

By Senator Bennett

21-1521A-05

See HB 1429

1 A bill to be entitled
2 An act relating to Manatee and Sarasota
3 Counties; creating within portions of such
4 counties the "Lakewood Ranch Stewardship
5 District Act"; providing a popular name;
6 providing legislative findings and intent;
7 providing definitions; stating legislative
8 policy regarding creation of the district;
9 establishing compliance with minimum
10 requirements in s. 189.404(3), F.S., for
11 creation of an independent special district;
12 providing for creation and establishment of the
13 district; establishing the legal boundaries of
14 the district; providing for the jurisdiction
15 and charter of the district; providing for a
16 board of supervisors and establishing
17 membership criteria and election procedures;
18 providing for board members' terms of office;
19 providing for board meetings; providing for
20 administrative duties of the board; providing a
21 method for transition of the board from
22 landowner control to control by the resident
23 electors of the district; providing for a
24 district manager and district personnel;
25 providing for a district treasurer, selection
26 of a public depository, and district budgets
27 and financial reports; providing for the
28 general powers of the district; providing for
29 the special powers of the district to plan,
30 finance, and provide community infrastructure
31 and services within the district; providing

1 that the exercise of the special powers by the
2 district within Manatee and Sarasota Counties
3 is limited until such time as the district
4 enters into an interlocal agreement with the
5 respective county; providing for required
6 notices to purchasers of residential units
7 within the district; providing severability;
8 providing for a referendum; providing an
9 effective date.

10

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

12

13 Section 1. This act may be cited as the "Lakewood
14 Ranch Stewardship District Act."

15 Section 2. Legislative findings and intent;
16 definitions; policy.--

17 (1) LEGISLATIVE FINDINGS AND INTENT.--

18 (a) The extensive lands located within both Manatee
19 and Sarasota Counties and covered by this act contain many
20 opportunities for thoughtful, comprehensive, environmentally
21 responsible, and consistent development over a long period.

22 (b) There is a particular special need to use a
23 specialized and limited single-purpose independent special
24 district unit of local government for the Lakewood Ranch lands
25 located within Sarasota and Manatee Counties and covered by
26 this act to prevent urban sprawl by providing sustaining and
27 freestanding infrastructure and by preventing needless and
28 counterproductive community development when the existing
29 urban area is not yet developed, and to prevent the needless
30 duplication, fragmentation, and proliferation of local
31 government services in a proposed land use area.

1 (c) Management of conservation, environmental,
2 agricultural, and economic challenges and opportunities in the
3 Lakewood Ranch area transcends the boundaries and
4 responsibilities of both private landowners and individual
5 units of government.

6 (d) There is a considerably long period of time during
7 which there is an inordinate burden on the initial landowners
8 of these Lakewood Ranch lands, such that there is a need for
9 flexible management, sequencing, timing, and financing of the
10 various systems, facilities, and services to be provided to
11 these lands, taking into consideration absorption rates,
12 commercial viability, and related factors.

13 (e) While chapter 190, Florida Statutes, provides an
14 opportunity for community development services and facilities
15 to be provided by the establishment of community development
16 districts in a manner that furthers the public interest,
17 current general law prohibits the establishment of a community
18 development district transcending county boundaries. Given the
19 vast nature of the lands covered by this act and the
20 potentially long-term nature of its development, establishing
21 multiple community development districts over these lands
22 would result in an inefficient, duplicative, and needless
23 proliferation of local special purpose government, contrary to
24 the public interest and the Legislature's findings in chapter
25 190, Florida Statutes. Instead, it is in the public interest
26 that the long-range provision for, and management, financing,
27 and long-term maintenance, upkeep, and operation of, services
28 and facilities to be provided for ultimate development of the
29 lands covered by this act be under one coordinated entity.

30 (f) Longer involvement of the initial landowner with
31 regard to the provision of systems, facilities, and services

1 for the Lakewood Ranch lands, coupled with a severely limited
2 and highly specialized single purpose of the District is in
3 the public interest.

4 (g) Any public or private system to provide
5 infrastructure improvements, systems, facilities, and services
6 to these lands must be focused on an unfettered, highly
7 specialized, innovative, responsive, and accountable mechanism
8 to provide the components of infrastructure at sustained
9 levels of high quality over the long term only when and as
10 needed for such a unique community in such a unique area.

11 (h) There is a need to coincide the use and special
12 attributes of various public and private alternatives for the
13 provision of infrastructure to such a community development,
14 including the limited, flexible, focused, and locally
15 accountable management and related financing capabilities of
16 independent special purpose local government.

17 (i) The existence and use of such a limited
18 specialized single purpose local government for the Lakewood
19 Ranch lands, subject to the respective county comprehensive
20 plans, will: result in a high propensity to provide for
21 orderly development and prevent urban sprawl; protect and
22 preserve environmental, conservation, and agricultural uses
23 and assets; enhance the market value for both present and
24 future landowners of the property consistent with the need to
25 protect private property; enhance the net economic benefit to
26 the Sarasota and Manatee Counties area, including an enhanced
27 and well-maintained tax base to the benefit of all present and
28 future taxpayers in Sarasota and Manatee Counties; and result
29 in the sharing of costs of providing certain systems,
30 facilities, and services in an innovative, sequential, and
31

1 flexible manner within the developing area to be serviced by
2 the District.

3 (j) The creation and establishment of the District
4 will encourage local government financial self-sufficiency in
5 providing public facilities and in identifying and
6 implementing physically sound, innovative, and cost-effective
7 techniques to provide and finance public facilities while
8 encouraging development, use, and coordination of capital
9 improvement plans by all levels of government, pursuant to
10 chapter 187, Florida Statutes.

11 (k) The creation and establishment of the District
12 will encourage and enhance cooperation among communities that
13 have unique assets, irrespective of political boundaries, to
14 bring the private and public sectors together for establishing
15 an orderly and environmentally and economically sound plan for
16 current and future needs and growth.

17 (l) The creation and establishment of the District is
18 a legitimate alternative method available to manage, own,
19 operate, construct, and finance capital infrastructure
20 systems, facilities, and services.

21 (m) In order to be responsive to the critical timing
22 required through the exercise of its special management
23 functions, an independent district requires financing of those
24 functions, including bondable lienable and nonlienable
25 revenue, with full and continuing public disclosure and
26 accountability, funded by landowners, both present and future,
27 and funded also by users of the systems, facilities, and
28 services provided to the land area by the District, without
29 unduly burdening the taxpayers and citizens of the state,
30 Sarasota County, Manatee County, or any municipality therein.
31

1 (n) The District created and established by this act
2 shall not have or exercise any comprehensive planning, zoning,
3 or development permitting power; the establishment of the
4 District shall not be considered a development order within
5 the meaning of chapter 380, Florida Statutes; and all
6 applicable planning and permitting laws, rules, regulations,
7 and policies of Sarasota and Manatee Counties control the
8 development of the land to be serviced by the District.

9 (o) The creation by this act of the Lakewood Ranch
10 Stewardship District is not inconsistent with either the
11 Sarasota County or the Manatee County comprehensive plan.

12 (p) It is the legislative intent and purpose that no
13 debt or obligation of the District constitute a burden on any
14 local general-purpose government without its consent.

15 (2) DEFINITIONS.--As used in this act:

16 (a) "Ad valorem bonds" means bonds which are payable
17 from the proceeds of ad valorem taxes levied on real and
18 tangible personal property and which are generally referred to
19 as general obligation bonds.

20 (b) "Assessable improvements" means, without
21 limitation, any and all public improvements and community
22 facilities that the District is empowered to provide in
23 accordance with this act that provide a special benefit to
24 property within the District.

25 (c) "Assessment bonds" means special obligations of
26 the District which are payable solely from proceeds of the
27 special assessments or benefit special assessments levied for
28 assessable improvements, provided that, in lieu of issuing
29 assessment bonds to fund the costs of assessable improvements,
30 the District may issue revenue bonds for such purposes payable
31 from special assessments.

1 (d) "Assessments" means those nonmillage District
2 assessments which include special assessments, benefit special
3 assessments, and maintenance special assessments and a
4 nonmillage, non-ad valorem maintenance tax if authorized by
5 general law.

6 (e) "Lakewood Ranch Stewardship District" means the
7 unit of special and single purpose local government created
8 and chartered by this act, including the creation of its
9 charter, and limited to the performance, in implementing its
10 single purpose, of those general and special powers authorized
11 by its charter under this act, the boundaries of which are set
12 forth by the act, the governing head of which is created and
13 authorized to operate with legal existence by this act, and
14 the purpose of which is as set forth in this act.

15 (f) "Benefit special assessments" are District
16 assessments imposed, levied, and collected pursuant to the
17 provisions of section 6(12)(b).

18 (g) "Board of Supervisors" or "board" means the
19 governing board of the District or, if such board has been
20 abolished, the board, body, or commission assuming the
21 principal functions thereof or to whom the powers given to the
22 board by this act have been given by law.

23 (h) "Bond" includes "certificate," and the provisions
24 that are applicable to bonds are equally applicable to
25 certificates. The term "bond" includes any general obligation
26 bond, assessment bond, refunding bond, revenue bond, and other
27 such obligation in the nature of a bond as is provided for in
28 this act.

29 (i) "Cost" or "costs," when used with reference to any
30 project, includes, but is not limited to:

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- 1 1. The expenses of determining the feasibility or
2 practicability of acquisition, construction, or
3 reconstruction.
- 4 2. The cost of surveys, estimates, plans, and
5 specifications.
- 6 3. The cost of improvements.
- 7 4. Engineering, fiscal, and legal expenses and
8 charges.
- 9 5. The cost of all labor, materials, machinery, and
10 equipment.
- 11 6. The cost of all lands, properties, rights,
12 easements, and franchises acquired.
- 13 7. Financing charges.
- 14 8. The creation of initial reserve and debt service
15 funds.
- 16 9. Working capital.
- 17 10. Interest charges incurred or estimated to be
18 incurred on money borrowed prior to and during construction
19 and acquisition and for such reasonable period of time after
20 completion of construction or acquisition as the board may
21 determine.
- 22 11. The cost of issuance of bonds pursuant to this
23 act, including advertisements and printing.
- 24 12. The cost of any bond or tax referendum held
25 pursuant to this act and all other expenses of issuance of
26 bonds.
- 27 13. The discount, if any, on the sale or exchange of
28 bonds.
- 29 14. Administrative expenses.
- 30 15. Such other expenses as may be necessary or
31 incidental to the acquisition, construction, or reconstruction

1 of any project, or to the financing thereof, or to the
2 development of any lands within the District.

3 16. Payments, contributions, dedications, and any
4 other exactions required as a condition of receiving any
5 governmental approval or permit necessary to accomplish any
6 District purpose.

7 (j) "District" means the Lakewood Ranch Stewardship
8 District.

9 (k) "District manager" means the manager of the
10 District.

11 (l) "District roads" means highways, streets, roads,
12 alleys, sidewalks, landscaping, storm drains, bridges, and
13 thoroughfares of all kinds.

14 (m) "General obligation bonds" means bonds which are
15 secured by, or provide for their payment by, the pledge of the
16 full faith and credit and taxing power of the District, in
17 addition to those special taxes levied for their discharge and
18 such other sources as may be provided for their payment or
19 pledged as security under the resolution authorizing their
20 issuance, and for payment of which recourse may be had against
21 the general fund of the District.

22 (n) "Governing board member" means any member of the
23 Board of Supervisors.

24 (o) "Land development regulations" means those
25 regulations of general purpose local government, adopted under
26 the Florida Local Government Comprehensive Planning and Land
27 Development Regulation Act, codified as part II of chapter
28 163, Florida Statutes, to which the District is subject and as
29 to which the District may not do anything that is
30 inconsistent. Land development regulations shall not mean
31 specific management, engineering, planning, and other criteria

1 and standards needed in the daily management, implementation,
2 and provision by the District of systems, facilities,
3 services, works, improvements, projects, or infrastructure,
4 including design criteria and standards, so long as they
5 remain subject to and are not inconsistent with the applicable
6 land development regulations.

7 (p) "Landowner" means the owner of a freehold estate
8 as it appears on the deed record, including a trustee, a
9 private corporation, and an owner of a condominium unit.

10 "Landowner" does not include a reversioner, remainderman,
11 mortgagee, or any governmental entity, who shall not be
12 counted and need not be notified of proceedings under this
13 act. "Landowner" also means the owner of a ground lease from a
14 governmental entity, which leasehold interest has a remaining
15 term, excluding all renewal options, in excess of 50 years.

16 (q) "General-purpose local government" means a county,
17 municipality, or consolidated city-county government.

18 (r) "Maintenance special assessments" are assessments
19 imposed, levied, and collected pursuant to the provisions of
20 section 6(12)(d).

21 (s) "Non-ad valorem assessment" means only those
22 assessments which are not based upon millage and which can
23 become a lien against a homestead as permitted in s. 4, Art. X
24 of the State Constitution.

25 (t) "Powers" means powers used and exercised by the
26 Board of Supervisors to accomplish the single, limited, and
27 special purpose of the District, including:

28 1. "General powers," which means those organizational
29 and administrative powers of the District as provided in its
30 charter in order to carry out its single special purpose as a
31 local government public corporate body politic.

1 2. "Special powers," which means those powers
2 enumerated by the District charter to implement its
3 specialized systems, facilities, services, projects,
4 improvements, and infrastructure and related functions in
5 order to carry out its single specialized purpose.

6 3. Any other powers, authority, or functions set forth
7 in this act.

8 (u) "Project" means any development, improvement,
9 property, power, utility, facility, enterprise, service,
10 system, works, or infrastructure now existing or hereafter
11 undertaken or established under the provisions of this act.

12 (v) "Qualified elector" means any person at least 18
13 years of age who is a citizen of the United States and a legal
14 resident of the state and of the District and who registers to
15 vote with the Supervisor of Elections in either Manatee County
16 or Sarasota County and resides in either Manatee County or
17 Sarasota County.

18 (w) "Refunding bonds" means bonds issued to refinance
19 outstanding bonds of any type and the interest and redemption
20 premium thereon. Refunding bonds shall be issuable and payable
21 in the same manner as refinanced bonds, except that no
22 approval by the electorate shall be required unless required
23 by the State Constitution.

24 (x) "Revenue bonds" means obligations of the District
25 that are payable from revenues, including, but not limited to,
26 special assessments and benefit special assessments, derived
27 from sources other than ad valorem taxes on real or tangible
28 personal property and that do not pledge the property, credit,
29 or general tax revenue of the District.

30 (y) "Sewer system" means any plant, system, facility,
31 or property, and additions, extensions, and improvements

1 thereto at any future time constructed or acquired as part
2 thereof, useful or necessary or having the present capacity
3 for future use in connection with the collection, treatment,
4 purification, or disposal of sewage, including, but not
5 limited to, industrial wastes resulting from any process of
6 industry, manufacture, trade, or business or from the
7 development of any natural resource. Sewer system also
8 includes treatment plants, pumping stations, lift stations,
9 valves, force mains, intercepting sewers, laterals, pressure
10 lines, mains, and all necessary appurtenances and equipment;
11 all sewer mains, laterals, and other devices for the reception
12 and collection of sewage from premises connected therewith;
13 and all real and personal property and any interest therein,
14 and rights, easements, and franchises of any nature relating
15 to any such system and necessary or convenient for operation
16 thereof.

17 (z) "Special assessments" shall mean assessments as
18 imposed, levied, and collected by the District for the costs
19 of assessable improvements pursuant to the provisions of this
20 act, chapter 170, Florida Statutes, and the additional
21 authority under section 197.3631, Florida Statutes, or other
22 provisions of general law, now or hereinafter enacted, which
23 provide or authorize a supplemental means to impose, levy, or
24 collect special assessments.

25 (aa) "Taxes" or "tax" means those levies and
26 impositions of the Board of Supervisors that support and pay
27 for government and the administration of law and that may be:

28 1. Ad valorem or property taxes based upon both the
29 appraised value of property and millage, at a rate uniform
30 within the jurisdiction; or
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1 2. If and when authorized by general law, non-ad
2 valorem maintenance taxes not based on millage that are used
3 to maintain District systems, facilities, and services.

4 (bb) "Water system" means any plant, system, facility,
5 or property, and any addition, extension, or improvement
6 thereto at any future time constructed or acquired as a part
7 thereof, useful, necessary, or having the present capacity for
8 future use in connection with the development of sources,
9 treatment, purification, or distribution of water. "Water
10 system" also includes dams, reservoirs, storage tanks, mains,
11 lines, valves, pumping stations, laterals, and pipes for the
12 purpose of carrying water to the premises connected with such
13 system, and all rights, easements, and franchises of any
14 nature relating to any such system and necessary or convenient
15 for the operation thereof.

16 (3) POLICY.--Based upon its findings, ascertainments,
17 determinations, intent, purpose, and definitions, the
18 Legislature states its policy expressly:

19 (a) The District and the District charter, with its
20 general and special powers, as created in this act, are
21 essential and the best alternative for the residential,
22 commercial, and other community uses, projects, or functions
23 in the included portions of Sarasota and Manatee Counties
24 consistent with the effective comprehensive plans and designed
25 to serve a lawful public purpose.

26 (b) The District, which is a local government and a
27 political subdivision, is limited to its special purpose as
28 expressed in this act, with the power to provide, plan,
29 implement, construct, maintain, and finance as a local
30 government management entity its systems, facilities,
31 services, improvements, infrastructure, and projects and

1 possessing financing powers to fund its management power over
2 the long term and with sustained levels of high quality.

3 (c) The creation of the Lakewood Ranch Stewardship
4 District by and pursuant to this act, and its exercise of its
5 management and related financing powers to implement its
6 limited, single, and special purpose, is not a development
7 order and does not trigger or invoke any provision within the
8 meaning of chapter 380, Florida Statutes, and all applicable
9 governmental planning, environmental, and land development
10 laws, regulations, rules, policies, and ordinances apply to
11 all development of the land within the jurisdiction of the
12 District as created by this act.

13 (d) The District shall operate and function subject
14 to, and not inconsistent with, the applicable comprehensive
15 plans of either Manatee County or Sarasota County and any
16 applicable development orders, zoning regulations, or other
17 land development regulations.

18 (e) The special and single purpose Lakewood Ranch
19 Stewardship District shall not have the power of a
20 general-purpose local government to adopt a comprehensive plan
21 or related land development regulation as those terms are
22 defined in the Florida Local Government Comprehensive Planning
23 and Land Development Regulation Act.

24 (f) This act may be amended, in whole or in part, only
25 by special act of the Legislature. No amendment to this act
26 that alters the District boundaries or the special powers of
27 the District may be considered by the Legislature unless it is
28 accompanied by a resolution or official statement as provided
29 for in section 189.404(2)(e)4., Florida Statutes. However, if
30 an amendment alters the District boundaries in only one
31 county, or affects the District's special powers in only one

1 county, it shall be necessary to secure the resolution or
2 statement from only the affected county.

3 Section 3. Minimum charter requirements; creation and
4 establishment; jurisdiction; construction; charter with legal
5 description.--

6 (1) Pursuant to section 189.404(3), Florida Statutes,
7 the Legislature sets forth that the minimum requirements in
8 paragraphs (a) through (o) have been met in the identified
9 provisions of this act as follows:

10 (a) The purpose of the District is stated in the act
11 in subsection (4) and in section 2(3).

12 (b) The powers, functions, and duties of the District
13 regarding ad valorem taxation, 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 are set forth in section 6.

18 (c) The provisions for methods for establishing the
19 District are in this section.

20 (d) The methods for amending the charter of the
21 District are set forth in section 2.

22 (e) The provisions for the membership and organization
23 of the governing board and the establishment of a quorum are
24 in section 5.

25 (f) The provisions regarding maximum compensation of
26 each board member are in section 5.

27 (g) The provisions regarding the administrative duties
28 of the governing board are found in sections 5 and 6.

29 (h) The provisions applicable to financial disclosure,
30 noticing, and reporting requirements generally are set forth
31 in sections 5 and 6.

1 (i) The provisions regarding procedures and
2 requirements for issuing bonds are set forth in section 6.

3 (j) The provisions regarding elections or referenda
4 and the qualifications of an elector of the District are in
5 sections 2 and 5.

6 (k) The provisions regarding methods for financing the
7 District are generally in section 6.

8 (l) Other than taxes levied for the payment of bonds
9 and taxes levied for periods not longer than 2 years when
10 authorized by vote of the electors of the District, the
11 provisions for the authority to levy ad valorem tax and the
12 authorized millage rate are in section 6.

13 (m) The provisions for the method or methods of
14 collecting non-ad valorem assessments, fees, or service
15 charges are in section 6.

16 (n) The provisions for planning requirements are in
17 this section and section 6.

18 (o) The provisions for geographic boundary limitations
19 of the District are set forth in sections 4 and 6.

20 (2) The Lakewood Ranch Stewardship District, which
21 also may be referred to as the "Stewardship District,"
22 "Lakewood Ranch District," or "District," is created and
23 incorporated as a public body corporate and politic, an
24 independent, limited, special purpose local government, an
25 independent special district, under section 189.404, Florida
26 Statutes, as amended from time to time, and as defined in this
27 act and in section 189.403(3), Florida Statutes, as amended
28 from time to time, in and for portions of Manatee and Sarasota
29 Counties. Any amendments to chapter 190, Florida Statutes,
30 after January 1, 2005, granting additional general powers,
31 special powers, authorities, or projects to a community

1 development district by amendment to its uniform charter,
2 sections 190.006-190.041, Florida Statutes, shall constitute a
3 general power, special power, authority, or function of the
4 Lakewood Ranch Stewardship District; provided, however, that
5 the exercise of any of such additional powers within Manatee
6 County or Sarasota County shall be subject to the requirement
7 that the district execute or amend an interlocal agreement
8 with Manatee County or Sarasota County, respectively,
9 consenting to the exercise of any of such additional powers as
10 provided elsewhere in this act. All notices for the enactment
11 by the Legislature of this special act have been provided
12 pursuant to the State Constitution, the laws of Florida, and
13 the Rules of the Florida House of Representatives and of the
14 Florida Senate. No referendum subsequent to the effective date
15 of this act is required as a condition of establishing the
16 District. Therefore, the District, as created by this act, is
17 established on the property described in this act.

18 (3) The territorial boundary of the District shall
19 embrace and include all of that certain real property
20 described legally in section 4.

21 (4) The jurisdiction of this District, in the exercise
22 of its general and special powers, and in the carrying out of
23 its special purposes, is both within the external boundaries
24 of the legal description of this District and
25 extraterritorially when limited to, and as authorized
26 expressly elsewhere in, the charter of the District as created
27 in this act or applicable general law. This special purpose
28 District is created as a public body corporate and politic,
29 and local government authority and power is limited by its
30 charter, this act, and subject to the provisions of other
31 general laws, including chapter 189, Florida Statutes, except

1 that an inconsistent provision in this act shall control and
2 the District has jurisdiction to perform such acts and
3 exercise such authorities, functions, and powers as shall be
4 necessary, convenient, incidental, proper, or reasonable for
5 the implementation of its limited, single, and specialized
6 purpose regarding the sound planning, provision, acquisition,
7 development, operation, maintenance, and related financing of
8 those public systems, facilities, services, improvements,
9 projects, and infrastructure works as authorized herein,
10 including those necessary and incidental thereto. The District
11 shall exercise any of its powers extraterritorially within
12 Manatee County only upon execution of an interlocal agreement
13 between the District and Manatee County consenting to the
14 District's exercise of any of such powers within Manatee
15 County. The District shall exercise any of its powers
16 extraterritorially within Sarasota County only upon execution
17 of an interlocal agreement between the district and Sarasota
18 County consenting to the District's exercise of any of such
19 powers within Sarasota County.

20 (5) The exclusive charter of the "Lakewood Ranch
21 Stewardship District" is this act and, except as otherwise
22 provided in subsection (2) of this section, may be amended
23 only by special act of the Legislature.

24 Section 4. Legal description of the Lakewood Ranch
25 Stewardship District.--

26
27 LEGAL DESCRIPTION. The metes and bounds legal
28 description of the District, within which there
29 are no parcels of property owned by those who
30 do not wish their property to be included
31 within the District, is as follows:

1 Section 29, Township 34 South, Range 19 East:
2 That portion of Section 29, lying south of the
3 right-of-way of State Road 64 and east of the
4 record plat of Lakewood Ranch Commerce Park,
5 Block C, recorded in Plat Book 38, Page 160
6 through 163 of the Public Records of Manatee
7 County, Florida;
8 Section 31, Township 34 South, Range 19 East:
9 That portion of the southeast quarter of
10 Section 31, lying east of Lakewood Ranch
11 Boulevard, a 120-foot wide Public Right-of-Way,
12 as recorded in Official Record Book 1429, Page
13 3703 Public Records of Manatee County, Florida;
14 also that portion of the southeast quarter of
15 said Section 31, lying west of said Lakewood
16 Ranch Boulevard, south of Lakewood Ranch
17 Commerce Park, Block B, recorded in Plat Book
18 36, Pages 71 through 77 of said Public Records
19 and east of the east line of the "Manatee
20 County Landfill" as described in Special
21 Warranty Deed to Manatee County, recorded in
22 Official Record Book 1166, Page 3590, Public
23 Records of Manatee County, Florida;
24 Section 32, Township 34 South, Range 19 East:
25 That portion of the west half of Section 32,
26 lying east of Lakewood Ranch Boulevard, a
27 120-foot wide Public Right-of-Way, as recorded
28 in Official Record Book 1429, Page 3703 of said
29 Public Records, less and except the record plat
30 of Lakewood Ranch Commerce Park, Block C,
31 recorded in Plat Book 38, Page 160 through 163

1 of said Public Records, also less and except
2 premises described in Special Warranty Deed to
3 Lakewood Flex Properties Phase II, Inc.,
4 recorded in Official Record Book 1934, Page
5 5505 Public Records of Manatee County, Florida;
6 Also:
7 The west half of the southeast quarter of said
8 Section 32;
9 Also:
10 The southeast quarter of the southeast quarter
11 of said Section 32, less and except premises
12 described in Special warranty Deed to Ashton
13 Associates of Sarasota, L.L.C., recorded in
14 Official Record Book 1888, Page 7567 Public
15 Records of Manatee County, Florida;
16 Also:
17 The northwest quarter of the northeast quarter
18 lying south of State Road 64, less and except
19 the east 100-feet described in Warranty Deed to
20 John D. Taylor and Beverly J. Taylor, recorded
21 in Official Record Book 1331, Page 0041 Public
22 Records of Manatee County, Florida;
23 Also:
24 That portion of the southwest quarter of the
25 northeast quarter being more particularly
26 described as follows:
27 Begin at the northwest corner of the southwest
28 quarter of the northeast quarter of said
29 Section 32; thence east, 466.8 feet along north
30 side of said 40 acre tract; thence south, 466.8
31 feet; thence west, 466.8 feet to west line of

1 40 acre tract; thence north, 466.8 feet to the
2 POINT OF BEGINNING;
3 Also:
4 That part of the southwest quarter of the
5 northeast quarter of Section 32, Township 34
6 South, Range 19 East, described as
7 follows: Commence at a concrete monument found
8 marking the southwest corner of the southwest
9 quarter of the northeast quarter of Section 32,
10 Township 34 South, Range 19 East, as occupied
11 by John D. Taylor & being the southwest corner
12 of that certain parcel of land as described in
13 Official Record Book 656 Page 103 of the Public
14 Records of Manatee County, Florida, for a POINT
15 OF BEGINNING; thence S.89°35'55"E., along the
16 south line of said southeast quarter of
17 northeast quarter, 290.77 feet; thence N. 00°
18 42' 08"E., parallel with the west line of said
19 southwest quarter of northeast quarter, 299.62
20 feet; thence N. 89°35'55"W. along the northerly
21 line of said land described in Official Record
22 Book 656 Page 103, a distance of 290.77 feet
23 to the intersection with the west line of said
24 southwest quarter of the northeast quarter;
25 thence S.00°42'08"W., along the west line of
26 said southwest quarter of the northeast
27 quarter, a distance of 299.62 feet to the POINT
28 OF BEGINNING, being & lying in the southwest
29 quarter of the northeast quarter of Section 32,
30 township 34 South, Range 19 East, Manatee
31 County, Florida;

1 Section 33, Township 34 South, Range 19 East:
2 The east half, the northeast quarter of the
3 northwest quarter, the northwest quarter of the
4 northwest quarter, the southeast quarter of the
5 northwest quarter, and the southwest quarter of
6 the southwest quarter of Section 33, Township
7 34 South, Range 19 East,
8 Less:
9 Road right-of-way for State Road 64 and less
10 that part of the above described property,
11 lying north and east of said State Road 64 as
12 described in Official Record Book 1095, Page
13 256;
14 Less:
15 Road right-of-way for Pope Road;
16 Less:
17 Premises described in Special Warranty Deed to
18 Roy F. Green, recorded in Official Record Book
19 1752, Page 4576;
20 Less:
21 Premises described in Special Warranty Deed to
22 Triko Enterprises, Inc, recorded in Official
23 Record Book 1407, Page 3313 and Official Record
24 Book 1752, Page 2251;
25 Less:
26 Premises described in Special Warranty Deed to
27 Peoples Gas System, recorded in Official Record
28 Book 1576, Page 4158;
29 Section 35, Township 34 South, Range 19 East:
30
31

1 The south half of the northeast quarter, and
2 the east half of the southeast quarter of
3 Section 35, Township 34 South, Range 19 East;
4 Less:
5 Road right-of-way for State Road 64
6 Section 36, Township 34 South, Range 19 East:
7 The west half of the northeast quarter, the
8 southeast quarter of the northeast quarter, the
9 east half of the northwest quarter, and the
10 south half of Section 36, Township 34 South,
11 Range 19 East;
12 Less:
13 Road right-of-way for State Road 64
14 Section 1, Township 35 South, Range 19 East:
15 All of Section 1, Township 35 South, Range 19
16 East;
17 Less:
18 Road right-of-way for State Road 64
19 Section 2, Township 35 South, Range 19 East:
20 All of Section 2, Township 35 South, Range 19
21 East;
22 Less:
23 The northwest quarter of the northeast quarter,
24 the north half of the northwest quarter, and
25 road right-of-way for State Road 64;
26 Section 3, Township 35 South, Range 19 East:
27 The south half of the north half, the southeast
28 quarter of the southwest quarter, and the
29 southeast quarter of Section 3, Township 35
30 South, Range 19 East;
31 Less:

1 Road right-of-way for Lorraine Road
2 Section 4, Township 35 South, Range 19 East:
3 The northwest quarter of the northeast quarter,
4 the south-half of the northeast quarter, the
5 east half of the northeast quarter of the
6 northwest quarter, the southeast quarter of the
7 northwest quarter, the south-half of the
8 southwest quarter of the northwest quarter, the
9 north-half of the south-half, the southeast
10 quarter of the southwest quarter, and the south
11 half of the southeast quarter of Section 4,
12 Township 35 South, Range 19 East;
13 Less:
14 Premises described in Special Warranty Deed to
15 Ellenton Fruit Company, recorded in Official
16 Record Book 1472, Page 4620
17 Less:
18 Road right-of-way for Pope Road, recorded in
19 Road Plat Book 8, Pages 138 through 152
20 Section 5, Township 35 South, Range 19 East:
21 All of Section 5, Township 35 South, Range 19
22 East;
23 Less:
24 Right-of-way for Lakewood Ranch Boulevard, as recorded
25 in Official Record Book 1429, Page 3703 Public Records of
26 Manatee County, Florida;
27 Less:
28 A portion of premises described in Warranty
29 Deed to the County of Manatee, recorded in
30 Official Record Book 1540, Page 7900 of said
31 Public Records

1 Less:
2 Road right-of-way for Pope Road, recorded in
3 Road Plat Book 8, Pages 138 through 152
4 Section 6, Township 35 South, Range 19 East:
5 That portion of Section 6, Township 35 South,
6 Range 19 East, lying easterly of east line of
7 the "Manatee County Landfill", as described in
8 Special Warranty Deed to Manatee County,
9 recorded in Official Record Book 1166, Page
10 3590, Public Records of Manatee County,
11 Florida;
12 Less:
13 Right-of-way for Lakewood Ranch Boulevard, as
14 recorded in Official Record Book 1429, Page
15 3703 Public Records of Manatee County, Florida;
16 Less:
17 A portion of premises described in Warranty
18 Deed to the County of Manatee, recorded in
19 Official Record Book 1540, Page 7900 of said
20 Public Records
21 Section 7, Township 35 South, Range 19 East:
22 That portion of Section 7, Township 35 South,
23 Range 19 East, lying easterly of the easterly
24 right-of-way line of Lakewood Ranch Boulevard,
25 as recorded in Official Record Book 1429, Page
26 3703 Public Records of Manatee County, Florida;
27 Also:
28 That portion of Section 7, Township 35 South,
29 Range 19 East, lying southerly of the "Manatee
30 County Landfill", as described in Special
31 Warranty Deed to Manatee County, recorded in

1 Official Record Book 1166, Page 3590, of said
2 Public Records and northerly of the southerly
3 line of the proposed 44th Avenue, said 44th
4 Avenue being more particularly described as
5 follows:
6 LEGAL DESCRIPTION OF PROPOSED 44 AVENUE
7 RIGHT-OF-WAY (as prepared by the certifying
8 Surveyor and Mapper):
9 A tract lying in Sections 7 and 8, Township 35
10 South, Range 19 East, Manatee County, Florida
11 and described as follows:
12 Commence at the southwest corner of the North
13 1/2 of Section 17, Township 35 South, Range 19
14 East, also being the Southeast corner of the
15 North 1/2 of Section 18, Township 35 South,
16 Range 19 East; thence S.89°34'40"E., along the
17 South line of the North 1/2 of said Section 17,
18 a distance of 187.55 feet to the intersection
19 with the Westerly Right-of-way of Lakewood
20 Ranch Boulevard (formerly Upper Manatee River
21 Road Extension), a 120-foot wide public
22 right-of-way as recorded in Official Record
23 Book 1429, Page 3703 of the Public Records of
24 Manatee County, Florida, said point being on
25 the arc of a curve to the right, whose radius
26 point lies N.63°58'46"E., a radial distance of
27 2310.00 feet; thence run northwesterly, along
28 said westerly right-of-way for the following
29 five calls; thence along the arc of said
30 curve, through a central angle of 23°42'37", a
31 distance of 955.93 feet to the point of

1 tangency of said curve; thence N.02°18'37"W., a
2 distance of 1736.20 feet to the intersection
3 with the common section line to Sections 7 and
4 18, Township 35 South, Range 19 East, said
5 point lying N.88°45'31"W., 141.64 feet from the
6 section corner common to said Sections 7 and
7 18; thence continue N.02°18'37"W., a distance
8 of 339.27 feet to the point of curvature of a
9 curve to the right, having a radius of 4060.00
10 feet and a central angle of 06°59'18"; thence
11 run Northerly along the arc of said curve, a
12 distance of 495.20 feet to the point of
13 tangency of said curve; thence N.04°40'41"E., a
14 distance of 2,624.25 feet to the point of
15 curvature of a curve to the left having a
16 radius of 1,940.00 feet and a central angle of
17 26°40'32"; thence northerly along the arc of
18 said curve, an arc length of 903.21 feet to the
19 POINT OF BEGINNING; thence S.68°00'09"W., a
20 distance of 15.00 feet to a point on a curve to
21 the left, of which the radius point lies
22 S.68°00'09"W., a radial distance of 50.00 feet;
23 thence northwesterly along the arc of said
24 curve, through a central angle of 83°34'33", an
25 arc length of 72.93 feet to the point of
26 tangency of said curve; thence S.74°25'37"W., a
27 distance of 54.55 feet to the point of
28 curvature of a curve to the right having a
29 radius of 2,952.50 feet and a central angle of
30 12°46'49"; thence westerly along the arc of
31 said curve, an arc length of 658.58 feet to the

1 end of said curve; thence N.02°47'34"W., along
2 a line radial to the last described curve, a
3 distance of 12.50 feet to the point of
4 curvature of a non-tangent curve to the right,
5 of which the radius point lies N.02°47'34"W., a
6 radial distance of 2,940.00 feet; thence
7 westerly along the arc of said curve, through a
8 central angle of 24°02'05", an arc length of
9 1,233.29 feet to the point of reverse curvature
10 of a curve to the left having a radius of
11 2,790.00 feet and a central angle of 31°26'50";
12 thence westerly along the arc of said curve, a
13 distance of 1,531.31 feet to the point of
14 reverse curvature of a curve to the right
15 having a radius of 2,940.00 feet and a central
16 angle of 15°52'03"; thence westerly along the
17 arc of said curve, a distance of 814.20 feet to
18 the northerly line of a 50-foot wide gas line
19 easement as recorded in Official Record Book
20 27, Page 220 and Official Record Book 396, Page
21 91 said public records; thence N.59°42'53"E.,
22 along said northerly line, a distance of 270.14
23 feet to the point of curvature of a non-tangent
24 curve to the left, of which the radius point
25 lies N.01°10'01"E., a radial distance of
26 2,790.00 feet; thence easterly along the arc of
27 said curve, through a central angle of
28 11°22'19", an arc length of 553.75 feet to the
29 point of reverse curvature of a curve to the
30 right having a radius of 2,940.00 feet and a
31 central angle of 31°26'50"; thence easterly

1 along the arc of said curve, a distance of
2 1,613.64 feet to the point of reverse curvature
3 of a curve to the left having a radius of
4 2,790.00 feet and a central angle of 24°02'05";
5 thence easterly along the arc of said curve, a
6 distance of 1,170.37 feet to the end of said
7 curve; thence N.02°47'34"W., a distance of
8 12.50 feet to the point of curvature of a
9 non-tangent curve to the left, of which the
10 radius point lies N.02°47'34"W., a radial
11 distance of 2,777.50 feet; thence easterly
12 along the arc of said curve, through a central
13 angle of 12°46'49", an arc length of 619.55
14 feet to the point of tangency of said curve;
15 thence N.74°25'37"E., a distance of 12.28 feet
16 to the point of curvature of a curve to the
17 left having a radius of 50.00 feet and a
18 central angle of 55°27'02"; thence
19 northeasterly along the arc of said curve, an
20 arc length of 48.39 feet to a point on the
21 south line of Manatee County Pond Site Number
22 5, as recorded in Official Record Book 1528,
23 Page 7481 said public records; thence
24 S.87°35'31"E., along a line non-tangent to the
25 last described curve, being the south line of
26 said Pond Site Number 5, a distance of 30.72
27 feet to the westerly right-of-way line of the
28 mentioned Lakewood Ranch Boulevard and the
29 point of curvature of a non-tangent curve to
30 the left, of which the radius point lies
31 N.66°15'14"E., a radial distance of 1,560.00

1 feet; the following 2 calls are along said
2 westerly right-of-way line; thence
3 southeasterly along the arc of said curve,
4 through a central angle of 02°50'31", an arc
5 length of 77.38 feet to the point of reverse
6 curvature of a curve to the right having a
7 radius of 1,940.00 feet and a central angle of
8 04°35'26"; thence southeasterly along the arc
9 of said curve, a distance of 155.44 feet to the
10 POINT OF BEGINNING.
11 Said tract contains 650,151 square feet or
12 14.9254 acres, more or less.
13 Also:
14 A tract of land lying in Sections 7 and 8,
15 Township 35 South, Range 19 East, Manatee
16 County, Florida and described as follows:
17 Commence at the Southeast corner of Section 7,
18 Township 35 South, Range 19 East; thence
19 S.89°34'35"E., a distance of 4,650.84 feet;
20 thence N.00°25'25"E., a distance of 1,889.17
21 feet; thence S82°55'49"W, 912.79 feet to a
22 point of curvature; Thence 1,287.78 feet along
23 the arc of said curve to the left through a
24 central angle of 34°25'49", said curve having a
25 radius of 2,143.00 feet and being subtended by
26 a chord which bears S65°42'55"W, 1,268.49 feet
27 to a point of reverse curvature; Thence
28 1,575.57 feet along the arc of a curve to the
29 right through a central angle of 44°37'25",
30 said curve having a radius of 2,023.00 feet and
31 being subtended by a chord which bears

1 S70°48'42"W, 1,536.04 feet to the point of
2 tangency of said curve; Thence N86°52'35"W,
3 1,131.57 feet to a point of curvature; Thence
4 79.90 feet along the arc of said curve to the
5 right through a central angle of 91°33'16",
6 said curve having a radius of 50.00 feet and
7 being subtended by a chord which bears
8 N41°05'57"W, 71.66 feet to the point of
9 tangency of said curve; said point being a
10 point on the east line of Lakewood Ranch
11 Boulevard as recorded in Official Record Book
12 1443, Page 4980 of the Public Records of
13 Manatee County, Florida; thence along said east
14 line of Lakewood Ranch Boulevard, N04°40'41"E,
15 1649.57 feet; Thence N85°19'19"W, 120.00 feet
16 to an intersection with the west line of said
17 Lakewood Ranch Boulevard and the POINT OF
18 BEGINNING; Thence S86°50'17"W, 227.27 feet;
19 Thence S40°02'37"W, 121.13 feet; Thence
20 S28°36'43"W, 108.34 feet; Thence S43°57'34"W,
21 79.62 feet; Thence S56°46'06"W, 71.21 feet;
22 Thence N22°59'39"W, 32.80 feet; Thence
23 S59°56'00"W, 91.50 feet; Thence S54°50'36"W,
24 42.43 feet; Thence S21°03'16"W, 42.67 feet;
25 Thence S64°33'59"W, 57.70 feet; Thence
26 S78°35'00"W, 52.83 feet; Thence S26°29'07"W,
27 28.22 feet; Thence S72°42'09"W, 41.01 feet;
28 Thence N88°04'14"W, 58.26 feet; Thence
29 N63°20'21"W, 61.49 feet; Thence N77°09'41"W,
30 34.90 feet; Thence N87°11'33"W, 50.79 feet;
31 Thence N88°21'13"W, 70.97 feet; Thence

1 N59°06'15"W, 54.56 feet; Thence S87°08'17"W,
2 75.46 feet; Thence N27°44'24"E, 782.09 feet;
3 Thence N08°14'34"E, 859.88 feet; Thence
4 N04°53'06"W, 605.45 feet to a point on the arc
5 of a curve; Thence 552.19 feet along the arc of
6 said curve to the left through a central angle
7 of 10°42'56", said curve having a radius of
8 2,952.50 feet and being subtended by a chord
9 which bears N79°47'05"E, 551.38 feet to the
10 point of tangency of said curve; Thence
11 N74°25'37"E, 69.64 feet to a point of
12 curvature; Thence 72.98 feet along the arc of
13 said curve to the right through a central angle
14 of 83°37'55", said curve having a radius of
15 50.00 feet and being subtended by a chord which
16 bears S63°45'26"E, 66.67 feet to a point of
17 compound curvature; Thence 901.48 feet along
18 the arc of said curve to the right through a
19 central angle of 26°37'27", said curve having a
20 radius of 1,940.00 feet and being subtended by
21 a chord which bears S08°38'03"E, 893.39 feet;
22 Thence S04°40'41"W, 970.22 feet to the POINT OF
23 BEGINNING.
24 Containing 39.281 acres, more or less.
25 Less:
26 Right-of-way for Lakewood Ranch Boulevard, as
27 recorded in Official Record Book 1429, Page
28 3703 Public Records of Manatee County, Florida;
29 Less:
30 A portion of premises described in Warranty
31 Deed to the County of Manatee, recorded in

1 Official Record Book 1528, Page 7481 and
2 Corrective Warranty Deed recorded in Official
3 Record Book 1540, Page 7918 Public Records of
4 Manatee County, Florida;
5 Section 8, Township 35 South, Range 19 East:
6 All of Section 8, Township 35 South, Range 19
7 East;
8 Less:
9 Right-of-way for Lakewood Ranch Boulevard, as
10 recorded in Official Record Book 1429, Page
11 3703 Public Records of Manatee County, Florida;
12 Less:
13 A portion of premises described in Warranty
14 Deed to the County of Manatee, recorded in
15 Official Record Book 1528, Page 7481 and
16 Corrective Warranty Deed recorded in Official
17 Record Book 1540, Page 7918 Public Records of
18 Manatee County, Florida;
19 Section 9, Township 35 South, Range 19 East:
20 All of Section 9, Township 35 South, Range 19
21 East;
22 Section 10, Township 35 South, Range 19 East:
23 The north half and the southeast quarter of
24 Section 10, Township 35 South, Range 19 East;
25 Less:
26 Road right-of-way for Lorraine Road;
27 Section 11, Township 35 South, Range 19 East:
28 All of Section 11, Township 35 South, Range 19
29 East;
30 Section 12, Township 35 South, Range 19 East:
31

1 All of Section 12, Township 35 South, Range 19
2 East;
3 Section 13, Township 35 South, Range 19 East:
4 All of Section 13, Township 35 South, Range 19
5 East;
6 Section 14, Township 35 South, Range 19 East:
7 All of Section 14, Township 35 South, Range 19
8 East;
9 Section 15, Township 35 South, Range 19 East:
10 The east-half, the Southwest quarter of the
11 northwest quarter, the southeast quarter of the
12 southwest quarter, and the northeast quarter of
13 the southwest quarter of Section 15, Township
14 35 South, Range 19 East;
15 Less:
16 Road right-of-way for Lorraine Road and State
17 Road 70;
18 Less:
19 The northeast quarter of the southwest quarter
20 of the northwest quarter of Section 15,
21 Township 35 South, Range 19 East;
22 Less:
23 The east 66 feet of the northwest quarter of
24 the southwest quarter of the northwest quarter
25 of Section 15, Township 35 South, Range 19 East
26 , described in Warranty Deed to Clive and
27 Judith Morris, recorded in Official Record Book
28 1574, Page 2146;
29 Less:
30 Premises described in Special Warranty Deed to
31 Peace River Electric Cooperative, Inc.

1 described in Official Record Book 1542, Page
2 5178;
3 Less:
4 Premises described in Special Warranty Deed to
5 Peace River Electric Cooperative, Inc.
6 described in Official Record Book 1747, Page
7 6675;
8 Less:
9 That part included in the plat of Crawley
10 Substation Roadway, recorded in Plat Book 43,
11 Pages 84 and 85 Public Records of Manatee
12 County, Florida;
13 Less:
14 Fire House Site
15 COMMENCE at a concrete monument found marking
16 the occupied northwest corner of the southwest
17 1/4 of Section 15, Township 35 South, Ranch 19
18 East; thence S89°31'12"E, along the occupied
19 north line of said southwest 1/4, a distance of
20 1343.23 ft. to the intersection with the west
21 line of the northeast 1/4 of said southwest
22 1/4; thence S00°04'29"E, along said west line,
23 a distance of 1281.86 ft., thence S87°56'19"E,
24 a distance of 1049.55 ft. for a POINT OF
25 BEGINNING, said point lying on the northerly
26 right-of-way of 59th Avenue East, a 100 ft.
27 wide public right-of-way as shown on "Crawley
28 Substation Roadway", a roadway plat as recorded
29 in Plat Book 43, Pages 84 and 85, Public
30 Records of Manatee County, Florida; thence
31 continue S87°56'19"E, along said northerly

1 right-of-way, a distance of 398.37 ft. to the
2 intersection with the westerly line of that
3 certain parcel of land as described and
4 recorded in Official Records Book 1542, Page
5 5178, said Public Records; thence N00°25'16"W,
6 along said westerly line, a distance of 547.23
7 ft.; thence N87°56'19"W, 398.37 ft.; thence
8 S00°25'16"E, a distance of 547.23 ft. to the
9 POINT OF BEGINNING, being and lying in Section
10 15, Township 35 South, Range 19 East, Manatee
11 County, Florida.
12 Containing 5.00 acres, more or less.
13 Section 16, Township 35 South, Range 19 East:
14 All of Section 16, Township 35 South, Range 19
15 East;
16 Less:
17 Road right-of-way for State Road 70;
18 Less:
19 Road right-of-way for Pope Road
20 Less:
21 Premises described in Warranty Deed to the
22 State of Florida Department of Transportation,
23 recorded in Official Record Book 1915, Page
24 5768 Public Records of Manatee County, Florida;
25 Less:
26 Premises described in Warranty Deed to Covered
27 Bridge Holdings III, LLC, recorded in Official
28 Record Book 1970, Page 707 Public Records of
29 Manatee County, Florida;
30 Less:
31

1 Premises described in Warranty Deed to the
2 Diocese of Venice, recorded in Official Record
3 Book 1451, Page 964, less premises conveyed to
4 SMR 70, North 70, LLC, in Special Warranty
5 Deed, recorded in Official Record Book 1928,
6 Page 3315;
7 Less:
8 Premises described in Special Warranty Deed to
9 the Diocese of Venice, recorded in Official
10 Record Book 1928, Page 3321 Public Records of
11 Manatee County, Florida;
12 Section 17, Township 35 South, Range 19 East:
13 All of Section 17, Township 35 South, Range 19
14 East, lying east of the right-of-way of
15 Lakewood Ranch Boulevard, as recorded in
16 Official Record Book 1429, Page 3703 Public
17 Records of Manatee County, Florida;
18 Less:
19 Road right-of-way for State Road 70;
20 Less:
21 Premises described in Warranty Deed to the
22 State of Florida Department of Transportation,
23 recorded in Official Record Book 1915, Page
24 5768 Public Records of Manatee County, Florida;
25 Less:
26 A portion of premises described in Warranty
27 Deed to the County of Manatee, recorded in
28 Official Record Book 1528, Page 7481 and
29 Corrective Warranty Deed recorded in Official
30 Record Book 1540, Page 7918 Public Records of
31 Manatee County, Florida;

1 Section 18, Township 35 South, Range 19 East:
2 All of Section 18, Township 35 South, Range 19
3 East, lying east of the right-of-way of
4 Lakewood Ranch Boulevard, as recorded in
5 Official Record Book 1429, Page 3703 Public
6 Records of Manatee County, Florida;
7 Section 22, Township 35 South, Range 19 East:
8 That portion of Section 22, Township 35 South,
9 Range 19 East, lying northerly of the northerly
10 right-of-way line of State Road 70;
11 Also:
12 That portion of Sections 22, 23 and 27, lying
13 within the following described property:
14 DESCRIPTION (Proposed Braden River Mitigation
15 Bank)
16 A tract of land lying in Sections 22, 23 and
17 27, Township 35 South, Range 19 East, Manatee
18 County, Florida and described as follows:
19 Commence at the northwest corner of Section 21,
20 Township 35 South, Range 19 East; thence
21 S.89°24'47"E. along the north line of said
22 Section 21, a distance of 5379.98 feet to the
23 northwest corner of said Section 22; thence
24 S.00°30'23" W. along the west line of said
25 Section 22, a distance of 134.20 feet to a
26 point on the southerly Right-of-way line of
27 State Road 70; the following 4 calls are along
28 said southerly right-of-way line; thence
29 S.89°19'57"E., a distance of 521.35 feet;
30 thence S.89°21'15"E., a distance of 3,754.54
31 feet to the point of curvature of a curve to

1 the right having a radius of 1,777.86 feet and
2 a central angle of 34°24'33"; thence easterly
3 along the arc of said curve, an arc length of
4 1,067.70 feet to the point of tangency of said
5 curve; thence S.54°56'41"E., a distance of
6 821.49 feet to the POINT OF BEGINNING; thence
7 continue S.54°56'41"E. along the above
8 mentioned southerly right-of-way line, a
9 distance of 4,427.83 feet; thence
10 S.15°00'00"W., a distance of 701.34 feet;
11 thence N.71°00'00"W., a distance of 2,270.00
12 feet; thence S.45°00'00"W., a distance of 65.00
13 feet; thence S.00°00'00"W., a distance of
14 395.00 feet; thence S.86°30'00"W., a distance
15 of 1,250.00 feet; thence S.00°00'00"W., a
16 distance of 338.36 feet; thence S.43°00'00"E.,
17 a distance of 155.00 feet; thence
18 S.00°00'00"W., a distance of 150.00 feet;
19 thence S.59°56'21"W., a distance of 110.00
20 feet; thence N.63°00'00"W., a distance of
21 306.73 feet; thence N.10°00'00"W., a distance
22 of 299.62 feet; thence S.89°37'37"W., a
23 distance of 301.32 feet; thence S.72°00'46"W.,
24 a distance of 368.15 feet; thence
25 S.48°06'41"W., a distance of 169.68 feet;
26 thence N.08°37'00"E., a distance of 159.00
27 feet; thence N.57°02'56"E., a distance of
28 594.02 feet; thence N.07°52'51"W., a distance
29 of 27.87 feet; thence N.61°22'29"W., a distance
30 of 167.29 feet; thence N.83°56'09"W., a
31 distance of 103.18 feet; thence S.85°40'21"W.,

1 a distance of 75.29 feet; thence S.44°35'18"W.,
2 a distance of 66.94 feet; thence S.82°54'53"W.,
3 a distance of 86.64 feet; thence S.48°07'08"W.,
4 a distance of 74.53 feet; thence S.26°33'46"W.,
5 a distance of 49.90 feet; thence S.39°24'11"W.,
6 a distance of 50.01 feet to a point on the
7 northerly line of a Conservation Easement as
8 recorded in the Official Records Book 1524,
9 Page 5098 of the Public Records of Manatee
10 County, Florida; the following 15 calls are
11 along the northerly and westerly lines of said
12 Conservation Easement; thence S.63°06'49"W., a
13 distance of 38.30 feet; thence S.30°38'41"W., a
14 distance of 53.69 feet; thence S.68°49'15"W., a
15 distance of 91.30 feet; thence S.51°14'32"W., a
16 distance of 68.98 feet; thence S.76°31'40"W., a
17 distance of 62.88 feet; thence S.45°09'35"W., a
18 distance of 35.02 feet; thence S.36°11'14"E., a
19 distance of 48.92 feet; thence S.18°26'10"E., a
20 distance of 45.74 feet; thence S.09°12'08"W., a
21 distance of 19.73 feet; thence S.32°09'14"E., a
22 distance of 76.50 feet; thence S.07°27'24"E., a
23 distance of 35.67 feet; thence S.29°09'12"E., a
24 distance of 41.08 feet; thence S.11°37'55"E., a
25 distance of 49.89 feet; thence S.51°55'08"E., a
26 distance of 29.11 feet; thence S.67°03'11"E., a
27 distance of 66.38 feet; thence N.66°35'24"E., a
28 distance of 31.03 feet; thence S.45°47'43"E., a
29 distance of 148.54 feet; thence S.18°48'41"W.,
30 a distance of 163.72 feet; thence
31 S.82°50'11"W., a distance of 81.44 feet; thence

1 N.69°18'50"W., a distance of 147.54 feet;
2 thence N.16°28'56"W., a distance of 96.10 feet;
3 thence N.07°30'43"W., a distance of 141.37
4 feet; thence S.65°00'00"W., a distance of
5 1,078.77 feet; thence S.83°00'00"W., a distance
6 of 630.49 feet; thence S.62°15'00"W., a
7 distance of 585.88 feet; thence S.55°30'00"W.,
8 a distance of 859.04 feet; thence
9 S.35°00'00"W., a distance of 453.13 feet;
10 thence S.69°00'00"W., a distance of 637.50
11 feet; thence N.65°15'00"W., a distance of
12 464.25 feet; thence N.35°51'00"W., a distance
13 of 385.00 feet; thence N.83°00'00"W., a
14 distance of 137.04 feet to the point of
15 curvature of a non-tangent curve to the left,
16 of which the radius point lies S.85°59'50"W., a
17 radial distance of 6,090.00 feet; thence
18 northerly along the arc of said curve, through
19 a central angle of 00°49'46", an arc length of
20 88.17 feet to the point of tangency of said
21 curve; thence N.00°51'26"E., a distance of
22 490.58 feet; thence N.00°30'20"E., a distance
23 of 355.33 feet to the point of curvature of a
24 curve to the right having a radius of 2,880.00
25 feet and a central angle of 07°28'45"; thence
26 northerly along the arc of said curve, an arc
27 length of 375.94 feet to the end of said curve;
28 thence S.67°11'02"E. non-radial to the last
29 described curve, a distance of 629.23 feet;
30 thence S.81°49'22"E., a distance of 263.52
31 feet; thence N.80°03'53"E., a distance of

1 275.24 feet; thence N.69°59'29"E., a distance
2 of 317.24 feet; thence N.57°35'22"E., a
3 distance of 178.26 feet; thence N.81°03'05"E.,
4 a distance of 234.09 feet; thence
5 N.63°21'55"E., a distance of 439.23 feet;
6 thence N.44°11'27"E., a distance of 241.21
7 feet; thence N.63°21'56"E., a distance of
8 148.94 feet; thence N.74°49'49"E., a distance
9 of 163.40 feet; thence N.75°39'49"E., a
10 distance of 461.38 feet; thence N.52°24'58"E.,
11 a distance of 284.05 feet; thence
12 N.37°35'20"E., a distance of 294.52 feet;
13 thence N.33°58'26"E., a distance of 687.37
14 feet; thence N.46°31'18"E., a distance of
15 195.52 feet; thence N.76°15'16"E., a distance
16 of 235.33 feet; thence N.53°47'33"E., a
17 distance of 231.66 feet; thence N.15°20'53"E.,
18 a distance of 147.34 feet; thence
19 N.32°20'46"E., a distance of 368.15 feet;
20 thence S.83°51'29"E., a distance of 332.08
21 feet; thence S.56°57'53"E., a distance of
22 139.47 feet; thence N.35°53'49"E., a distance
23 of 417.52 feet; thence N.50°25'21"W., a
24 distance of 348.47 feet; thence N.00°06'50"E.,
25 a distance of 135.65 feet; thence
26 N.24°22'30"E., a distance of 201.08 feet;
27 thence N.61°14'22"E., a distance of 113.08
28 feet; thence S.62°11'08"E., a distance of
29 197.43 feet to the point of curvature of a
30 curve to the right having a radius of 100.00
31 feet and a central angle of 88°54'40"; thence

1 southerly along the arc of said curve, an arc
2 length of 155.18 feet to the point of tangency
3 of said curve; thence S.26°43'33"W., a distance
4 of 224.96 feet; thence S.50°07'45"E., a
5 distance of 125.37 feet; thence N.49°56'25"E.,
6 a distance of 228.41 feet; thence
7 N.08°47'40"E., a distance of 153.43 feet;
8 thence N.38°13'49"W., a distance of 139.09
9 feet; thence N.11°59'28"E., a distance of
10 271.56 feet; thence N.37°00'30"E., a distance
11 of 306.68 feet to the POINT OF BEGINNING.
12 Said tract contains 15,214,335 square feet or
13 349.2731 acres, more or less.
14 Also:
15 That portion of Sections 22 and 23, lying
16 within the following described property:
17 A tract of land lying in Section 22, Township
18 35 South, Range 19 East, Manatee County,
19 Florida and being more particularly described
20 as follows:
21 Commence at the southeast corner of Section 22,
22 Township 35 South, Range 19 East; thence
23 N.89°29'42"W. along the south line of said
24 Section 22, 587.90 feet; thence N.00°30'18"E.,
25 perpendicular with said south line, a distance
26 of 802.96 feet to the POINT OF
27 BEGINNING; thence N.66°35'24"E., a distance of
28 31.03 feet; thence S.45°47'43"E., a distance of
29 68.87 feet; thence N.22°15'45"E., a distance of
30 66.77 feet; thence N.21°25'53"E., a distance of
31 88.19 feet; thence N.08°37'00"E., a distance of

1 159.00 feet; thence N.57°02'56"E., a distance
2 of 594.02 feet; thence N.07°52'51"W., a
3 distance of 27.87 feet; thence N.61°22'29"W., a
4 distance of 167.29 feet; thence N.83°56'09"W.,
5 a distance of 103.18 feet; thence
6 S.85°40'21"W., a distance of 75.29 feet; thence
7 S.44°35'18"W., a distance of 66.94 feet; thence
8 S.82°54'53"W., a distance of 86.64 feet; thence
9 S.48°07'08"W., a distance of 74.53 feet; thence
10 S.26°33'46"W., a distance of 49.90 feet; thence
11 S.39°24'11"W., a distance of 50.01 feet to a
12 point on the northerly line of a Conservation
13 Easement as recorded in the Official Records
14 Book 1524, Page 5098 of the Public Records of
15 Manatee County, Florida; the following 15 calls
16 are along the northerly and westerly lines of
17 said Conservation Easement; thence
18 S.63°06'49"W., a distance of 38.30 feet; thence
19 S.30°38'41"W., a distance of 53.69 feet; thence
20 S.68°49'15"W., a distance of 91.30 feet; thence
21 S.51°14'32"W., a distance of 68.98 feet; thence
22 S.76°31'40"W., a distance of 62.88 feet; thence
23 S.45°09'35"W., a distance of 35.02 feet; thence
24 S.36°11'14"E., a distance of 48.92 feet; thence
25 S.18°26'10"E., a distance of 45.74 feet; thence
26 S.09°12'08"W., a distance of 19.73 feet; thence
27 S.32°09'14"E., a distance of 76.50 feet; thence
28 S.07°27'24"E., a distance of 35.67 feet; thence
29 S.29°09'12"E., a distance of 41.08 feet; thence
30 S.11°37'55"E., a distance of 49.89 feet; thence
31 S.51°55'08"E., a distance of 29.11 feet; thence

1 S.67°03'11"E., a distance of 66.38 feet to the
2 POINT OF BEGINNING.
3 Said tract contains 249,186 square feet or
4 5.7205 acres, more or less.
5 Section 23, Township 35 South, Range 19 East:
6 That portion of Section 23, Township 35 South,
7 Range 19 East, lying north of State Road 70;
8 Also:
9 That portion of Section 23, Township 35 South,
10 Range 19 East, lying southerly of the
11 right-of-way line for State Road 70, easterly
12 of premises described in Special Warranty Deed
13 to Sarasota Development, L.L.C., recorded in
14 Official Record Book 1892, Page 750 of said
15 Public Records and easterly of the (Proposed
16 Braden River Mitigation Bank), described above;
17 Section 24, Township 35 South, Range 19 East:
18 All of Section 24, Township 35 South, Range 19
19 East;
20 Less:
21 Right-of-way for State Road 70;
22 Section 25, Township 35 South, Range 19 East:
23 All of Section 25, Township 35 South, Range 19
24 East;
25 Less:
26 Right-of-way for State Road 70;
27 Section 26, Township 35 South, Range 19 East:
28 All of Section 26, Township 35 South, Range 19
29 East;
30 Less:
31

1 Premises described in Special Warranty Deed to
2 Sarasota Development, L.L.C., recorded in
3 Official Record Book 1892, Page 750 Public
4 Records of Manatee County, Florida;
5 Less:
6 Premises described in Memorandum of Purchase
7 Option Agreement, recorded in Official Record
8 Book 1892, Page 776 Public Records of Manatee
9 County, Florida;
10 Section 27, Township 35 South, Range 19 East:
11 All of Section 27, lying southerly of the Phase
12 2 Parcel, described in Memorandum of Purchase
13 Option Agreement, recorded in Official Record
14 Book 1892, Page 776 of said Public Records and
15 Phase 1 Parcel and Entry Road Parcel, described
16 in Special Warranty Deed to Sarasota
17 Development, L.L.C., recorded in Official
18 Record Book 1892, Page 750 Public Records of
19 Manatee County, Florida;
20 Less:
21 Right-of-way for Lorraine Road;
22 Section 34, Township 35 South, Range 19 East:
23 All of Section 34, Township 35 South, Range 19
24 East, lying easterly of the east right-of-way
25 line of Lorraine Road;
26 Less:
27 Premises described in Special Warranty Deed to
28 The School Board of Manatee County, recorded in
29 Official Record Book 1959, Page 2350 Public
30 Records of Manatee County, Florida; (School
31 Site J)

1 Less:
2 Premises described in Special Warranty Deed to
3 the Diocese of Venice, recorded in Official
4 Record Book 1532, Page 5848, Less and except
5 premises described in Special Warranty Deed to
6 Schoreder-Manatee Ranch, Inc., recorded in
7 Official Record Book 1928, Page 3242 of said
8 Public Records:
9 Less:
10 Premises described in Special Warranty Deed to
11 the Diocese of Venice, recorded in Official
12 Record Book 1928, Page 3248 Public Records of
13 Manatee County, Florida;
14 Less:
15 Premises described in Corrective Warranty Deed
16 to Harvest United Methodist Church, Inc.,
17 recorded in Official Record Book 1747, Page 777
18 of said Public Records:
19 Section 35, Township 35 South, Range 19 East:
20 All of Section 35, Township 35 South, Range 19
21 East;
22 Section 36, Township 35 South, Range 19 East:
23 All of Section 36, Township 35 South, Range 19
24 East;
25 Section 1, Township 36 South, Range 19 East:
26 All of Section 1, Township 36 South, Range 19
27 East;
28 Section 2, Township 36 South, Range 19 East:
29 All of Section 2, Township 36 South, Range 19
30 East;
31 Section 3, Township 36 South, Range 19 East:

1 All of Section 3, Township 36 South, Range 19
2 East;
3 Less:
4 Premises described in Special Warranty Deed to
5 Polo Ranches of Sarasota, Inc., recorded in
6 Official Record Book 2602, Page 702 of the
7 Public Records of Sarasota County, Florida;
8 Less:
9 Premises described in Special Warranty Deed to
10 Polo Ranches of Sarasota, Inc., recorded in
11 Official Instrument Number 2000076164 of the
12 Public Records of Sarasota County, Florida;
13 Section 4, Township 36 South, Range 19 East:
14 All of Section 4, Township 36 South, Range 19
15 East;
16 Less:
17 Premises described in Special Warranty Deed to
18 Polo Ranches of Sarasota, Inc., recorded in
19 Official Record Book 2602, Page 702 of the
20 Public Records of Sarasota County, Florida;
21 Less:
22 A portion of Premises described in Warranty
23 Deed to Out-of-Door Academy of Sarasota, Inc.,
24 recorded in Official Record Book 2858, Page 189
25 of the Public Records of Sarasota County,
26 Florida
27 Section 5, Township 36 South, Range 19 East:
28 That portion of Section 5, Township 36 South,
29 Range 19 East, lying east of premises described
30 in Warranty Deed to Out-of-Door Academy of
31 Sarasota, Inc., recorded in Official Record

1 Book 2858, Page 189 of the Public Records of
2 Sarasota County, Florida;
3 Also:
4 That portion of Section 5, Township 36 South,
5 Range 19 East, lying southerly of the following
6 described properties:
7 Premises described in Warranty Deed to
8 Out-of-Door Academy of Sarasota, Inc., recorded
9 in Official Record Book 2858, Page 189 of the
10 Public Records of Sarasota County, Florida
11 Lakewood Ranch Corporate Park, Unit 3C,
12 recorded in Plat Book 43, Page 34, Public
13 Records of Sarasota County, Florida;
14 Lakewood Ranch Corporate Park, Unit 3B,
15 recorded in Plat Book 42, Page 30, Public
16 Records of Sarasota County, Florida;
17 Lakewood Ranch Corporate Park, Unit 3A,
18 recorded in Plat Book 41, Page 19, Public
19 Records of Sarasota County, Florida;
20 Lakewood Ranch Corporate Park, Unit 1, recorded
21 in Plat Book 38, Page 26, Public Records of
22 Sarasota County, Florida;
23 Lakewood Ranch Corporate Park, Unit 4, Phase 1,
24 recorded in Plat Book 43, Page 22, Public
25 Records of Sarasota County, Florida;
26 Section 6, Township 36 South, Range 19 East:
27 That portion of Section 6, Township 36 South,
28 Range 19 East, lying east of the right-of-way
29 of Interstate 75 and south of the following
30 described properties:
31

1 Lakewood Ranch Corporate Park, Unit 4, Phase 1,
2 recorded in Plat Book 43, Page 22, Public
3 Records of Sarasota County, Florida;
4 Lakewood Ranch Corporate Park, Unit 4, recorded
5 in Plat Book 40, Page 37, Public Records of
6 Sarasota County, Florida;
7 Lakewood Ranch Corporate Park, Unit 6, Phase 2,
8 recorded in Plat Book 42, Page 23, Public
9 Records of Sarasota County, Florida;
10 Less:
11 Premises described in Corporate Warranty Deed
12 to Sarasota County, recorded in Official Record
13 Instrument Number 2002146329, Public Records of
14 Sarasota County, Florida;
15 Section 7, Township 36 South, Range 19 East:
16 That portion of Section 7, Township 36 South,
17 Range 19 East, lying east of the right-of-way
18 of Interstate 75;
19 Less:
20 Premises described in Warranty Deed to Sarasota
21 County, recorded in Official Instrument Number
22 2004118447, Public Records of Sarasota County,
23 Florida;
24 Less:
25 Premises described in Corporate Warranty Deed
26 to Sarasota County, recorded in Official Record
27 Book 2880, Page 1528, Public Records of
28 Sarasota County, Florida;
29 Section 8, Township 36 South, Range 19 East:
30 All of Section 8, Township 36 South, Range 19
31 East;

1 Less:
2 Premises described in Special Warranty Deed to
3 Florida Power & Light Company, recorded in
4 Official Record Book 2848, Page 77, Public
5 Records of Sarasota County, Florida;
6 Section 9, Township 36 South, Range 19 East:
7 All of Section 9, Township 36 South, Range 19
8 East;
9 Section 10, Township 36 South, Range 19 East:
10 All of Section 10, Township 36 South, Range 19
11 East;
12 Section 11, Township 36 South, Range 19 East:
13 All of Section 11, Township 36 South, Range 19
14 East;
15 Section 12, Township 36 South, Range 19 East:
16 All of Section 12, Township 36 South, Range 19
17 East;
18 Section 5, Township 36 South, Range 20 East:
19 The south half of Section 5, Township 36 South,
20 Range 20 East;
21 Section 6, Township 36 South, Range 20 East:
22 All of Section 6, Township 36 South, Range 20
23 East;
24 Section 7, Township 36 South, Range 20 East:
25 All of Section 7, Township 36 South, Range 20
26 East;
27 Section 8, Township 36 South, Range 20 East:
28 All of Section 8, Township 36 South, Range 20
29 East;
30 Less:
31

1 A strip of land 50-feet wide, described as
2 beginning at the southwest corner of Section 8,
3 Township 36 South, Range 20 East, thence South
4 87°10'13" East, 511.24 feet for POINT OF
5 BEGINNING; thence North 42°59'05" West to a
6 point lying 50 feet north of the south line of
7 Section 8; thence easterly along a line
8 parallel to and 50 feet north of, the south
9 line of Section 8 to a point lying 529.3 feet
10 west of the east line of said Section 8; thence
11 southwesterly 70.7 feet to point on south line
12 of Section 8, lying 600 feet westerly of the
13 southeast corner of Section 8; thence westerly
14 along the south section line of said Section 8
15 to the POINT OF BEGINNING, lying and being in
16 Section 8, Township 36 South, Range 20 East,
17 Sarasota County, Florida.
18 CONTAINING A TOTAL AREA OF 23,055 ACRES, PLUS OR MINUS.

19
20 Section 5. Board of Supervisors; members and meetings;
21 organization; powers; duties; terms of office; related
22 election requirements.--

23 (1) The board of the District shall exercise the
24 powers granted to the District pursuant to this act. The board
25 shall consist of five members, each of whom shall hold office
26 for a term of 4 years, as provided in this section, except as
27 otherwise provided herein for initial board members, and until
28 a successor is chosen and qualified. The members of the board
29 must be residents of the state and citizens of the United
30 States.

31

1 (2)(a) Within 90 days following the effective date of
2 the law establishing the District, there shall be held a
3 meeting of the landowners of the District for the purpose of
4 electing five supervisors for the District. Notice of the
5 landowners' meeting shall be published once a week for 2
6 consecutive weeks in a newspaper which is in general
7 circulation in the area of the District, the last day of such
8 publication to be not fewer than 14 days or more than 28 days
9 before the date of the election. The landowners, when
10 assembled at such meeting, shall organize by electing a chair,
11 who shall conduct the meeting. The chair may be any person
12 present at the meeting. If the chair is a landowner or proxy
13 holder of a landowner, he or she may nominate candidates and
14 make and second motions. The landowners present at the
15 meeting, in person or by proxy, shall constitute a quorum. At
16 any landowners' meeting, 50 percent of the District acreage
17 shall not be required to constitute a quorum, and each
18 governing board member elected by landowners shall be elected
19 by a majority of the acreage represented either by owner or
20 proxy present and voting at said meeting.

21 (b) At such meeting, each landowner shall be entitled
22 to cast one vote per acre of land owned by him or her and
23 located within the District for each person to be elected. A
24 landowner may vote in person or by proxy in writing. Each
25 proxy must be signed by one of the legal owners of the
26 property for which the vote is cast and must contain the typed
27 or printed name of the individual who signed the proxy; the
28 street address, legal description of the property, or tax
29 parcel identification number; and the number of authorized
30 votes. If the proxy authorizes more than one vote, each
31 property must be listed and the number of acres of each

1 property must be included. The signature on a proxy need not
2 be notarized. A fraction of an acre shall be treated as 1
3 acre, entitling the landowner to one vote with respect
4 thereto. The two candidates receiving the highest number of
5 votes shall be elected for a term expiring November 16, 2010,
6 and the three candidates receiving the next largest number of
7 votes shall be elected for a term expiring November 18, 2008,
8 with the term of office for each successful candidate
9 commencing upon election. The members of the first board
10 elected by landowners shall serve their respective terms;
11 however, the next election of board members shall be held on
12 the first Tuesday after the first Monday in November 2008.
13 Thereafter, there shall be an election by landowners for the
14 District every 2 years on the first Tuesday after the first
15 Monday in November, which shall be noticed pursuant to
16 paragraph (a). The second and subsequent landowners' election
17 shall be announced at a public meeting of the board at least
18 90 days prior to the date of the landowners' meeting and shall
19 also be noticed pursuant to paragraph (a). Instructions on how
20 all landowners may participate in the election, along with
21 sample proxies, shall be provided during the board meeting
22 that announces the landowners' meeting. Each supervisor
23 elected in or after November 2008 shall serve a 4-year term.

24 (3)(a)1. The board may not exercise the ad valorem
25 taxing power authorized by this act until such time as all
26 members of the board are qualified electors who are elected by
27 qualified electors of the District.

28 2.a. Regardless of whether the District has proposed
29 to levy ad valorem taxes, board members shall begin being
30 elected by qualified electors of the District as the District
31 becomes populated with qualified electors. The transition

1 shall occur such that the composition of the Board, after the
2 first general election following a trigger of the qualified
3 elector population thresholds set forth below, shall be as
4 follows:

5 (I) Once 10,000 qualified electors reside within the
6 District, one governing board member shall be a person who was
7 elected by the qualified electors, and four governing board
8 members shall persons who were elected by the landowners.

9 (II) Once 20,000 qualified electors reside within the
10 District, two governing board members shall be persons who
11 were elected by the qualified electors, and three governing
12 board members shall be persons elected by the landowners.

13 (III) Once 30,000 qualified electors reside within the
14 District, three governing board members shall be persons who
15 were elected by the qualified electors and two governing board
16 members shall be persons who were elected by the landowners.

17 (IV) Once 40,000 qualified electors reside within the
18 District, four governing board members shall be persons who
19 were elected by the qualified electors and one governing board
20 member shall be a person who was elected by the landowners.

21 (V) Once 45,000 qualified electors reside within the
22 District, all five governing board members shall be persons
23 who were elected by the qualified electors.

24
25 Nothing in this sub-subparagraph is intended to require an
26 election prior to the expiration of an existing board member's
27 term.

28 b. On or before June 1 of each year, the board shall
29 determine the number of qualified electors in the District as
30 of the immediately preceding April 15. The board shall use and
31 rely upon the official records maintained by the supervisor of

1 elections and property appraiser or tax collector in each
2 county in making this determination. Such determination shall
3 be made at a properly noticed meeting of the board and shall
4 become a part of the official minutes of the District.

5 c. All governing board members elected by qualified
6 electors shall be elected at large at an election occurring as
7 provided in subsection (2) and this subsection.

8 d. The board member seat first available for election
9 by qualified electors because the District has 10,000
10 qualified electors shall be designated seat number one. The
11 board member seat first available for election by qualified
12 electors because the District has 20,000 qualified electors
13 shall be designated seat number two. The board member seat
14 first available for election by qualified electors because the
15 District has 30,000 qualified electors shall be designated
16 seat number three. The board member seat first available for
17 election by qualified electors because the District has 40,000
18 qualified electors shall be designated seat number four. The
19 board member seat first available for election by qualified
20 electors because the District has 45,000 qualified electors
21 shall be designated seat number five.

22 e. The board member elected to fill seat one when that
23 seat is first filled by election by qualified electors of the
24 District shall be a qualified elector of Manatee County.
25 However, if, at the time that seat is available for election,
26 the District does not have both an executed interlocal
27 agreement with Manatee County and at least 500 qualified
28 electors residing within the District in Manatee County, the
29 seat shall be filled by a qualified elector of Sarasota
30 County.

31

1 f. The board member elected to fill seat two when that
2 seat is first filled by election by qualified electors of the
3 District shall be a qualified elector of Sarasota County.
4 However, if, at the time that seat is available for election,
5 seat one has already been designated as the seat to be filled
6 by a qualified elector of Sarasota County pursuant to
7 paragraph e., seat two shall be filled by a qualified elector
8 of Manatee County. Provided further that, if at the time seat
9 two is available for election the District does not have both
10 an executed interlocal agreement with Sarasota County and at
11 least 500 qualified electors residing in Sarasota County, the
12 seat shall be filled by a qualified elector of Manatee County.
13 In such event, the next seat available for election after the
14 District has both an interlocal agreement with Sarasota County
15 and at least 500 qualified electors in Sarasota County shall
16 be filled by a qualified elector of Sarasota County.

17 g. Once one seat is designated as a seat to be filled
18 by a qualified elector from a specific county, that seat shall
19 thereafter be filled by a qualified elector who resides within
20 that county.

21 h. Once a District qualifies to have any of its board
22 members elected by the qualified electors of the District, the
23 initial and all subsequent elections by the qualified electors
24 of the District shall be held at the general election in
25 November. The board shall adopt a resolution if necessary to
26 implement this requirement. The transition process described
27 herein is intended to be in lieu of the process set forth in
28 section 189.4051, Florida Statutes.

29 (b) Elections of board members by qualified electors
30 held pursuant to this subsection shall be nonpartisan and
31 shall be conducted in the manner prescribed by law for holding

1 general elections. Board members shall assume the office on
2 the second Tuesday following their election.

3 (c) Candidates seeking election to office by qualified
4 electors under this subsection shall conduct their campaigns
5 in accordance with the provisions of chapter 106, Florida
6 Statutes, and shall file qualifying papers and qualify for
7 individual seats in accordance with section 99.061, Florida
8 Statutes. Candidates shall pay a qualifying fee, which shall
9 consist of a filing fee and an election assessment or, as an
10 alternative, shall file a petition signed by not less than 1
11 percent of the registered voters of the District, and take the
12 oath required in section 99.021, Florida Statutes, with the
13 supervisor of elections in the county affected by such
14 candidacy. The amount of the filing fee is 3 percent of
15 \$4,800; however, if the electors have provided for
16 compensation, the amount of the filing fee is 3 percent of the
17 maximum annual compensation so provided. The amount of the
18 election assessment is 1 percent of \$4,800; however, if the
19 electors have provided for compensation, the amount of the
20 election assessment is 1 percent of the maximum annual
21 compensation so provided. The filing fee and election
22 assessment shall be distributed as provided in section
23 105.031(3), Florida Statutes.

24 (d) The supervisors of elections shall appoint the
25 inspectors and clerks of elections, prepare and furnish the
26 ballots, designate polling places, and canvass the returns of
27 the election of board members by qualified electors. The
28 county canvassing boards shall declare and certify the results
29 of the election.

30 (4) Members of the board, regardless of how elected,
31 shall be public officers, shall be known as supervisors, and,

1 upon entering into office, shall take and subscribe to the
2 oath of office as prescribed by section 876.05, Florida
3 Statutes. Members of the board shall be subject to ethics and
4 conflict of interest laws of the state that apply to all local
5 public officers. They shall hold office for the terms for
6 which they were elected or appointed and until their
7 successors are chosen and qualified. If, during the term of
8 office, a vacancy occurs, the remaining members of the board
9 shall fill each vacancy by an appointment for the remainder of
10 the unexpired term.

11 (5) Any elected member of the Board of Supervisors may
12 be removed by the Governor for malfeasance, misfeasance,
13 dishonesty, incompetency, or failure to perform the duties
14 imposed upon him or her by this act, and any vacancies that
15 may occur in such office for such reasons shall be filled by
16 the Governor as soon as practicable.

17 (6) A majority of the members of the board constitutes
18 a quorum for the purposes of conducting its business and
19 exercising its powers and for all other purposes. Action taken
20 by the District shall be upon a vote of a majority of the
21 members present unless general law or a rule of the District
22 requires a greater number.

23 (7) As soon as practicable after each election or
24 appointment, the board shall organize by electing one of its
25 members as chair and by electing a secretary, who need not be
26 a member of the board, and such other officers as the board
27 may deem necessary.

28 (8) The board shall keep a permanent record book
29 entitled "Record of Proceedings of Lakewood Ranch Stewardship
30 District," in which shall be recorded minutes of all meetings,
31 resolutions, proceedings, certificates, bonds given by all

1 employees, and any and all corporate acts. The record book and
2 all other District records shall at reasonable times be opened
3 to inspection in the same manner as state, county, and
4 municipal records pursuant to chapter 119, Florida Statutes.
5 The record book shall be kept at the office or other regular
6 place of business maintained by the board in a designated
7 location in either Manatee County or Sarasota County.

8 (9) Each supervisor shall be entitled to receive for
9 his or her services an amount not to exceed \$200 per meeting
10 of the Board of Supervisors, not to exceed \$4,800 per year per
11 supervisor, or an amount established by the electors at
12 referendum. In addition, each supervisor shall receive travel
13 and per diem expenses as set forth in section 112.061, Florida
14 Statutes.

15 (10) All meetings of the board shall be open to the
16 public and governed by the provisions of chapter 286, Florida
17 Statutes.

18 Section 6. Board of Supervisors; general duties.--

19 (1) DISTRICT MANAGER AND EMPLOYEES.--The board shall
20 employ and fix the compensation of a district manager, who
21 shall have charge and supervision of the works of the District
22 and shall be responsible for preserving and maintaining any
23 improvement or facility constructed or erected pursuant to the
24 provisions of this act, for maintaining and operating the
25 equipment owned by the District, and for performing such other
26 duties as may be prescribed by the board. It shall not be a
27 conflict of interest under chapter 112, Florida Statutes, for
28 a board member, the district manager, or another employee of
29 the District to be a stockholder, officer, or employee of a
30 landowner. The district manager may hire or otherwise employ
31 and terminate the employment of such other persons, including,

1 without limitation, professional, supervisory, and clerical
2 employees, as may be necessary and authorized by the board.
3 The compensation and other conditions of employment of the
4 officers and employees of the District shall be as provided by
5 the board.

6 (2) TREASURER.--The board shall designate a person who
7 is a resident of the state as treasurer of the District, who
8 shall have charge of the funds of the District. Such funds
9 shall be disbursed only upon the order of or pursuant to a
10 resolution of the board by warrant or check countersigned by
11 the treasurer and by such other person as may be authorized by
12 the board. The board may give the treasurer such other or
13 additional powers and duties as the board may deem appropriate
14 and may fix his or her compensation. The board may require the
15 treasurer to give a bond in such amount, on such terms, and
16 with such sureties as may be deemed satisfactory to the board
17 to secure the performance by the treasurer of his or her
18 powers and duties. The financial records of the board shall be
19 audited by an independent certified public accountant at least
20 once a year.

21 (3) PUBLIC DEPOSITORY.--The board is authorized to
22 select as a depository for its funds any qualified public
23 depository as defined in section 280.02, Florida Statutes,
24 which meets all the requirements of chapter 280, Florida
25 Statutes, and has been designated by the treasurer as a
26 qualified public depository upon such terms and conditions as
27 to the payment of interest by such depository upon the funds
28 so deposited as the board may deem just and reasonable.

29 (4) BUDGET; REPORTS AND REVIEWS.--

30 (a) The District shall provide financial reports in
31 such form and such manner as prescribed pursuant to this act

1 and chapter 218, Florida Statutes, as amended from time to
2 time.

3 (b) On or before July 15 of each year, the district
4 manager shall prepare a proposed budget for the ensuing fiscal
5 year to be submitted to the board for board approval. The
6 proposed budget shall include at the direction of the board an
7 estimate of all necessary expenditures of the District for the
8 ensuing fiscal year and an estimate of income to the District
9 from the taxes and assessments provided in this act. The board
10 shall consider the proposed budget item by item and may either
11 approve the budget as proposed by the district manager or
12 modify the same in part or in whole. The board shall indicate
13 its approval of the budget by resolution, which resolution
14 shall provide for a hearing on the budget as approved. Notice
15 of the hearing on the budget shall be published in a newspaper
16 of general circulation in the area of the District once a week
17 for 2 consecutive weeks, except that the first publication
18 shall be not fewer than 15 days prior to the date of the
19 hearing. The notice shall further contain a designation of the
20 day, time, and place of the public hearing. At the time and
21 place designated in the notice, the board shall hear all
22 objections to the budget as proposed and may make such changes
23 as the board deems necessary. At the conclusion of the budget
24 hearing, the board shall, by resolution, adopt the budget as
25 finally approved by the board. The budget shall be adopted
26 prior to October 1 of each year.

27 (c) At least 60 days prior to adoption, the Board of
28 Supervisors of the District shall submit to the Manatee County
29 and Sarasota County Boards of County Commissioners, for
30 purposes of disclosure and information only, the proposed
31 annual budget for the ensuing fiscal year, and each Board of

1 County Commissioners may submit written comments to the Board
2 of Supervisors solely for the assistance and information of
3 the Board of Supervisors of the District in adopting its
4 annual District budget.

5 (d) The Board of Supervisors of the District shall
6 submit annually, to the Boards of County Commissioners of
7 Manatee and Sarasota Counties, its District public facilities
8 report under section 189.415(2), Florida Statutes, which
9 report the boards of county commissioners shall use and rely
10 on the District public facilities report in the preparation or
11 revision of their respective comprehensive plans, specifically
12 under section 189.415(6), Florida Statutes.

13 (5) DISCLOSURE OF PUBLIC FINANCING.--The District
14 shall take affirmative steps to provide for the full
15 disclosure of information relating to the public financing and
16 maintenance of improvements to real property undertaken by the
17 District. Such information shall be made available to all
18 existing residents and all prospective residents of the
19 District. The District shall furnish each developer of a
20 residential development within the District with sufficient
21 copies of that information to provide each prospective initial
22 purchaser of property in that development with a copy; and any
23 developer of a residential development within the District,
24 when required by law to provide a public offering statement,
25 shall include a copy of such information relating to the
26 public financing and maintenance of improvements in the public
27 offering statement. The Division of Florida Land Sales,
28 Condominiums, and Mobile Homes of the Department of Business
29 and Professional Regulation shall ensure that disclosures made
30 by developers pursuant to chapter 498, Florida Statutes, meet
31 the requirements of section 190.009(1), Florida Statutes.

1 (6) GENERAL POWERS.--The District shall have, and the
2 board may exercise, the following general powers:

3 (a) To sue and be sued in the name of the District; to
4 adopt and use a seal and authorize the use of a facsimile
5 thereof; to acquire, by purchase, gift, devise, or otherwise,
6 and to dispose of, real and personal property, or any estate
7 therein; and to make and execute contracts and other
8 instruments necessary or convenient to the exercise of its
9 powers.

10 (b) To apply for coverage of its employees under the
11 Florida Retirement System in the same manner as if such
12 employees were state employees, subject to necessary action by
13 the District to pay employer contributions into the Florida
14 Retirement System Trust Fund.

15 (c) To contract for the services of consultants to
16 perform planning, engineering, legal, or other appropriate
17 services of a professional nature. Such contracts shall be
18 subject to public bidding or competitive negotiation
19 requirements as set forth in general law applicable to
20 independent special districts.

21 (d) To borrow money and accept gifts; to apply for and
22 use grants or loans of money or other property from the United
23 States, the state, a unit of local government, or any person
24 for any District purposes and enter into agreements required
25 in connection therewith; and to hold, use, and dispose of such
26 moneys or property for any District purposes in accordance
27 with the terms of the gift, grant, loan, or agreement relating
28 thereto.

29 (e) To adopt and enforce rules and orders pursuant to
30 the provisions of chapter 120, Florida Statutes, prescribing
31 the powers, duties, and functions of the officers of the

1 District; the conduct of the business of the District; the
2 maintenance of records; and the form of certificates
3 evidencing tax liens and all other documents and records of
4 the District. The board may also adopt and enforce
5 administrative rules with respect to any of the projects of
6 the District and define the area to be included therein. The
7 board may also adopt resolutions which may be necessary for
8 the conduct of District business.

9 (f) To maintain an office at such place or places as
10 the Board of Supervisors designates in either Manatee County
11 or Sarasota County, and within the District when facilities
12 are available.

13 (g) To hold, control, and acquire by donation,
14 purchase, or condemnation, or dispose of, any public
15 easements, dedications to public use, platted reservations for
16 public purposes, or any reservations for those purposes
17 authorized by this act and to make use of such easements,
18 dedications, or reservations for the purposes authorized by
19 this act.

20 (h) To lease as lessor or lessee to or from any
21 person, firm, corporation, association, or body, public or
22 private, any projects of the type that the District is
23 authorized to undertake and facilities or property of any
24 nature for the use of the District to carry out the purposes
25 authorized by this act.

26 (i) To borrow money and issue bonds, certificates,
27 warrants, notes, or other evidence of indebtedness as
28 hereinafter provided; to levy such taxes and assessments as
29 may be authorized; and to charge, collect, and enforce fees
30 and other user charges.

31

1 (j) To raise, by user charges or fees authorized by
2 resolution of the board, amounts of money which are necessary
3 for the conduct of District activities and services and to
4 enforce their receipt and collection in the manner prescribed
5 by resolution not inconsistent with law.

6 (k) To exercise within the District, or beyond the
7 District with prior approval by vote of a resolution of the
8 governing body of the county if the taking will occur in an
9 unincorporated area in that county, the right and power of
10 eminent domain, pursuant to the provisions of chapters 73 and
11 74, Florida Statutes, over any property within the state,
12 except municipal, county, state, and federal property, for the
13 uses and purpose of the District relating solely to water,
14 sewer, District roads, and water management, specifically
15 including, without limitation, the power for the taking of
16 easements for the drainage of the land of one person over and
17 through the land of another.

18 (l) To cooperate with, or contract with, other
19 governmental agencies as may be necessary, convenient,
20 incidental, or proper in connection with any of the powers,
21 duties, or purposes authorized by this act.

22 (m) To assess and to impose upon lands in the District
23 ad valorem taxes as provided by this act.

24 (n) If and when authorized by general law, to
25 determine, order, levy, impose, collect, and enforce
26 maintenance taxes.

27 (o) To determine, order, levy, impose, collect, and
28 enforce assessments pursuant to this act and chapter 170,
29 Florida Statutes, as amended from time to time, pursuant to
30 authority granted in section 197.3631, Florida Statutes, or
31 pursuant to other provisions of general law now or hereinafter

1 enacted which provide or authorize a supplemental means to
2 order, levy, impose, or collect special assessments. Such
3 special assessments, in the discretion of the District, may be
4 collected and enforced pursuant to the provisions of sections
5 197.3632 and 197.3635, Florida Statutes, and chapters 170 and
6 173, Florida Statutes, as they may be amended from time to
7 time, or as provided by this act, or by other means authorized
8 by general law now or hereinafter enacted.

9 (p) To exercise such special powers and other express
10 powers as may be authorized and granted by this act in the
11 charter of the District, including powers as provided in any
12 interlocal agreement entered into pursuant to chapter 163,
13 Florida Statutes, or which shall be required or permitted to
14 be undertaken by the District pursuant to any development
15 order or development of regional impact, including any
16 interlocal service agreement with Manatee County or Sarasota
17 County for fair-share capital construction funding for any
18 certain capital facilities or systems required of the
19 developer pursuant to any applicable development order or
20 agreement.

21 (q) To exercise all of the powers necessary,
22 convenient, incidental, or proper in connection with any other
23 powers or duties or the special purpose of the District
24 authorized by this act.

25
26 The provisions of this subsection shall be construed liberally
27 in order to carry out effectively the specialized purpose of
28 this act. However, nothing in this subsection regarding the
29 exercise of general powers by the District is intended to
30 allow the District to exercise one or more special powers in
31 Manatee County absent an interlocal agreement with Manatee

1 County consenting to the exercise of such powers within that
2 county, or to allow the District to exercise one or more
3 special powers in Sarasota County absent an interlocal
4 agreement with Sarasota County consenting to the exercise of
5 such powers within that county.

6 (7) SPECIAL POWERS.--The District shall have, and the
7 board may exercise, the following special powers to implement
8 its lawful and special purpose and to provide, pursuant to
9 that purpose, systems, facilities, services, improvements,
10 projects, works, and infrastructure, each of which constitutes
11 a lawful public purpose when exercised pursuant to this
12 charter, subject to, and not inconsistent with, the regulatory
13 jurisdiction and permitting authority of all other applicable
14 governmental bodies, agencies, and any special districts
15 having authority with respect to any area included therein,
16 and to plan, establish, acquire, construct or reconstruct,
17 enlarge or extend, equip, operate, finance, fund, and maintain
18 improvements, systems, facilities, services, works, projects,
19 and infrastructure. Any or all of the following special powers
20 are granted by this act in order to implement the special
21 purpose of the District:

22 (a) To provide water management and control for the
23 lands within the District and to connect some or any of such
24 facilities with roads and bridges. In the event that the board
25 assumes the responsibility for providing water management and
26 control for the District which is to be financed by benefit
27 special assessments, the board shall adopt plans and
28 assessments pursuant to law or may proceed to adopt water
29 management and control plans, assess for benefits, and
30 apportion and levy special assessments, as follows:
31

1 1. The board shall cause to be made by the District's
2 engineer, or such other engineer or engineers as the board may
3 employ for that purpose, complete and comprehensive water
4 management and control plans for the lands located within the
5 District that will be improved in any part or in whole by any
6 system of facilities that may be outlined and adopted, and the
7 engineer shall make a report in writing to the board with maps
8 and profiles of said surveys and an estimate of the cost of
9 carrying out and completing the plans.

10 2. Upon the completion of such plans, the board shall
11 hold a hearing thereon to hear objections thereto, shall give
12 notice of the time and place fixed for such hearing by
13 publication once each week for 2 consecutive weeks in a
14 newspaper of general circulation in the general area of the
15 District, and shall permit the inspection of the plan at the
16 office of the District by all persons interested. All
17 objections to the plan shall be filed at or before the time
18 fixed in the notice for the hearing and shall be in writing.

19 3. After the hearing, the board shall consider the
20 proposed plan and any objections thereto and may modify,
21 reject, or adopt the plan or continue the hearing until a day
22 certain for further consideration of the proposed plan or
23 modifications thereof.

24 4. When the board approves a plan, a resolution shall
25 be adopted and a certified copy thereof shall be filed in the
26 office of the secretary and incorporated by him or her into
27 the records of the District.

28 5. The water management and control plan may be
29 altered in detail from time to time until the appraisal record
30 herein provided is filed but not in such manner as to affect
31 materially the conditions of its adoption. After the appraisal

1 record has been filed, no alteration of the plan shall be
2 made, except as provided by this act.

3 6. Within 20 days after the final adoption of the plan
4 by the board, the board shall proceed pursuant to section
5 298.301, Florida Statutes.

6 (b) To provide water supply, sewer, and wastewater
7 management, reclamation, and reuse, or any combination
8 thereof, and any irrigation systems, facilities, and services
9 and to construct and operate connecting intercepting or outlet
10 sewers and sewer mains and pipes and water mains, conduits, or
11 pipelines in, along, and under any street, alley, highway, or
12 other public place or ways, and to dispose of any effluent,
13 residue, or other byproducts of such system or sewer system.

14 1. The District may not purchase or sell a water,
15 sewer, or wastewater reuse utility that provides service to
16 the public for compensation, or enter into a wastewater
17 facility privatization contract for a wastewater facility,
18 until the governing body of the District has held a public
19 hearing on the purchase, sale, or wastewater facility
20 privatization contract and made a determination that the
21 purchase, sale, or wastewater facility privatization contract
22 is in the public interest.

23 2. In determining if the purchase, sale, or wastewater
24 facility privatization contract is in the public interest, the
25 District shall consider, at a minimum, the following:

26 a. The most recent available income and expense
27 statement for the utility.

28 b. The most recent available balance sheet for the
29 utility, listing assets and liabilities and clearly showing
30 the amount of contributions in aid of construction and the
31 accumulated depreciation thereon.

1 c. A statement of the existing rate base of the
2 utility for regulatory purposes.

3 d. The physical condition of the utility facilities
4 being purchased or sold or subject to a wastewater facility
5 privatization contract.

6 e. The reasonableness of the purchase, sale, or
7 wastewater facility privatization contract price and terms.

8 f. The impacts of the purchase, sale, or wastewater
9 facility privatization contract on utility customers, both
10 positive and negative.

11 g. Any additional investment required and the ability
12 and willingness of the purchaser or the private firm under a
13 wastewater facility privatization contract to make that
14 investment, whether the purchaser is the District or the
15 entity purchasing the utility from the District.

16 h. In the case of a wastewater facility privatization
17 contract, the terms and conditions on which the private firm
18 will provide capital investment and financing or a combination
19 thereof for contemplated capital replacements, additions,
20 expansions, and repairs.

21 i. The alternatives to the purchase, sale, or
22 wastewater facility privatization contract and the potential
23 impact on utility customers if the purchase, sale, or
24 wastewater facility privatization contract is not made.

25 j. The ability of the purchaser or the private firm
26 under a wastewater facility privatization contract to provide
27 and maintain high-quality and cost-effective utility service,
28 whether the purchaser is the District or the entity purchasing
29 the utility from the District.

30 k. In the case of a wastewater facility privatization
31 contract, the District shall give significant weight to the

1 technical expertise and experience of the private firm in
2 carrying out the obligations specified in the wastewater
3 facility privatization contract.

4 1. All moneys paid by a private firm to a District
5 pursuant to a wastewater facility privatization contract shall
6 be used for the purpose of reducing or offsetting property
7 taxes, wastewater service rates, or debt reduction or making
8 infrastructure improvements or capital asset expenditures or
9 other public purpose, provided, however, that nothing herein
10 shall preclude the District from using all or part of the
11 moneys for the purpose of the District's qualification for
12 relief from the repayment of federal grant awards associated
13 with the wastewater system as may be required by federal law
14 or regulation. The District shall prepare a statement showing
15 that the purchase, sale, or wastewater facility privatization
16 contract is in the public interest, including a summary of the
17 purchaser's or private firm's experience in water, sewer, or
18 wastewater reuse utility operation and a showing of financial
19 ability to provide the service, whether the purchaser or
20 private firm is the District or the entity purchasing the
21 utility from the District.

22 (c) To provide bridges or culverts that may be needed
23 across any drain, ditch, canal, floodway, holding basin,
24 excavation, public highway, tract, grade, fill, or cut and
25 roadways over levees and embankments, and to construct any and
26 all of such works and improvements across, through, or over
27 any public right-of way, highway, grade, fill, or cut.

28 (d) To provide district roads equal to or exceeding
29 the specifications of the county in which such District roads
30 are located, and to provide street lights, including
31 conditions of development approval for which specifications

1 may sometimes be different than the normal specifications of
2 the county. This special power includes, but is not limited
3 to, roads, parkways, bridges, landscaping, hardscaping,
4 irrigation, bicycle lanes, jogging paths, street lighting,
5 traffic signals, regulatory or informational signage, road
6 striping, underground conduit, underground cable or fiber or
7 wire installed to pursuant an agreement with or tariff of a
8 retail provider of services, and all other customary elements
9 of a functioning modern road system in general or as tied to
10 the conditions of development approval for the area within the
11 District, and parking facilities that are freestanding or that
12 may be related to any innovative strategic intermodal system
13 of transportation pursuant to applicable federal, state, and
14 local law and ordinance.

15 (e) To provide buses, trolleys, transit shelters,
16 ridesharing facilities and services, parking improvements, and
17 related signage.

18 (f) To provide investigation and remediation costs
19 associated with the cleanup of actual or perceived
20 environmental contamination within the District under the
21 supervision or direction of a competent governmental authority
22 unless the covered costs benefit any person who is a landowner
23 within the District and who caused or contributed to the
24 contamination.

25 (g) To provide observation areas, mitigation areas,
26 and wildlife habitat, including the maintenance of any plant
27 or animal species, and any related interest in real or
28 personal property.

29 (h) Using its general and special powers as set forth
30 in this act, to provide any other project within or without
31 the boundaries of the District when the project is the subject

1 of an agreement between the District and the Board of County
2 Commissioners of either Manatee County or Sarasota County or
3 with any other applicable public or private entity, and is not
4 inconsistent with the effective local comprehensive plans.

5 (i) To provide parks and facilities for indoor and
6 outdoor recreational, cultural, and educational uses.

7 (j) To provide fire prevention and control, including
8 fire stations, water mains and plugs, fire trucks, and other
9 vehicles and equipment.

10 (k) To provide school buildings and related
11 structures, which may be leased, sold, or donated to the
12 school district, for use in the educational system when
13 authorized by the district school board.

14 (l) To provide security, including, but not limited
15 to, guardhouses, fences, and gates, electronic
16 intrusion-detection systems, and patrol cars, when authorized
17 by proper governmental agencies; however, the District may not
18 exercise any powers of a law enforcement agency but may
19 contract with the appropriate local general-purpose government
20 agencies for an increased level of such services within the
21 District boundaries. Notwithstanding any provision of general
22 law, the District may operate guardhouses for the limited
23 purpose of providing security for the residents of the
24 District and which serve a predominate public, as opposed to
25 private, purpose. Such guardhouses shall be operated by the
26 District or any other unit of local government pursuant to
27 procedures designed to serve such security purposes as set
28 forth in rules adopted by the board, from time to time,
29 following the procedures set forth in chapter 120, Florida
30 Statutes.

31

1 (m) To provide control and elimination of mosquitoes
2 and other arthropods of public health importance.

3 (n) To provide waste collection and disposal.

4 (o) To enter into impact fee credit agreements with
5 Manatee County or Sarasota County. Under such agreements, if
6 the District constructs or makes contributions for public
7 systems, facilities, services, projects, improvements, works,
8 and infrastructures for which impact fee credits would be
9 available to the landowner developer under the applicable
10 impact fee ordinance, the agreement authorized by this act
11 shall provide that such impact fee credit shall inure to the
12 landowners within the District in proportion to assessments or
13 other burdens levied and imposed upon the landowners with
14 respect to assessable improvements giving rise to such impact
15 fee credits, and the District shall from time to time execute
16 such instruments, such as assignments of impact fee credits,
17 as may be necessary, appropriate, or desirable to accomplish
18 or to confirm the foregoing.

19 (p) To provide buildings and structures for District
20 offices, maintenance facilities, meeting facilities, town
21 centers, or any other project authorized or granted by this
22 act.

23 (q) To establish and create, at noticed meetings, such
24 governmental departments of the Board of Supervisors of the
25 District, as well as committees, task forces, boards, or
26 commissions, or other agencies under the supervision and
27 control of the District, as from time to time the members of
28 the board may deem necessary or desirable in the performance
29 of the acts or other things necessary to exercise the board's
30 general or special powers to implement an innovative project
31 to carry out the special purpose of the District as provided

1 in this act and to delegate the exercise of its powers to such
2 departments, boards, task forces, committees, or other
3 agencies and such administrative duties and other powers as
4 the board may deem necessary or desirable but only if there is
5 a set of expressed limitations for accountability, notice, and
6 periodic written reporting to the board that shall retain the
7 powers of the board.

8
9 The enumeration of special powers herein shall not be deemed
10 exclusive or restrictive but shall be deemed to incorporate
11 all powers express or implied necessary or incident to
12 carrying out such enumerated special powers, including also
13 the general powers provided by this special act charter to the
14 District to implement its single purpose. Further, the
15 provisions of this subsection shall be construed liberally in
16 order to carry out effectively the special purpose of this
17 District under this act. The District shall only exercise the
18 special powers described in paragraphs (a) through (p) within
19 Manatee County upon the execution of an interlocal agreement
20 between the District and Manatee County consenting to the
21 District's exercise of those powers within Manatee County. The
22 District shall only exercise the special powers described in
23 paragraphs (a) through (p) within Sarasota County upon the
24 execution of an interlocal agreement between the District and
25 Sarasota County consenting to the District's exercise of those
26 powers within Sarasota County. The District may exercise
27 different powers within each county, depending upon the timing
28 and content of the respective interlocal agreement, as either
29 may be amended from time to time.

30 (8) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition
31 to the other powers provided for in this act, and not in

1 limitation thereof, the District shall have the power, at any
2 time and from time to time after the issuance of any bonds of
3 the District shall have been authorized, to borrow money for
4 the purposes for which such bonds are to be issued in
5 anticipation of the receipt of the proceeds of the sale of
6 such bonds and to issue bond anticipation notes in a principal
7 sum not in excess of the authorized maximum amount of such
8 bond issue. Such notes shall be in such denomination or
9 denominations, bear interest at such rate as the board may
10 determine not to exceed the maximum rate allowed by general
11 law, mature at such time or times not later than 5 years from
12 the date of issuance, and be in such form and executed in such
13 manner as the board shall prescribe. Such notes may be sold at
14 either public or private sale or, if such notes shall be
15 renewal notes, may be exchanged for notes then outstanding on
16 such terms as the board shall determine. Such notes shall be
17 paid from the proceeds of such bonds when issued. The board
18 may, in its discretion, in lieu of retiring the notes by means
19 of bonds, retire them by means of current revenues or from any
20 taxes or assessments levied for the payment of such bonds,
21 but, in such event, a like amount of the bonds authorized
22 shall not be issued.

23 (9) BORROWING.--The District at any time may obtain
24 loans, in such amount and on such terms and conditions as the
25 board may approve, for the purpose of paying any of the
26 expenses of the District or any costs incurred or that may be
27 incurred in connection with any of the projects of the
28 District, which loans shall bear interest as the board
29 determines, not to exceed the maximum rate allowed by general
30 law, and may be payable from and secured by a pledge of such
31 funds, revenues, taxes, and assessments as the board may

1 determine, subject, however, to the provisions contained in
2 any proceeding under which bonds were theretofore issued and
3 are then outstanding. For the purpose of defraying such costs
4 and expenses, the District may issue negotiable notes,
5 warrants, or other evidences of debt to be payable at such
6 times and to bear such interest as the board may determine,
7 not to exceed the maximum rate allowed by general law, and to
8 be sold or discounted at such price or prices not less than 95
9 percent of par value and on such terms as the board may deem
10 advisable. The board shall have the right to provide for the
11 payment thereof by pledging the whole or any part of the
12 funds, revenues, taxes, and assessments of the District. The
13 approval of the electors residing in the District shall not be
14 necessary except when required by the State Constitution.

15 (10) BONDS.--

16 (a) Sale of bonds.--Bonds may be sold in blocks or
17 installments at different times, or an entire issue or series
18 may be sold at one time. Bonds may be sold at public or
19 private sale after such advertisement, if any, as the board
20 may deem advisable but not in any event at less than 90
21 percent of the par value thereof, together with accrued
22 interest thereon. Bonds may be sold or exchanged for refunding
23 bonds. Special assessment and revenue bonds may be delivered
24 by the District as payment of the purchase price of any
25 project or part thereof, or a combination of projects or parts
26 thereof, or as the purchase price or exchange for any
27 property, real, personal, or mixed, including franchises or
28 services rendered by any contractor, engineer, or other
29 person, all at one time or in blocks from time to time, in
30 such manner and upon such terms as the board in its discretion
31

1 shall determine. The price or prices for any bonds sold,
2 exchanged, or delivered may be:

3 1. The money paid for the bonds.

4 2. The principal amount, plus accrued interest to the
5 date of redemption or exchange, or outstanding obligations
6 exchanged for refunding bonds.

7 3. In the case of special assessment or revenue bonds,
8 the amount of any indebtedness to contractors or other persons
9 paid with such bonds, or the fair value of any properties
10 exchanged for the bonds, as determined by the board.

11 (b) Authorization and form of bonds.--Any general
12 obligation bonds, special assessment bonds, or revenue bonds
13 may be authorized by resolution or resolutions of the board
14 which shall be adopted by a majority of all the members
15 thereof then in office. Such resolution or resolutions may be
16 adopted at the same meeting at which they are introduced and
17 need not be published or posted. The board may, by resolution,
18 authorize the issuance of bonds and fix the aggregate amount
19 of bonds to be issued; the purpose or purposes for which the
20 moneys derived therefrom shall be expended, including, but not
21 limited to, payment of costs as defined in section 2(2)(i);
22 the rate or rates of interest, not to exceed the maximum rate
23 allowed by general law; the denomination of the bonds; whether
24 or not the bonds are to be issued in one or more series; the
25 date or dates of maturity, which shall not exceed 40 years
26 from their respective dates of issuance; the medium of
27 payment; the place or places within or without the state at
28 which payment shall be made; registration privileges;
29 redemption terms and privileges, whether with or without
30 premium; the manner of execution; the form of the bonds,
31 including any interest coupons to be attached thereto; the

1 manner of execution of bonds and coupons; and any and all
2 other terms, covenants, and conditions thereof and the
3 establishment of revenue or other funds. Such authorizing
4 resolution or resolutions may further provide for the
5 contracts authorized by section 159.825(1)(f) and (g), Florida
6 Statutes, regardless of the tax treatment of such bonds being
7 authorized, subject to the finding by the board of a net
8 saving to the District resulting by reason thereof. Such
9 authorizing resolution may further provide that such bonds may
10 be executed in accordance with the Registered Public
11 Obligations Act, except that bonds not issued in registered
12 form shall be valid if manually countersigned by an officer
13 designated by appropriate resolution of the board. The seal of
14 the District may be affixed, lithographed, engraved, or
15 otherwise reproduced in facsimile on such bonds. In case any
16 officer whose signature shall appear on any bonds or coupons
17 shall cease to be such officer before the delivery of such
18 bonds, such signature or facsimile shall nevertheless be valid
19 and sufficient for all purposes the same as if he or she had
20 remained in office until such delivery.

21 (c) Interim certificates; replacement
22 certificates.--Pending the preparation of definitive bonds,
23 the board may issue interim certificates or receipts or
24 temporary bonds, in such form and with such provisions as the
25 board may determine, exchangeable for definitive bonds when
26 such bonds have been executed and are available for delivery.
27 The board may also provide for the replacement of any bonds
28 which become mutilated, lost, or destroyed.

29 (d) Negotiability of bonds.--Any bond issued under
30 this act or any temporary bond, in the absence of an express
31 recital on the face thereof that it is nonnegotiable, shall be

1 fully negotiable and shall be and constitute a negotiable
2 instrument within the meaning and for all purposes of the law
3 merchant and the laws of the state.

4 (e) Defeasance.--The board may make such provision
5 with respect to the defeasance of the right, title, and
6 interest of the holders of any of the bonds and obligations of
7 the District in any revenues, funds, or other properties by
8 which such bonds are secured as the board deems appropriate
9 and, without limitation on the foregoing, may provide that
10 when such bonds or obligations become due and payable or shall
11 have been called for redemption and the whole amount of the
12 principal and interest and premium, if any, due and payable
13 upon the bonds or obligations then outstanding shall be held
14 in trust for such purpose, and provision shall also be made
15 for paying all other sums payable in connection with such
16 bonds or other obligations, then and in such event the right,
17 title, and interest of the holders of the bonds in any
18 revenues, funds, or other properties by which such bonds are
19 secured shall thereupon cease, terminate, and become void; and
20 the board may apply any surplus in any sinking fund
21 established in connection with such bonds or obligations and
22 all balances remaining in all other funds or accounts other
23 than moneys held for the redemption or payment of the bonds or
24 other obligations to any lawful purpose of the District as the
25 board shall determine.

26 (f) Issuance of additional bonds.--If the proceeds of
27 any bonds are less than the cost of completing the project in
28 connection with which such bonds were issued, the board may
29 authorize the issuance of additional bonds, upon such terms
30 and conditions as the board may provide in the resolution
31 authorizing the issuance thereof, but only in compliance with

1 the resolution or other proceedings authorizing the issuance
2 of the original bonds.

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

29 (h) Revenue bonds.--

30 1. The District shall have the power to issue revenue
31 bonds from time to time without limitation as to amount. Such

1 revenue bonds may be secured by, or payable from, the gross or
2 net pledge of the revenues to be derived from any project or
3 combination of projects; from the rates, fees, or other
4 charges to be collected from the users of any project or
5 projects; from any revenue-producing undertaking or activity
6 of the District; from special assessments; or from benefit
7 special assessments; or from any other source or pledged
8 security. Such bonds shall not constitute an indebtedness of
9 the District, and the approval of the qualified electors shall
10 not be required unless such bonds are additionally secured by
11 the full faith and credit and taxing power of the District.

12 2. Any two or more projects may be combined and
13 consolidated into a single project and may hereafter be
14 operated and maintained as a single project. The revenue bonds
15 authorized herein may be issued to finance any one or more of
16 such projects, regardless of whether or not such projects have
17 been combined and consolidated into a single project. If the
18 board deems it advisable, the proceedings authorizing such
19 revenue bonds may provide that the District may thereafter
20 combine the projects then being financed or theretofore
21 financed with other projects to be subsequently financed by
22 the District and that revenue bonds to be thereafter issued by
23 the District shall be on parity with the revenue bonds then
24 being issued, all on such terms, conditions, and limitations
25 as shall have been provided in the proceeding which authorized
26 the original bonds.

27 (i) General obligation bonds.--

28 1. Subject to the limitations of this charter, the
29 District shall have the power from time to time to issue
30 general obligation bonds to finance or refinance capital
31 projects or to refund outstanding bonds in an aggregate

1 principal amount of bonds outstanding at any one time not in
2 excess of 35 percent of the assessed value of the taxable
3 property within the District as shown on the pertinent tax
4 records at the time of the authorization of the general
5 obligation bonds for which the full faith and credit of the
6 District is pledged. Except for refunding bonds, no general
7 obligation bonds shall be issued unless the bonds are issued
8 to finance or refinance a capital project and the issuance has
9 been approved at an election held in accordance with the
10 requirements for such election as prescribed by the State
11 Constitution. Such elections shall be called to be held in the
12 District by the Board of County Commissioners of Manatee and
13 Sarasota Counties upon the request of the board of the
14 District. The expenses of calling and holding an election
15 shall be at the expense of the District, and the District
16 shall reimburse the county for any expenses incurred in
17 calling or holding such election.

18 2. The District may pledge its full faith and credit
19 for the payment of the principal and interest on such general
20 obligation bonds and for any reserve funds provided therefor
21 and may unconditionally and irrevocably pledge itself to levy
22 ad valorem taxes on all taxable property in the District, to
23 the extent necessary for the payment thereof, without
24 limitation as to rate or amount.

25 3. If the board determines to issue general obligation
26 bonds for more than one capital project, the approval of the
27 issuance of the bonds for each and all such projects may be
28 submitted to the electors on one and the same ballot. The
29 failure of the electors to approve the issuance of bonds for
30 any one or more capital projects shall not defeat the approval
31

1 of bonds for any capital project which has been approved by
2 the electors.

3 4. In arriving at the amount of general obligation
4 bonds permitted to be outstanding at any one time pursuant to
5 subparagraph 1., there shall not be included any general
6 obligation bonds which are additionally secured by the pledge
7 of:

8 a. Any assessments levied in an amount sufficient to
9 pay the principal and interest on the general obligation bonds
10 so additionally secured, which assessments have been equalized
11 and confirmed by resolution of the board pursuant to this act
12 or section 170.08, Florida Statutes.

13 b. Water revenues, sewer revenues, or water and sewer
14 revenues of the District to be derived from user fees in an
15 amount sufficient to pay the principal and interest on the
16 general obligation bonds so additionally secured.

17 c. Any combination of assessments and revenues
18 described in sub-subparagraphs a. and b.

19 (j) Bonds as legal investment or security.--

20 1. Notwithstanding any provisions of any other law to
21 the contrary, all bonds issued under the provisions of this
22 act shall constitute legal investments for savings banks,
23 banks, trust companies, insurance companies, executors,
24 administrators, trustees, guardians, and other fiduciaries and
25 for any board, body, agency, instrumentality, county,
26 municipality, or other political subdivision of the state and
27 shall be and constitute security which may be deposited by
28 banks or trust companies as security for deposits of state,
29 county, municipal, or other public funds or by insurance
30 companies as required or voluntary statutory deposits.

31

1 2. Any bonds issued by the District shall be
2 incontestable in the hands of bona fide purchasers or holders
3 for value and shall not be invalid because of any irregularity
4 or defect in the proceedings for the issue and sale thereof.

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

30 (l) Validation proceedings.--The power of the District
31 to issue bonds under the provisions of this act may be

1 determined, and any of the bonds of the District maturing over
2 a period of more than 5 years shall be validated and
3 confirmed, by court decree, under the provisions of chapter
4 75, Florida Statutes, and laws amendatory thereof or
5 supplementary thereto.

6 (m) Tax exemption.--To the extent allowed by general
7 law, all bonds issued hereunder and interest paid thereon and
8 all fees, charges, and other revenues derived by the District
9 from the projects provided by this act are exempt from all
10 taxes by the state or by any political subdivision, agency, or
11 instrumentality thereof; however, any interest, income, or
12 profits on debt obligations issued hereunder are not exempt
13 from the tax imposed by chapter 220, Florida Statutes.
14 Further, the District is not exempt from the provisions of
15 chapter 212, Florida Statutes.

16 (n) Application of section 189.4085, Florida
17 Statutes.--Bonds issued by the District shall meet the
18 criteria set forth in section 189.4085, Florida Statutes.

19 (o) Act furnishes full authority for issuance of
20 bonds.--This act constitutes full and complete authority for
21 the issuance of bonds and the exercise of the powers of the
22 District provided herein. No procedures or proceedings,
23 publications, notices, consents, approvals, orders, acts, or
24 things by the board, or any board, officer, commission,
25 department, agency, or instrumentality of the District, other
26 than those required by this act, shall be required to perform
27 anything under this act, except that the issuance or sale of
28 bonds pursuant to the provisions of this act shall comply with
29 the general law requirements applicable to the issuance or
30 sale of bonds by the District. Nothing in this act shall be
31

1 construed to authorize the District to utilize bond proceeds
2 to fund the ongoing operations of the District.

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

13 (q) Default.--A default on the bonds or obligations of
14 a District shall not constitute a debt or obligation of the
15 state or any general-purpose local government or the state.

16 (11) TRUST AGREEMENTS.--Any issue of bonds shall be
17 secured by a trust agreement by and between the District and a
18 corporate trustee or trustees, which may be any trust company
19 or bank having the powers of a trust company within or without
20 the state. The resolution authorizing the issuance of the
21 bonds or such trust agreement may pledge the revenues to be
22 received from any projects of the District and may contain
23 such provisions for protecting and enforcing the rights and
24 remedies of the bondholders as the board may approve,
25 including, without limitation, covenants setting forth the
26 duties of the District in relation to: the acquisition,
27 construction, reconstruction, improvement, maintenance,
28 repair, operation, and insurance of any projects; the fixing
29 and revising of the rates, fees, and charges; and the custody,
30 safeguarding, and application of all moneys and for the
31 employment of consulting engineers in connection with such

1 acquisition, construction, reconstruction, improvement,
2 maintenance, repair, or operation. It shall be lawful for any
3 bank or trust company within or without the state which may
4 act as a depository of the proceeds of bonds or of revenues to
5 furnish such indemnifying bonds or to pledge such securities
6 as may be required by the District. Such resolution or trust
7 agreement may set forth the rights and remedies of the
8 bondholders and of the trustee, if any, and may restrict the
9 individual right of action by bondholders. The board may
10 provide for the payment of proceeds of the sale of the bonds
11 and the revenues of any project to such officer, board, or
12 depository as it may designate for the custody thereof and may
13 provide for the method of disbursement thereof with such
14 safeguards and restrictions as it may determine. All expenses
15 incurred in carrying out the provisions of such resolution or
16 trust agreement may be treated as part of the cost of
17 operation of the project to which such trust agreement
18 pertains.

19 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
20 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
21 ASSESSMENTS; MAINTENANCE TAXES.--

22 (a) Ad valorem taxes.--An elected board shall have the
23 power to levy and assess an ad valorem tax on all the taxable
24 property in the District to construct, operate, and maintain
25 assessable improvements; to pay the principal of, and interest
26 on, any general obligation bonds of the District; and to
27 provide for any sinking or other funds established in
28 connection with any such bonds. An ad valorem tax levied by
29 the board for operating purposes, exclusive of debt service on
30 bonds, shall not exceed 3 mills. The ad valorem tax provided
31 for herein shall be in addition to county and all other ad

1 valorem taxes provided for by law. Such tax shall be assessed,
2 levied, and collected in the same manner and at the same time
3 as county taxes. The levy of ad valorem taxes must be approved
4 by referendum as required by Section 9 of Article VII of the
5 State Constitution.

6 (b) Benefit special assessments.--The board annually
7 shall determine, order, and levy the annual installment of the
8 total benefit special assessments for bonds issued and related
9 expenses to finance assessable improvements. These assessments
10 may be due and collected during each year that county taxes
11 are due and collected, in which case such annual installment
12 and levy shall be evidenced to and certified to the property
13 appraiser by the board not later than August 31 of each year.
14 Such assessment shall be entered by the property appraiser on
15 the county tax rolls and shall be collected and enforced by
16 the tax collector in the same manner and at the same time as
17 county taxes, and the proceeds thereof shall be paid to the
18 District. However, this subsection shall not prohibit the
19 District in its discretion from using the method prescribed in
20 either section 197.3632 or chapter 173, Florida Statutes, as
21 each may be amended from time to time, for collecting and
22 enforcing these assessments. Each annual installment of
23 benefit special assessments shall be a lien on the property
24 against which assessed until paid and shall be enforceable in
25 like manner as county taxes. The amount of the assessment for
26 the exercise of the District's powers under subsections (6)
27 and (7) shall be determined by the board based upon a report
28 of the District's engineer and assessed by the board upon such
29 lands, which may be part or all of the lands within the
30 District benefited by the improvement, apportioned between
31 benefited lands in proportion to the benefits received by each

1 tract of land. The board may, if it determines it is in the
2 best interests of the District, set forth in the proceedings
3 initially levying such benefit special assessments or in
4 subsequent proceedings a formula for the determination of an
5 amount, which when paid by a taxpayer with respect to any tax
6 parcel, shall constitute a prepayment of all future annual
7 installments of such benefit special assessments and that the
8 payment of which amount with respect to such tax parcel shall
9 relieve and discharge such tax parcel of the lien of such
10 benefit special assessments and any subsequent annual
11 installment thereof. The board may provide further that upon
12 delinquency in the payment of any annual installment of
13 benefit special assessments, the prepayment amount of all
14 future annual installments of benefit special assessments as
15 determined in the preceding sentence shall be and become
16 immediately due and payable together with such delinquent
17 annual installment.

18 (c) Non-ad valorem maintenance taxes.--If and when
19 authorized by general law, to maintain and to preserve the
20 physical facilities and services constituting the works,
21 improvements, or infrastructure provided by the District
22 pursuant to this act, to repair and restore any one or more of
23 them, when needed, and to defray the current expenses of the
24 District, including any sum which may be required to pay state
25 and county ad valorem taxes on any lands which may have been
26 purchased and which are held by the District under the
27 provisions of this act, the Board of Supervisors may, upon the
28 completion of said systems, facilities, services, works,
29 improvements, or infrastructure, in whole or in part, as may
30 be certified to the board by the engineer of the board, levy
31 annually a non-ad valorem and nonmillage tax upon each tract

1 or parcel of land within the District, to be known as a
2 "maintenance tax." This non-ad valorem maintenance tax shall
3 be apportioned upon the basis of the net assessments of
4 benefits assessed as accruing from the original construction
5 and shall be evidenced to and certified by the Board of
6 Supervisors of the District not later than June 1 of each year
7 to the property appraisers of Manatee and Sarasota Counties
8 and shall be extended by the property appraiser on the tax
9 roll of the property appraiser, as certified by the property
10 appraiser to the tax collector, and collected by the tax
11 collector on the merged collection roll of the tax collector
12 in the same manner and at the same time as county ad valorem
13 taxes, and the proceeds therefrom shall be paid to the
14 District. This non-ad valorem maintenance tax shall be a lien
15 until paid on the property against which assessed and
16 enforceable in like manner and of the same dignity as county
17 ad valorem taxes.

18 (d) Maintenance special assessments.--To maintain and
19 preserve the facilities and projects of the District, the
20 board may levy a maintenance special assessment. This
21 assessment may be evidenced to and certified to the property
22 appraiser by the Board of Supervisors not later than August 31
23 of each year and shall be entered by the property appraiser on
24 the county tax rolls and shall be collected and enforced by
25 the tax collector in the same manner and at the same time as
26 county taxes, and the proceeds therefrom shall be paid to the
27 District. However, this subsection shall not prohibit the
28 District in its discretion from using the method prescribed in
29 either section 197.363, section 197.3631, or section 197.3632,
30 Florida Statutes, for collecting and enforcing these
31 assessments. These maintenance special assessments shall be a

1 lien on the property against which assessed until paid and
2 shall be enforceable in like manner as county taxes. The
3 amount of the maintenance special assessment for the exercise
4 of the District's powers under this section shall be
5 determined by the board based upon a report of the District's
6 engineer and assessed by the board upon such lands, which may
7 be all of the lands within the District benefited by the
8 maintenance thereof, apportioned between the benefited lands
9 in proportion to the benefits received by each tract of land.

10 (e) Special assessments.--To levy and impose any
11 special assessments pursuant to this subsection.

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

24 (g) When unpaid tax is delinquent; penalty.--All taxes
25 provided for in this act shall become delinquent and bear
26 penalties on the amount of such taxes in the same manner as
27 county taxes.

28 (h) Status of assessments.--Benefit special
29 assessments, maintenance special assessments, and special
30 assessments are hereby found and determined to be non-ad
31 valorem assessments as defined by section 197.3632, Florida

1 Statutes. Maintenance taxes are non-ad valorem taxes and are
2 not special assessments.

3 (i) Assessments constitute liens; collection.--Any and
4 all assessments, including special assessments, benefit
5 special assessments, and maintenance special assessments
6 authorized by this section, and including special assessments
7 as defined by section 2(2)(z) and granted and authorized by
8 this subsection, and including maintenance taxes if authorized
9 by general law, shall constitute a lien on the property
10 against which assessed from the date of levy and imposition
11 thereof until paid, coequal with the lien of state, county,
12 municipal, and school board taxes. These assessments may be
13 collected, at the District's discretion, under authority of
14 section 197.3631, Florida Statutes, as amended from time to
15 time, by the tax collector pursuant to the provisions of
16 sections 197.3632 and 197.3635, Florida Statutes, as amended
17 from time to time, or in accordance with other collection
18 measures provided by law. In addition to, and not in
19 limitation of, any powers otherwise set forth herein or in
20 general law, these assessments may also be enforced pursuant
21 to the provisions of chapter 173, Florida Statutes, as amended
22 from time to time.

23 (j) Land owned by governmental entity.--Except as
24 otherwise provided by law, no levy of ad valorem taxes or
25 non-ad valorem assessments under this act, chapter 170, or
26 chapter 197, Florida Statutes, as each may be amended from
27 time to time, or otherwise, by a board of a District, on
28 property of a governmental entity that is subject to a ground
29 lease as described in section 190.003(13), Florida Statutes,
30 shall constitute a lien or encumbrance on the underlying fee
31 interest of such governmental entity.

1 (13) SPECIAL ASSESSMENTS.--

2 (a) As an alternative method to the levy and
3 imposition of special assessments pursuant to chapter 170,
4 Florida Statutes, pursuant to the authority of section
5 197.3631, Florida Statutes, or pursuant to other provisions of
6 general law, now or hereafter enacted, which provide a
7 supplemental means or authority to impose, levy, and collect
8 special assessments as otherwise authorized under this act,
9 the board may levy and impose special assessments to finance
10 the exercise of any of its powers permitted under this act
11 using the following uniform procedures:

12 1. At a noticed meeting, the Board of Supervisors of
13 the District may consider and review an engineer's report on
14 the costs of the systems, facilities, and services to be
15 provided, a preliminary assessment methodology, and a
16 preliminary roll based on acreage or platted lands, depending
17 upon whether platting has occurred.

18 a. The assessment methodology shall address and
19 discuss and the board shall consider whether the systems,
20 facilities, and services being contemplated will result in
21 special benefits peculiar to the property, different in kind
22 and degree than general benefits, as a logical connection
23 between the systems, facilities, and services themselves and
24 the property, and whether the duty to pay the assessments by
25 the property owners is apportioned in a manner that is fair
26 and equitable and not in excess of the special benefit
27 received. It shall be fair and equitable to designate a fixed
28 proportion of the annual debt service, together with interest
29 thereon, on the aggregate principal amount of bonds issued to
30 finance such systems, facilities, and services which give rise
31 to unique, special, and peculiar benefits to property of the

1 same or similar characteristics under the assessment
2 methodology so long as such fixed proportion does not exceed
3 the unique, special, and peculiar benefits enjoyed by such
4 property from such systems, facilities, and services.

5 b. The engineer's cost report shall identify the
6 nature of the proposed systems, facilities, and services,
7 their location, a cost breakdown plus a total estimated cost,
8 including cost of construction or reconstruction, labor, and
9 materials, lands, property, rights, easements, franchises, or
10 systems, facilities, and services to be acquired, cost of
11 plans and specifications, surveys of estimates of costs and
12 revenues, costs of engineering, legal, and other professional
13 consultation services, and other expenses or costs necessary
14 or incident to determining the feasibility or practicability
15 of such construction, reconstruction, or acquisition,
16 administrative expenses, relationship to the authority and
17 power of the District in its charter, and such other expenses
18 or costs as may be necessary or incident to the financing to
19 be authorized by the Board of Supervisors.

20 c. The preliminary assessment roll to be prepared will
21 be in accordance with the method of assessment provided for in
22 the assessment methodology and as may be adopted by the Board
23 of Supervisors; the assessment roll shall be completed as
24 promptly as possible and shall show the acreage, lots, lands,
25 or plats assessed and the amount of the fairly and reasonably
26 apportioned assessment based on special and peculiar benefit
27 to the property, lot, parcel, or acreage of land; and, if the
28 assessment against each such lot, parcel, acreage, or portion
29 of land is to be paid in installments, the number of annual
30 installments in which the assessment is divided shall be
31 entered into and shown upon the assessment roll.

1 2. The Board of Supervisors of the District may
2 determine and declare by an initial assessment resolution to
3 levy and assess the assessments with respect to assessable
4 improvements stating the nature of the systems, facilities,
5 and services, improvements, projects, or infrastructure
6 constituting such assessable improvements, the information in
7 the engineer's cost report, the information in the assessment
8 methodology as determined by the board at the noticed meeting
9 and referencing and incorporating as part of the resolution
10 the engineer's cost report, the preliminary assessment
11 methodology, and the preliminary assessment roll as referenced
12 exhibits to the resolution by reference. If the board
13 determines to declare and levy the special assessments by the
14 initial assessment resolution, the board shall also adopt and
15 declare a notice resolution which shall provide and cause the
16 initial assessment resolution to be published once a week for
17 a period of 2 weeks in newspapers of general circulation
18 published in Manatee and Sarasota Counties and said board
19 shall by the same resolution fix a time and place at which the
20 owner or owners of the property to be assessed or any other
21 persons interested therein may appear before said board and be
22 heard as to the propriety and advisability of making such
23 improvements, as to the costs thereof, as to the manner of
24 payment therefor, and as to the amount thereof to be assessed
25 against each property so improved. Thirty days' notice in
26 writing of such time and place shall be given to such property
27 owners. The notice shall include the amount of the assessment
28 and shall be served by mailing a copy to each assessed
29 property owner at his or her last known address, the names and
30 addresses of such property owners to be obtained from the
31 record of the property appraiser of the county political

1 subdivision in which the land is located or from such other
2 sources as the district manager or engineer deems reliable,
3 and proof of such mailing shall be made by the affidavit of
4 the manager of the District or by the engineer, said proof to
5 be filed with the district manager, provided that failure to
6 mail said notice or notices shall not invalidate any of the
7 proceedings hereunder. It is provided further that the last
8 publication shall be at least 1 week prior to the date of the
9 hearing on the final assessment resolution. Said notice shall
10 describe the general areas to be improved and advise all
11 persons interested that the description of each property to be
12 assessed and the amount to be assessed to each piece, parcel,
13 lot, or acre of property may be ascertained at the office of
14 the manager of the District. Such service by publication shall
15 be verified by the affidavit of the publisher and filed with
16 the manager of the District. Moreover, the initial assessment
17 resolution with its attached, referenced, and incorporated
18 engineer's cost report, preliminary assessment methodology,
19 and preliminary assessment roll, along with the notice
20 resolution, shall be available for public inspection at the
21 office of the manager and the office of the engineer or any
22 other office designated by the Board of Supervisors in the
23 notice resolution. Notwithstanding the foregoing, the
24 landowners of all of the property which is proposed to be
25 assessed may give the District written notice of waiver of any
26 notice and publication provided for in this subparagraph and
27 such notice and publication shall not be required, provided,
28 however, that any meeting of the Board of Supervisors to
29 consider such resolution shall be a publicly noticed meeting.

30 3. At the time and place named in the noticed
31 resolution as provided for in subparagraph 2., the Board of

1 Supervisors of the District shall meet and hear testimony from
2 affected property owners as to the propriety and advisability
3 of making the systems, facilities, services, projects, works,
4 improvements, or infrastructure and funding them with
5 assessments referenced in the initial assessment resolution on
6 the property. Following the testimony and questions from the
7 members of the board or any professional advisors to the
8 District of the preparers of the engineer's cost report, the
9 assessment methodology, and the assessment roll, the Board of
10 Supervisors shall make a final decision on whether to levy and
11 assess the particular assessments. Thereafter, the Board of
12 Supervisors shall meet as an equalizing board to hear and to
13 consider any and all complaints as to the particular
14 assessments and shall adjust and equalize the assessments on
15 the basis of justice and right.

16 4. When so equalized and approved by resolution or
17 ordinance by the Board of Supervisors, to be called the final
18 assessment resolution, a final assessment roll shall be filed
19 with the clerk of the board and such assessment shall stand
20 confirmed and remain legal, valid, and binding first liens on
21 the property against which such assessments are made until
22 paid, equal in dignity to the first liens of ad valorem
23 taxation of county and municipal governments and school
24 boards. However, upon completion of the systems, facilities,
25 service, project, improvement, works, or infrastructure, the
26 District shall credit to each of the assessments the
27 difference in the assessment as originally made, approved,
28 levied, assessed, and confirmed and the proportionate part of
29 the actual cost of the improvement to be paid by the
30 particular special assessments as finally determined upon the
31 completion of the improvement; but in no event shall the final

1 assessment exceed the amount of the special and peculiar
2 benefits as apportioned fairly and reasonably to the property
3 from the system, facility, or service being provided as
4 originally assessed. Promptly after such confirmation, the
5 assessment shall be recorded by the clerk of the District in
6 the minutes of the proceedings of the District, and the record
7 of the lien in this set of minutes shall constitute prima
8 facie evidence of its validity. The Board of Supervisors, in
9 its sole discretion, may, by resolution grant a discount equal
10 to all or a part of the payee's proportionate share of the
11 cost of the project consisting of bond financing cost, such as
12 capitalized interest, funded reserves, and bond discounts
13 included in the estimated cost of the project, upon payment in
14 full of any assessments during such period prior to the time
15 such financing costs are incurred as may be specified by the
16 Board of Supervisors in such resolution.

17 5. District assessments may be made payable in
18 installments over no more than 30 years from the date of the
19 payment of the first installment thereof and may bear interest
20 at fixed or variable rates.

21 (b) Notwithstanding any provision of this act or
22 chapter 170, Florida Statutes, that portion of section 170.09,
23 Florida Statutes, that provides that assessments may be paid
24 without interest at any time within 30 days after the
25 improvement is completed and a resolution accepting the same
26 has been adopted by the governing authority shall not be
27 applicable to any District assessments, whether imposed,
28 levied, and collected pursuant to the provisions of this act
29 or other provisions of Florida law, including, but not limited
30 to chapter 170, Florida Statutes.

31

1 (c) In addition, the District is authorized expressly
2 in the exercise of its rulemaking power to adopt a rule or
3 rules which provides or provide for notice, levy, imposition,
4 equalization, and collection of assessments.

5 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
6 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

7 (a) The board may, after any special assessments or
8 benefit special assessments for assessable improvements are
9 made, determined, and confirmed as provided in this act, issue
10 certificates of indebtedness for the amount so assessed
11 against the abutting property or property otherwise benefited,
12 as the case may be, and separate certificates shall be issued
13 against each part or parcel of land or property assessed,
14 which certificates shall state the general nature of the
15 improvement for which the assessment is made. The certificates
16 shall be payable in annual installments in accordance with the
17 installments of the special assessment for which they are
18 issued. The board may determine the interest to be borne by
19 such certificates, not to exceed the maximum rate allowed by
20 general law, and may sell such certificates at either private
21 or public sale and determine the form, manner of execution,
22 and other details of such certificates. The certificates shall
23 recite that they are payable only from the special assessments
24 levied and collected from the part or parcel of land or
25 property against which they are issued. The proceeds of such
26 certificates may be pledged for the payment of principal of
27 and interest on any revenue bonds or general obligation bonds
28 issued to finance in whole or in part such assessable
29 improvement, or, if not so pledged, may be used to pay the
30 cost or part of the cost of such assessable improvements.
31

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

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

10 (d) Such assessment bonds, revenue bonds, or other
11 obligations issued under this section shall bear such interest
12 as the board may determine, not to exceed the maximum rate
13 allowed by general law, and shall be executed, shall have such
14 provisions for redemption prior to maturity, shall be sold in
15 the manner, and shall be subject to all of the applicable
16 provisions contained in this act for revenue bonds, except as
17 the same may be inconsistent with the provisions of this
18 section.

19 (e) All assessment bonds, revenue bonds, or other
20 obligations issued under the provisions of this section shall
21 be, shall constitute, and shall have all the qualities and
22 incidents of negotiable instruments under the law merchant and
23 the laws of the state.

24 (15) TAX LIENS.--All taxes of the District provided
25 for in this act, except together with all penalties for
26 default in the payment of the same and all costs in collecting
27 the same, including a reasonable attorney's fee fixed by the
28 court and taxed as a cost in the action brought to enforce
29 payment, shall, from January 1 for each year the property is
30 liable to assessment and until paid, constitute a lien of
31 equal dignity with the liens for state and county taxes and

1 other taxes of equal dignity with state and county taxes upon
2 all the lands against which such taxes shall be levied. A sale
3 of any of the real property within the District for state and
4 county or other taxes shall not operate to relieve or release
5 the property so sold from the lien for subsequent District
6 taxes or installments of District taxes, which lien may be
7 enforced against such property as though no such sale thereof
8 had been made. In addition to, and not in limitation of, the
9 preceding sentence, for purposes of section 197.552, Florida
10 Statutes, the lien of all special assessments levied by the
11 District shall constitute a lien of record held by a municipal
12 or county governmental unit. The provisions of sections
13 194.171, 197.122, 197.333, and 197.432, Florida Statutes,
14 shall be applicable to District taxes with the same force and
15 effect as if such provisions were expressly set forth in this
16 act.

17 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY
18 THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

19 (a) The District shall have the power and right to:

20 1. Pay any delinquent state, county, District,
21 municipal, or other tax or assessment upon lands located
22 wholly or partially within the boundaries of the District.

23 2. Redeem or purchase any tax sales certificates
24 issued or sold on account of any state, county, District,
25 municipal, or other taxes or assessments upon lands located
26 wholly or partially within the boundaries of the District.

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

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

5 (c) In any sale of land pursuant to section 197.542,
6 Florida Statutes, as may be amended from time to time, the
7 District may certify to the clerk of the circuit court of the
8 county holding such sale the amount of taxes due to the
9 District upon the lands sought to be sold, and the District
10 shall share in the disbursement of the sales proceeds in
11 accordance with the provisions of this act and under the laws
12 of the state.

13 (17) FORECLOSURE OF LIENS.--Any lien in favor of the
14 District arising under this act may be foreclosed by the
15 District by foreclosure proceedings in the name of the
16 District in a court of competent jurisdiction as provided by
17 general law in like manner as is provided in chapter 173,
18 Florida Statutes, and amendments thereto and the provisions of
19 that chapter shall be applicable to such proceedings with the
20 same force and effect as if those provisions were expressly
21 set forth in this act. Any act required or authorized to be
22 done by or on behalf of a municipality in foreclosure
23 proceedings under chapter 173, Florida Statutes, may be
24 performed by such officer or agent of the District as the
25 Board of Supervisors may designate. Such foreclosure
26 proceedings may be brought at any time after the expiration of
27 1 year from the date any tax, or installment thereof, becomes
28 delinquent; however, no lien shall be foreclosed against any
29 political subdivision or agency of the state. Other legal
30 remedies shall remain available.

1 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
2 FACILITIES, AND SERVICES.--To the full extent permitted by
3 law, the District shall require all lands, buildings,
4 premises, persons, firms, and corporations within the District
5 to use the water management and control facilities and water
6 and sewer facilities of the District.

7 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS;
8 RELATED PROVISIONS REQUIRED.--

9 (a) No contract shall be let by the board for any
10 goods, supplies, or materials to be purchased when the amount
11 thereof to be paid by the District shall exceed the amount
12 provided in section 287.017, Florida Statutes, as amended from
13 time to time, for category four, unless notice of bids shall
14 be advertised once in a newspaper in general circulation in
15 either Manatee County or Sarasota County. Any board seeking to
16 construct or improve a public building, structure, or other
17 public works shall comply with the bidding procedures of
18 section 255.20, Florida Statutes, as amended from time to
19 time, and other applicable general law. In each case, the bid
20 of the lowest responsive and responsible bidder shall be
21 accepted unless all bids are rejected because the bids are too
22 high or the board determines it is in the best interests of
23 the District to reject all bids. The board may require the
24 bidders to furnish bond with a responsible surety to be
25 approved by the board. Nothing in this section shall prevent
26 the board from undertaking and performing the construction,
27 operation, and maintenance of any project or facility
28 authorized by this act by the employment of labor, material,
29 and machinery.

30 (b) The provisions of the Consultants' Competitive
31 Negotiation Act, section 287.055, Florida Statutes, apply to

1 contracts for engineering, architecture, landscape
2 architecture, or registered surveying and mapping services let
3 by the board.

4 (c) Contracts for maintenance services for any
5 District facility or project shall be subject to competitive
6 bidding requirements when the amount thereof to be paid by the
7 District exceeds the amount provided in section 287.017,
8 Florida Statutes, as amended from time to time, for category
9 four. The District shall adopt rules, policies, or procedures
10 establishing competitive bidding procedures for maintenance
11 services. Contracts for other services shall not be subject to
12 competitive bidding unless the District adopts a rule, policy,
13 or procedure applying competitive bidding procedures to said
14 contracts. Nothing herein shall preclude the use of requests
15 for proposal instead of invitations to bid as determined by
16 the District to be in its best interest.

17 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR
18 ADOPTION AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

19 (a) The District is authorized to prescribe, fix,
20 establish, and collect rates, fees, rentals, or other charges,
21 hereinafter sometimes referred to as "revenues," and to revise
22 the same from time to time, for the systems, facilities, and
23 services furnished by the District, within the limits of the
24 District, including, but not limited to, recreational
25 facilities, water management and control facilities, and water
26 and sewer systems; to recover the costs of making connection
27 with any District service, facility, or system; and to provide
28 for reasonable penalties against any user or property for any
29 such rates, fees, rentals, or other charges that are
30 delinquent.

1 (b) No such rates, fees, rentals, or other charges for
2 any of the facilities or services of the District shall be
3 fixed until after a public hearing at which all the users of
4 the proposed facility or services or owners, tenants, or
5 occupants served or to be served thereby and all other
6 interested persons shall have an opportunity to be heard
7 concerning the proposed rates, fees, rentals, or other
8 charges. Rates, fees, rentals, and other charges shall be
9 adopted under the administrative rulemaking authority of the
10 District, but shall not apply to District leases. Notice of
11 such public hearing setting forth the proposed schedule or
12 schedules of rates, fees, rentals, and other charges shall
13 have been published in newspapers of general circulation in
14 Manatee and Sarasota Counties at least once and at least 10
15 days prior to such public hearing. The rulemaking hearing may
16 be adjourned from time to time. After such hearing, such
17 schedule or schedules, either as initially proposed or as
18 modified or amended, may be finally adopted. A copy of the
19 schedule or schedules of such rates, fees, rentals, or charges
20 as finally adopted shall be kept on file in an office
21 designated by the board and shall be open at all reasonable
22 times to public inspection. The rates, fees, rentals, or
23 charges so fixed for any class of users or property served
24 shall be extended to cover any additional users or properties
25 thereafter served which shall fall in the same class, without
26 the necessity of any notice or hearing.

27 (c) Such rates, fees, rentals, and charges shall be
28 just and equitable and uniform for users of the same class,
29 and when appropriate may be based or computed either upon the
30 amount of service furnished, upon the average number of
31 persons residing or working in or otherwise occupying the

1 premises served, or upon any other factor affecting the use of
2 the facilities furnished, or upon any combination of the
3 foregoing factors, as may be determined by the board on an
4 equitable basis.

5 (d) The rates, fees, rentals, or other charges
6 prescribed shall be such as will produce revenues, together
7 with any other assessments, taxes, revenues, or funds
8 available or pledged for such purpose, at least sufficient to
9 provide for the items hereinafter listed, but not necessarily
10 in the order stated:

11 1. To provide for all expenses of operation and
12 maintenance of such facility or service.

13 2. To pay when due all bonds and interest thereon for
14 the payment of which such revenues are, or shall have been,
15 pledged or encumbered, including reserves for such purpose.

16 3. To provide for any other funds which may be
17 required under the resolution or resolutions authorizing the
18 issuance of bonds pursuant to this act.

19 (e) The board shall have the power to enter into
20 contracts for the use of the projects of the District and with
21 respect to the services, systems, and facilities furnished or
22 to be furnished by the District.

23 (21) RECOVERY OF DELINQUENT CHARGES.--In the event
24 that any rates, fees, rentals, charges, or delinquent
25 penalties shall not be paid as and when due and shall be in
26 default for 60 days or more, the unpaid balance thereof and
27 all interest accrued thereon, together with reasonable
28 attorney's fees and costs, may be recovered by the District in
29 a civil action.

30 (22) DISCONTINUANCE OF SERVICE.--In the event the
31 fees, rentals, or other charges for water and sewer services,

1 or either of them, are not paid when due, the board shall have
2 the power, under such reasonable rules and regulations as the
3 board may adopt, to discontinue and shut off both water and
4 sewer services until such fees, rentals, or other charges,
5 including interest, penalties, and charges for the shutting
6 off and discontinuance and the restoration of such water and
7 sewer services or both, are fully paid; and, for such
8 purposes, the board may enter on any lands, waters, or
9 premises of any person, firm, corporation, or body, public or
10 private, within the District limits. Such delinquent fees,
11 rentals, or other charges, together with interest, penalties,
12 and charges for the shutting off and discontinuance and the
13 restoration of such services and facilities and reasonable
14 attorney's fees and other expenses, may be recovered by the
15 District, which may also enforce payment of such delinquent
16 fees, rentals, or other charges by any other lawful method of
17 enforcement.

18 (23) ENFORCEMENT AND PENALTIES.--The board or any
19 aggrieved person may have recourse to such remedies in law and
20 at equity as may be necessary to ensure compliance with the
21 provisions of this act, including injunctive relief to enjoin
22 or restrain any person violating the provisions of this act or
23 any bylaws, resolutions, regulations, rules, codes, or orders
24 adopted under this act. In case any building or structure is
25 erected, constructed, reconstructed, altered, repaired,
26 converted, or maintained, or any building, structure, land, or
27 water is used, in violation of this act or of any code, order,
28 resolution, or other regulation made under authority conferred
29 by this act or under law, the board or any citizen residing in
30 the District may institute any appropriate action or
31 proceeding to prevent such unlawful erection, construction,

1 reconstruction, alteration, repair, conversion, maintenance,
2 or use; to restrain, correct, or avoid such violation; to
3 prevent the occupancy of such building, structure, land, or
4 water; and to prevent any illegal act, conduct, business, or
5 use in or about such premises, land, or water.

6 (24) SUITS AGAINST THE DISTRICT.--Any suit or action
7 brought or maintained against the District for damages arising
8 out of tort, including, without limitation, any claim arising
9 upon account of an act causing an injury or loss of property,
10 personal injury, or death, shall be subject to the limitations
11 provided in section 768.28, Florida Statutes.

12 (25) EXEMPTION OF DISTRICT PROPERTY FROM
13 EXECUTION.--All District property shall be exempt from levy
14 and sale by virtue of an execution, and no execution or other
15 judicial process shall issue against such property, nor shall
16 any judgment against the District be a charge or lien on its
17 property or revenues; however, nothing contained herein shall
18 apply to or limit the rights of bondholders to pursue any
19 remedy for the enforcement of any lien or pledge given by the
20 District in connection with any of the bonds or obligations of
21 the District.

22 (26) TERMINATION, CONTRACTION, OR EXPANSION OF
23 DISTRICT.--

24 (a) The board may ask the Legislature through its
25 local legislative delegations in and for Manatee and Sarasota
26 Counties to amend this act to contract, to expand or to
27 contract, and to expand the boundaries of the District by
28 amendment of this section.

29 (b) The District shall remain in existence until:

30 1. The District is terminated and dissolved pursuant
31 to amendment to this act by the Florida Legislature.

1 2. The District has become inactive pursuant to
2 section 189.4044, Florida Statutes.

3 (27) INCLUSION OF TERRITORY.--The inclusion of any or
4 all territory of the District within a municipality does not
5 change, alter, or affect the boundary, territory, existence,
6 or jurisdiction of the District.

7 (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
8 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
9 District under this act, each contract for the initial sale of
10 a parcel of real property and each contract for the initial
11 sale of a residential unit within the District shall include,
12 immediately prior to the space reserved in the contract for
13 the signature of the purchaser, the following disclosure
14 statement in boldfaced and conspicuous type which is larger
15 than the type in the remaining text of the contract: "THE
16 LAKEWOOD RANCH STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES
17 OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS
18 PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE
19 CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN
20 PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT AND
21 ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE
22 TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER
23 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES
24 AND ASSESSMENTS PROVIDED FOR BY LAW."

25 (29) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30
26 days after the election of the first Board of Supervisors
27 creating this District, the District shall cause to be
28 recorded in the grantor-grantee index of the property records
29 in each county in which it is located a "Notice of Creation
30 and Establishment of the Lakewood Ranch Stewardship District."
31

1 The notice shall, at a minimum, include the legal description
2 of the property covered by this act.

3 (30) DISTRICT PROPERTY PUBLIC; FEES.--Any system,
4 facility, service, works, improvement, project, or other
5 infrastructure owned by the District, or funded by federal tax
6 exempt bonding issued by the District, is public; and the
7 District by rule may regulate, and may impose reasonable
8 charges or fees for, the use thereof but not to the extent
9 that such regulation or imposition of such charges or fees
10 constitutes denial of reasonable access.

11 Section 7. If any provision of this act is determined
12 unconstitutional or otherwise determined invalid by a court of
13 law, all the rest and remainder of the act shall remain in
14 full force and effect as the law of this state.

15 Section 8. This act shall take effect upon becoming a
16 law, except that the provisions of this act which authorize
17 the levy of ad valorem taxation shall take effect only upon
18 express approval by a majority vote of those qualified
19 electors of the Lakewood Ranch Stewardship District, as
20 required by Section 9 of Article VII of the State
21 Constitution, voting in a referendum election held at such
22 time as all members of the board are qualified electors who
23 are elected by qualified electors of the district as provided
24 in this act.