at or before the time or
28 adjourned time of the such hearing on the assessment roll. Any
29 objections against the making of any assessable improvements
30 not so made shall be considered as waived, and if any
31 objections shall be made and overruled or shall not be

1 sustained, the confirmation of the assessment roll shall be
2 the final adjudication of the issue presented unless proper
3 steps shall be taken in a court of competent jurisdiction to
4 secure relief within 20 days.

5 (e) All the provisions of subsection (2) not
6 inconsistent with this subsection shall apply to the levy of
7 special assessments under this subsection.

8 (4)(a) Any assessment may be paid at the office of the
9 secretary of the board within 60 days after the confirmation
10 thereof, without interest. Thereafter, all assessments shall
11 be payable in equal installments, with interest as determined
12 by the board, not to exceed 10 percent per annum, from the
13 expiration of said 60 days in each of the succeeding number of
14 years which the board shall determine by resolution, not
15 exceeding 20 percent; provided, however, that the board may
16 provide that any assessment may be paid at any time before
17 due, together with interest accrued thereon to the date of
18 payment, if such prior payment shall be permitted by the
19 proceedings authorizing any assessment bonds or other
20 obligations for the payment of which such special assessments
21 have been pledged.

22 (b) All such special assessments levied pursuant to
23 this act may, in the discretion of the board, be collected by
24 the tax collector of the county at the same time as the
25 general county taxes are collected by the tax collector of the
26 county, and the board shall in such event certify to the
27 county tax collector in each year a list of all such special
28 assessments and a description of and names of the owners of
29 the properties against which such special assessments have
30 been levied and the amounts due thereof in such year, and
31 interest thereon for any deficiencies for prior years. The

1 amount to be collected in such year may include, in the
2 discretion of the board, the principal installment of such
3 special assessments which will become due at any time in the
4 next succeeding fiscal year, and all or any part of the
5 interest which will become due on such special assessments
6 during such next fiscal year, together with any deficiencies
7 for prior years.

8 (c) The board may, in lieu of providing for the
9 collection of said special assessments by the tax collector of
10 the county, provide for the collection of said special
11 assessments by the district under such terms and conditions as
12 the board shall determine. In such event, the bills or
13 statements for the amounts due in any fiscal year shall be
14 mailed to the owners of all properties affected by such
15 special assessments at such time or times as the board shall
16 determine, and such bills or statements may include all or any
17 part of the principal and interest which will mature and
18 become due on the annual installments of such special
19 assessments during the fiscal year in which installments of
20 such special assessments are payable.

21 (d) All charges of the county tax collector or of the
22 district, and the fees, costs, and expenses of any paying
23 agents, trustees, or other fiduciaries for assessment bonds
24 issued under this act shall be deemed to be costs of the
25 operation and maintenance of any drainage improvements in
26 connection with which such special assessments were levied;
27 and the board shall be authorized and directed to provide for
28 the payment each year of such costs of collection, fees, and
29 other expenses from the maintenance tax as provided in this
30 act as shall be mutually agreed upon between the board and the
31 county tax collector as additional compensation for his or her

1 services for each such assessment district in which the
2 special assessments are collected by him or her.

3 (e) All assessments shall constitute a lien upon the
4 property so assessed from the date of final confirmation
5 thereof, of the same nature to the same extent as the lien for
6 general county taxes falling due in the same year or years in
7 which such assessments or installments thereof fall due, and
8 any assessment or installment not paid when due shall be
9 collectable with such interest and with a reasonable
10 attorney's fee and costs, but without penalties, by the
11 district by proceedings in a court of equity to foreclose the
12 lien of assessments as a lien for mortgages is or may be
13 foreclosed under the laws of the state; provided that any such
14 proceedings to foreclose shall embrace all installments of
15 principal remaining unpaid with accrued interest thereon,
16 which installments shall, by virtue of the institution of such
17 proceedings, immediately become due and payable. Nevertheless,
18 if, prior to any sale of the property under decree of
19 foreclosure in such proceedings, payment be made of the
20 installment or installments which are shown to be due under
21 the provisions of subsection (2) or subsection (3) of this
22 section, and by this subsection and all costs, including
23 interest and reasonable attorney's fees, such payment shall
24 have the effect of restoring the remaining installments to
25 their original maturities as provided by the resolution passed
26 pursuant to this subsection and the proceedings shall be
27 dismissed. It shall be the duty of the board to enforce the
28 prompt collection of assessments by the means herein provided,
29 and such duty may be enforced at the suit of any holder of
30 bonds issued under this act in a court of competent
31 jurisdiction by mandamus or other appropriate proceedings or

1 action. Not later than 30 days after the annual installments
2 are due and payable, it shall be the duty of the board to
3 direct the attorney for the district to institute actions
4 within 2 months after such direction to enforce the collection
5 of all special assessments for assessable improvements made
6 under this section and remaining due and unpaid at the time of
7 such direction. Such action shall be prosecuted in the manner
8 and under the conditions in and under which mortgages are
9 foreclosed under the laws of the state. It shall be lawful to
10 join in one action the collection of assessments against any
11 or all property assessed by virtue of the same assessment roll
12 unless the court shall deem such joinder prejudicial to the
13 interest of any defendant. The court shall allow a reasonable
14 attorney's fee for the attorney for the district, and the same
15 shall be collectable as a part of or in addition to the costs
16 of the action. At the sale pursuant to decree in any such
17 action, the district may be a purchaser to the same extent as
18 an individual person or corporation, except that the part of
19 the purchase price represented by the assessments sued upon
20 and the interest thereon need not be paid in cash. Property so
21 acquired by the district may be sold or otherwise disposed of.

22 (f) All assessments and charges made under the
23 provisions of this section for payment of all or any part of
24 the cost of any assessable improvements for which assessment
25 bonds shall have been issued under the provisions of this act,
26 or which have been pledged as additional security for any
27 other bonds or obligations issued under this act, shall be
28 maintained in a special fund or funds and be used only for the
29 payment of principal or interest on such assessment bonds or
30 other bonds or obligations.

31

1 (g) Highlands County and each school district and
2 other political subdivision wholly or partly within the
3 district shall possess the same power and be subject to the
4 same duties and liabilities in respect of assessments under
5 this section affecting the real estate of such county, school
6 district, or other political subdivision which private owners
7 of real estate possess or are subject to hereunder, and such
8 real estate of any such county, school district, and political
9 subdivision shall be subject to liens for said assessments in
10 all cases where the same property would be subject to such
11 liens had at the time the lien attached been owned by a
12 private owner.

13 (5)(a) The provisions of this subsection are
14 supplemental, additional, and alternative to the other
15 provisions of this section, and intended to provide an
16 alternate method of procedure for the benefit of the district;
17 and such provisions will, at the election of the board by
18 resolution, apply notwithstanding any other provisions of this
19 act.

20 (b) If assessment bonds are to be issued, at the
21 discretion of the board, the amount of the interest (as
22 estimated by the board) which will accrue on such bonds and
23 the estimated amount of any administrative fees payable to the
24 tax collector or property appraiser, or both, with respect to
25 the collection of such special assessments must be included in
26 and added to, and may be payable from, the special assessments
27 levied pursuant to subsection (2) or subsection (3); but such
28 interest may not be considered in determining whether the
29 assessment exceeds the benefits to the assessed property.
30 Annual installments of special assessments levied pursuant to
31 this subsection will become due and be collected during such

1 years and in such amounts as are determined by the board;
2 provided, however, that no such installments may become due
3 and payable more than 30 years from the date of initial
4 confirmation thereof. The board, in determining the amount of
5 the annual installments of special assessments, shall take
6 into account the amount of principal, premium, if any, and
7 interest coming due on any special assessment bonds and any
8 moneys available for the payment thereof, and a sufficient
9 amount of special assessments must be appropriated by the
10 board for the purpose of paying the principal, premium, if
11 any, and interest of the bonds when due. The special
12 assessments, when collected, must be preserved in a separate
13 fund for the payment of such bonds and, after such payment,
14 may be used by the district for any lawful purpose.

15 (c) If so provided by resolution of the board, the
16 provisions of sections 298.365, 298.366, 298.401, 298.41, and
17 298.465, Florida Statutes, will apply to the collection and
18 enforcement of special assessments levied pursuant to this
19 section as if such assessments constituted taxes levied
20 pursuant to section 298.36, Florida Statutes.

21 (d) If so provided by resolution of the board, in
22 levying and assessing special assessments pursuant to this
23 section based upon the acreage of land being assessed, each
24 tract or parcel of land which is less than 1 acre in area may
25 be assessed as a full acre, and each tract or parcel of land
26 which is 1 acre or more in area may be assessed at the nearest
27 whole number of acres.

28 Section 44. Issuance of certificates of indebtedness
29 based on assessments for assessable improvements; assessment
30 bonds.--

31

1 (1) The board may, after any assessments for
2 assessable improvements are made, determined, and confirmed as
3 provided in section 43, issue certificates of indebtedness for
4 the amount so assessed against the abutting property or
5 property otherwise benefited, as the case may be, and separate
6 certificates shall be issued against each part or parcel of
7 land or property assessed, which certificates shall state the
8 general nature of the improvements for which the said
9 assessment is made. Said certificates shall be payable in
10 annual installments in accordance with the installments of the
11 special assessment for which they are issued. The board may
12 determine the interest to be borne by such certificates, not
13 to exceed 10 percent per annum, and may sell such certificates
14 at either private or public sale and determine the form,
15 manner of execution, and other details of such certificates.
16 Such certificates shall recite that they are payable only from
17 the special assessments levied and collected from the part or
18 parcel of land or property against which they are issued. The
19 proceeds of such certificates may be pledged for the payment
20 of principal of and interest on any revenue bonds or general
21 obligation bonds issued to finance in whole or in part such
22 assessable improvement, or, if not so pledged, may be used to
23 pay the cost or part of the cost of such assessable
24 improvements.

25 (2) The district may also issue assessment bonds or
26 other obligations payable from a special fund into which such
27 certificates of indebtedness referred to in subsection (1) may
28 be deposited; or, if such certificates of indebtedness have
29 not been issued, the district may assign to such special fund
30 for the benefit of the holders of such assessment bonds or
31 other obligations, or to a trustee for such bondholders, the

1 assessment liens provided for in this act unless the
2 certificates of indebtedness or assessment liens have been
3 theretofore pledged for any bonds or other obligations
4 authorized hereunder. In the event of the creation of such
5 special fund and the issuance of such assessment bonds or
6 other obligations, the proceeds of such certificates of
7 indebtedness of assessment liens deposited therein shall be
8 used only for the payment of the assessment bonds or other
9 obligations issued as provided in this section. The district
10 is hereby authorized to covenant with the holders of such
11 assessment bonds or other obligations that it will diligently
12 and faithfully enforce and collect all the special assessments
13 and interest and penalties thereon for which such certificates
14 of indebtedness or assessment liens have been deposited in or
15 assigned to such fund, and to foreclose such assessment liens
16 so assigned to such special fund or represented by the
17 certificates of indebtedness deposited in said special fund,
18 after such assessment liens have become delinquent, and
19 deposit the proceeds derived from such foreclosure, including
20 interest and penalties, in such special fund, and to make any
21 other covenants deemed necessary or advisable in order to
22 properly secure the holders of such assessment bonds or other
23 obligations.

24 (3) The assessment bonds or other obligations issued
25 pursuant to this section shall have such dates of issue and
26 maturity as shall be deemed advisable by the board, provided,
27 however, that the maturities of such assessment bonds or other
28 obligations shall not be more than 2 years after the due date
29 of the last installment which will be payable on any of the
30 special assessments for which such assessment liens, or the
31

1 certificates of indebtedness representing such assessment
2 liens, are assigned to or deposited in such special fund.

3 (4) Such assessment bonds or other obligations issued
4 under this section shall bear such interest as the board may
5 determine not to exceed 10 percent per annum, shall be
6 executed, shall have such provisions for redemption prior to
7 maturity, and shall be sold in the manner and be subject to
8 all of the applicable provisions contained in this act for
9 revenue bonds, except as the same may be inconsistent with the
10 provisions of this section.

11 (5) All assessment bonds or other obligations issued
12 under the provisions of this act, except certificates of
13 indebtedness issued against separate lots or parcels of land
14 or property as provided in this section, shall be and
15 constitute and have all the qualities and incidents of
16 negotiable instruments under the law merchant and the laws of
17 the state.

18 Section 45. Foreclosure of liens.--Any lien in favor
19 of the district arising under chapter 298, Florida Statutes,
20 or under this act may be foreclosed by the district by
21 foreclosure proceedings in the name of the district in the
22 circuit court in like manner as is provided in chapter 173,
23 Florida Statutes, and amendments thereto, and the provisions
24 of said chapter shall be applicable to such proceedings with
25 the same force and effect as if said provisions were expressly
26 set forth in this act. Any act required or authorized to be
27 done by or on behalf of a city or town in foreclosure
28 proceedings under chapter 173, Florida Statutes, may be
29 performed by such officer or agent of the district as the
30 board of supervisors may designate. Such foreclosure
31 proceedings may be brought at any time after the expiration of

1 1 year from the date any tax, or installment thereof, becomes
2 delinquent.

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

6 (1) The district has the right to:

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

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

14 (2) Delinquent taxes paid, or tax sales certificates
15 redeemed or purchased by the district, together with all
16 penalties for the default in payment of the same and all costs
17 in collecting the same and a reasonable attorney's fee, shall
18 constitute a lien in favor of the district of equal dignity
19 with the liens of state and county taxes and other taxes of
20 equal dignity with state and county taxes, upon all the real
21 property against which said taxes were levied. The lien of the
22 district may be foreclosed in the manner provided in this act.

23 (3) In any sale of land pursuant to section 197.542,
24 Florida Statutes, and amendments thereto, the district may
25 certify to the clerk of the circuit court of the county
26 holding such sale, the amount of taxes due to the district
27 upon the lands sought to be sold, and the district shall share
28 in the disbursement of the sales proceeds in accordance with
29 the provisions of this act and under law.

30 Section 47. Mandatory use of certain district
31 facilities and services.--The district may require all lands,

1 buildings, and premises, and all persons, firms, and
2 corporations within the district to use the drainage,
3 reclamation, and water and sewer facilities of the district.
4 Subject to such exceptions as may be provided by the
5 resolutions, rules, or bylaws of the board, and subject to the
6 terms and provisions of any resolution authorizing any bonds
7 and agreements with bondholders, no drainage and reclamation
8 or water and sewer facilities shall be constructed or operated
9 within the district unless the board gives its consent thereto
10 and approves the plans and specifications therefor.

11 Section 48. Bids required.--No contract shall be let
12 by the board for the construction or maintenance of any
13 project authorized by this act, nor shall any goods, supplies,
14 or materials be purchased when the amount thereof to be paid
15 by said district shall exceed the amount provided in section
16 287.017, Florida Statutes, for category two, unless notice of
17 bids shall be advertised once a week for 2 consecutive weeks
18 in a newspaper published in Highlands County and in general
19 circulation within the district, and in each case the bid of
20 the lowest responsible bidder shall be accepted, unless all
21 bids are rejected because the bids are too high. The board may
22 require the bidders to furnish bond with responsible surety to
23 be approved by the board. Nothing in this section shall
24 prevent the board from undertaking and performing the
25 construction, operation, and maintenance of any project or
26 facility authorized by this act by the employment of labor,
27 material, and machinery.

28 Section 49. Maintenance of projects across
29 rights-of-way.--The district shall have the power to construct
30 and operate its projects in, along, or under any dedications
31 to the public, platted rights-of-ways, platted reservations,

1 streets, alleys, highways, or other public places or ways, and
2 across any drain, ditch, canal, floodway, holding basin,
3 excavation, grade, fill, or cut, within or without the
4 district.

5 Section 50. Agreements with state commissions and
6 others.--The board shall have the power to retain and enter
7 into agreements with fiscal agents, financial advisors, state
8 commission, engineers, and other consultants or advisors with
9 respect to the issuance and sale of any bonds, and the cost
10 and expense thereof may be treated as part of the cost and
11 expense of such project. Upon request of the board any state
12 commission may provide such technical assistance or other
13 services relating to bond issues as may be necessary or
14 desirable under the circumstances.

15 Section 51. Agreements with other political bodies for
16 the joint discharge of common functions.--The board and any
17 other political bodies, whether now in existence or hereafter
18 created, are authorized to enter into and carry into effect
19 contracts and agreements relating to the common powers,
20 duties, and functions of the board and any other powers,
21 duties, and functions of the board and any other political
22 bodies, to the end that there may be effective cooperation and
23 coordination in discharging their common functions, powers and
24 duties.

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

27 (1) The district is authorized to prescribe, fix,
28 establish, and collect rates, fees, rentals, or other charges
29 (hereinafter sometimes referred to as "revenues"), and to
30 revise the same from time to time, for the facilities and
31 services furnished by the district, within or without the

1 limits of the district; including, but not limited to,
2 drainage facilities, recreation facilities, and water and
3 sewer systems, to recover the costs of making connection with
4 any district facility or system; and to provide for reasonable
5 penalties against any user or property for any such rates,
6 fees, rentals, or other charges that are delinquent.

7 (2) No such rates, fees, rentals, or other charges for
8 any of the facilities or services of the district shall be
9 fixed until after a public hearing at which all the users of
10 the proposed facility or services or owners, tenants, or
11 occupants served or to be served thereby and all other
12 interested persons shall have an opportunity to be heard
13 concerning the proposed rates, fees, rentals, or other
14 charges. Notice of such public hearing setting forth the
15 proposed schedule or schedules of rates, fees, rentals, and
16 other charges shall have been published in a newspaper in
17 Highlands County and of general circulation within the
18 district at least once at least 10 days prior to such public
19 hearing, which may be adjourned from time to time. After such
20 hearing such schedule or schedules, either as initially
21 proposed or as modified or amended, may be finally adopted. A
22 copy of the schedule or schedules of such rates, fees,
23 rentals, or charges as finally adopted shall be kept on file
24 in an office designated by the board and shall be open at all
25 reasonable times to public inspection. The rates, fees,
26 rentals, or charges so fixed for any class of users or
27 property served shall be extended to cover any additional
28 users or properties thereafter served which shall fall in the
29 same class, without the necessity of any notice or hearing.
30 Any change or revision of rates, fees, rentals, or charges may
31 be made in the same manner as the same were originally

1 established as hereinabove provided, except that if such
2 changes or revisions are made substantially pro rata as to all
3 classes of the type of service involved, no notice or hearing
4 shall be required.

5 (3) Such rates, fees, rentals, and charges shall be
6 just and equitable and uniform for users of the same class
7 and, where appropriate, may be based or computed either upon
8 the amount of service furnished or upon the number or average
9 number of persons residing or working in or otherwise
10 occupying the premises serviced, or upon any other factor
11 affecting the use of the facilities furnished, or upon any
12 combination of the foregoing factors, as may be determined by
13 the board on an equitable basis.

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

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

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

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

28 (5) The board shall have the power to enter into
29 contracts for the use of the projects of the district and with
30 respect to the services and facilities furnished or to be
31 furnished by the district, including, but not limited to,

1 service agreements with landowners and others within or
2 without the district providing for the drainage of land by the
3 district or the furnishing of any of the other services and
4 facilities of the district, for such consideration and on such
5 other terms and conditions as the board may approve. No
6 hearing or notice thereof shall be required prior to the
7 authorization or execution by the board of any such contract
8 or agreement, and the same shall not be subject to revision
9 except in accordance with their terms. Such contracts or
10 agreements, and revenues or service charges received or to be
11 received by the district thereunder, may be pledged as
12 security for any of the lands of the district.

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

20 Section 54. Discontinuance of service.--In the event
21 that the fees, rentals, or other charges for the services and
22 facilities of any project are not paid when due, the board
23 shall have the power to discontinue and shut off the same
24 until such fees, rentals, or other charges, including
25 interest, penalties, and charges for the shutting off and
26 discontinuance and the restoration of such services and
27 facilities, are fully paid, and for such purposes may enter on
28 any lands, waters, and premises of any person, firm,
29 corporation, or body, public or private, within or without the
30 district limits. Such delinquent fees, rentals, or other
31 charges, together with interest, penalties, and charges for

1 the shutting off and discontinuance and the restoration of
2 such services and facilities, and reasonable attorney's fees
3 and other expenses, may be recovered by the district may also
4 enforce payment of such delinquent fees, rentals, or other
5 charges by any other lawful method of enforcement.

6 Section 55. Action taken on consent of
7 landowners.--Any action required under this act or under
8 chapter 298, Florida Statutes, to be taken on public hearing
9 for the purpose of receiving and passing on such objections by
10 landowners may be taken without such notice or hearing upon
11 the written consent of all of the landowners affected by such
12 action.

13 Section 56. Enforcement and penalties.--The board or
14 any aggrieved person may have recourse to such remedies in law
15 and equity as may be necessary to ensure compliance with the
16 provisions of this act, including injunctive relief to enjoin
17 or restrain any person violating the provisions of this act,
18 and any bylaws, resolutions, regulations, rules, codes, and
19 orders adopted under this act. In case any building or
20 structure is erected, constructed, reconstructed, altered,
21 repaired, converted, or maintained, or any building,
22 structure, land, or water is used, in violation of this act,
23 or of any code, order, resolution or other regulation made
24 under authority conferred by this act or under law, the board
25 and any citizen residing in the district may institute any
26 appropriate action or proceeding to prevent such unlawful
27 erection, construction, reconstruction, alteration, repair,
28 conversion, maintenance, or use, to restrain, correct or avoid
29 such violation, to prevent the occupancy of such building,
30 structure, land or water, and to prevent any illegal act,
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1 conduct, business, or use in or about such premises, land, or
2 water.

3 Section 57. Suits against the district.--No suit or
4 action shall be brought or maintained against the district for
5 damages arising out of tort or breach of contract, including
6 without limitation any claim arising upon account of an act
7 causing a wrongful death, unless written notice of such claim
8 is, within 180 days after receiving the alleged injury, given
9 to the secretary of the board, with detailed specifications as
10 to the time, place, and manner of injury. No such suit or
11 action shall be brought or maintained unless brought within 24
12 months from the time of the injury or damages.

13 Section 58. Exemption of district property from
14 execution.--All district property shall be exempt from levy
15 and sale by virtue of an execution and no execution or other
16 judicial process shall issue against such property, nor shall
17 any judgment against the district be a charge or lien on its
18 property or revenues, provided that nothing herein contained
19 shall apply to or limit the rights of bondholders to pursue
20 any remedy for the enforcement of any lien or pledge given by
21 the district in connection with any of the bonds or
22 obligations of the district.

23 Section 4. Chapters 71-669, 77-563, 88-461, and
24 90-434, Laws of Florida, are repealed.

25 Section 5. In any case one or more of the sections or
26 provisions of this act or the application of such sections or
27 provisions to any situation, circumstances, or person shall
28 for any reason be held to be unconstitutional, such
29 unconstitutionality shall not affect any other sections or
30 provisions of this act or the application of such sections or
31 provisions to any other situation, circumstances, or person,

1 and it is intended that this act shall be construed and
2 applied as if such section or provision had not been included
3 in this act for any unconstitutional application.

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

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