

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Grove Community District,
7 Okeechobee County; providing a short title; creating the
8 Grove Community District; providing for findings,
9 determinations, ascertainments, intent, purpose,
10 definitions, and policy; providing a charter; providing
11 jurisdiction; providing boundaries; providing powers of
12 the district; creating the district as a special, limited,
13 and single-purpose independent district, an independent
14 local government, and corporate body politic, to provide
15 community development infrastructure; providing for
16 authority, boundaries, jurisdiction, and charter
17 amendment; providing for a governing board and terms of
18 office and duties thereof; providing for elections;
19 providing for a district manager; providing for bonds;
20 providing for borrowing; providing for future transition
21 to ad valorem taxation; providing for special assessments;
22 providing for issuance of certificates of indebtedness;
23 providing for tax liens; providing minimum charter

HB 1483

2006
CS

24 requirements; providing for the applicability of and
25 compliance with provisions of chapter 189, Florida
26 Statutes, and other general laws; providing for election
27 of an incorporation committee to review feasibility of
28 incorporating the district as a municipality; providing
29 for severability; providing for a referendum; providing an
30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Short title.--This act may be known as the
35 "Grove Community District Act."

36 Section 2. Legislative findings, ascertainments,
37 determinations, intent, purpose, definitions, and policy.--

38 (1) LEGISLATIVE FINDINGS.--

39 (a) The northeastern area of Okeechobee County is unique
40 and special.

41 (b) The land area of Okeechobee County is relatively
42 untouched and is predominantly used for agriculture or is
43 undeveloped.

44 (c) The economy of Okeechobee County is dominated by farm
45 and retirement industries and:

46 1. Okeechobee County is beginning to experience the
47 economic growth that substantially large parts of the remainder
48 of the state have already experienced.

49 2. While the influence of the farming industry continues
50 to decline, the retirement industry is a major and growing
51 industry.

HB 1483

2006
CS

52 3. Okeechobee County will experience rapid growth in
53 population over the next 20 years, as more retirees move to the
54 state and find coastal housing too expensive and as more
55 residents from coastal Florida counties move inland to
56 Okeechobee County, including northeastern Okeechobee County.

57 (d) In implementing protection of natural resources,
58 retention of viable agriculture, and promotion of a sound
59 economy, the Okeechobee County Comprehensive Plan promotes
60 compact, efficient, and self-sustaining mixed-use development.

61 (e) Evans Properties, Inc., own or have control over
62 approximately 5,683 acres for the development of an innovative
63 new self-sustaining community that fits the goals, aspirations,
64 and plans for northeastern Okeechobee County.

65 (f) Within and subject to the comprehensive plan and land
66 development regulations, such a community requires appropriate
67 compact, balanced, self-sustaining, and mixed-use development on
68 a human scale with the required innovative balance of such
69 importance to the northeastern Okeechobee County area.

70 (g) In particular:

71 1. Creating a new community in northeastern Okeechobee
72 County requires a critical coinciding of existing and future
73 land use with provision of capital facilities and related
74 systems and services, based upon timely, flexible, and
75 specialized management of critical factors and sequential
76 events, balancing among the interests of private enterprise,
77 agriculture, private citizens, taxpayers, consumers, the
78 environment, the economy, the initial landowners, and all
79 applicable levels of government.

HB 1483

2006
CS

80 2. All the applicable public and private persons and
81 entities have invested and expended substantial time and moneys
82 to generate the county comprehensive plan and the existing and
83 future consistent specific regulatory and comprehensive planning
84 entitlements and consistent land development regulations for the
85 identification, preparation, and development of a new community.

86 3. Creating such a new community using a single-purpose
87 special independent district to provide infrastructure
88 constitutes innovative planning and flexible development
89 strategies pursuant to section 163.3177(11), Florida Statutes,
90 and Rule 9J-5.006(5)(1), Florida Administrative Code, to
91 minimize the conversion of agricultural lands to other uses, to
92 discourage urban sprawl, and to protect environmentally
93 sensitive areas while maintaining the economic viability of
94 agricultural and other predominately rural land uses and
95 providing for the efficient use of public facilities and
96 services as provided expressly in objective L7 of the Okeechobee
97 County Comprehensive Plan, Future Land Use Element.

98 (h) There is in particular a special need to use a
99 specialized and limited single-purpose independent district unit
100 of local government for the new community:

101 1. To prevent urban sprawl by providing self-sustaining
102 and freestanding infrastructure and by preventing needless and
103 counterproductive community development when the existing urban
104 area is not yet developed.

105 2. To prevent the needless duplication, fragmentation, and
106 proliferation of local government services in a proposed land
107 use area.

HB 1483

2006
CS

108 (i) Management of public health, safety, welfare,
109 economic, natural, and historic resources in this area of
110 northeastern Okeechobee County transcends the boundaries and
111 responsibilities of both private landowners and individual units
112 of government, so that no one single public or private entity or
113 person can plan or implement policies to deal with the many
114 issues which attend the provision of basic systems, facilities,
115 and services to the area to be managed in northeastern
116 Okeechobee County in order to provide for a new community in the
117 area.

118 (j) It is the expressed set of findings of the Legislature
119 further that:

120 1. There is a considerably long period of time during
121 which there is an inordinate infrastructure burden on the
122 initial landowners of the agricultural land area for the new
123 community because of the innovative, special, and unique
124 requirements in the Okeechobee County Comprehensive Plan for the
125 northeastern Okeechobee County area, dealing specifically with
126 flexible management and related sequencing, timing, and
127 financing of the various systems, facilities, and services to be
128 provided to the new community, taking into consideration
129 absorption rates, commercial viability, and related factors.

130 2. Even as the community matures, there is continuing need
131 for landowners, both initial and subsequent, to bear burdens to
132 provide important infrastructure that remain relatively
133 inordinate in order to preserve such inordinate benefits for
134 northeastern Okeechobee County as the unique environmental and
135 economic purpose of the new community.

HB 1483

2006
CS

136 3. Longer involvement of the initial landowner with regard
137 to the provision of basic systems, facilities, and services in
138 the new community area, coupled with a severely limited and
139 highly specialized single purpose of the district, is in the
140 public interest.

141 4. Any public or private system to provide basic
142 infrastructure improvements, systems, facilities, and services
143 to this new community in northeastern Okeechobee County must be
144 focused on an unfettered, highly specialized, innovative,
145 responsive, accountable mechanism to provide the components of
146 infrastructure at sustained levels of high quality over the long
147 term only when and as needed for such a unique community in such
148 a unique area.

149 5. There is a critical need to maintain such provision of
150 such systems, facilities, and services to the new community
151 because of the unique location and attributes of the
152 northeastern Okeechobee County area, coupled with the unique
153 purpose and location of this new community, subject to,
154 complying with, and not inconsistent with the state, regional,
155 and local requirements which attend implementation of the state
156 plan and the county comprehensive plan.

157 6. This need is met by coinciding the use and special
158 attributes of various public and private alternatives for the
159 provision of infrastructure to such a community development,
160 including:

161 a. The public policy and related implementing zoning,
162 permitting, and planning expertise, interests, and capabilities

HB 1483

2006
CS

163 of state and regional government and of the Okeechobee County
164 general-purpose local government;

165 b. The flexible, limited, focused, and locally accountable
166 management and related financing capabilities of independent
167 special-purpose local government; and

168 c. The innovative development and marketing private-sector
169 expertise of the initial landowners, developers, and other
170 components of private enterprise.

171 7. The specialized financing and revenue procedures for
172 the levy and imposition of first-lien assessments, by a variety
173 of names, must be disclosed, followed, noticed, fair,
174 nonarbitrary, informed, reasonable, and accountable and must be
175 set forth dispositively.

176 (k) The existence and use of such a limited specialized
177 single-purpose local government for the new community, subject
178 to the Okeechobee County Comprehensive Plan, will result in a
179 high propensity:

180 1. To prevent urban sprawl, to protect and preserve
181 environmental, conservation, and agricultural uses and assets,
182 and to enhance the high-quality use of the applicable area of
183 northeastern Okeechobee County;

184 2. To enhance the market value for both present and future
185 landowners of the property consistent with the need to protect
186 private property rights in the northeastern Okeechobee area;

187 3. To enhance the net economic benefit to the Okeechobee
188 County area, including an enhanced and well-maintained tax base
189 to the benefit of all present and future taxpayers in Okeechobee
190 County; and

191 4. To share the costs for providing such basic systems,
 192 facilities, and services in an innovative, sequential, and
 193 flexible manner within the new community to be serviced by the
 194 Grove Community District.

195 (2) ASCERTAINMENTS.--Based upon these findings, the
 196 Legislature has learned and ascertains that:

197 (a) There are two public or governmental alternatives and
 198 one private alternative available to plan, construct, maintain,
 199 and finance the provision of systems, facilities, and services
 200 in the intended new community area of northeastern Okeechobee
 201 County:

202 1. One of the public or governmental alternatives for such
 203 infrastructure provision is by the board of county commissioners
 204 within the Okeechobee County political subdivision which can
 205 provide certain basic systems, facilities, and services directly
 206 or with management by its staff with financing through either a
 207 municipal service taxing unit for ad valorem taxes or municipal
 208 service benefit for assessments, or indirectly by nonemergency
 209 ordinance use of a dependent district.

210 2. The second public alternative is use of an independent
 211 special district.

212 3. The private alternative is the private landowner, a
 213 private homeowner association, a private utility, a private
 214 business corporation, or a partnership or combination of these
 215 various private alternatives.

216 (b) Planning, permitting, and creating the new community
 217 and using the independent specialized single-purpose Grove
 218 Community District created by this act are consistent with and

HB 1483

2006
CS

219 implement both the Okeechobee County Comprehensive Plan and Land
220 Development Regulations and also the following long-standing and
221 expressed policies of the state:

222 1. To allow the creation of independent special taxing
223 districts which have uniform general law standards and
224 procedures and which do not overburden other local governments
225 and their taxpayers while preventing the proliferation of
226 independent special taxing districts which do not meet the
227 standards set forth in section 187.201(20), Florida Statutes.

228 a. There are two alternatives for the use of independent
229 special districts. One alternative is establishment on the
230 approximately 5,683 acres by rule of the Governor and Cabinet of
231 a uniform community development district; the other is a special
232 independent district meeting the minimum requirements of chapter
233 189, Florida Statutes, the applicable district accountability
234 general law.

235 b. Use of this special act, creating and establishing the
236 district on the approximately 5,683 acres in northeastern
237 Okeechobee County, is the better of the two independent district
238 alternatives because it updates the charter of a community
239 development district under chapter 190, Florida Statutes,
240 eliminates potential for its abuse, clarifies and sets forth
241 certain uniform procedures for liens on property and for access
242 by the public to the property, and makes other substantial
243 reforms to the benefit of the people of Okeechobee County and
244 future landowners, residents, and visitors.

245 2. To encourage the development of local water supplies,
246 pursuant to section 187.201(7)(b)3., Florida Statutes.

HB 1483

2006
CS

247 3. To recognize the existence of legitimate and often
 248 competing public and private interests and land use regulations
 249 and other government action, pursuant to section 187.201(14) (a),
 250 Florida Statutes.

251 4. Consistent with the Okeechobee County Comprehensive
 252 Plan, to recognize the importance of preserving natural
 253 resources and enhancing quality of life by development in those
 254 areas where land and water resources, fiscal abilities, and
 255 service capacity can accommodate the land use and growth in a
 256 manner that is environmentally acceptable, pursuant to section
 257 187.201(15) (a), Florida Statutes.

258 5. To allocate costs of new public facilities on the basis
 259 of benefits received by existing and future residents while
 260 planning for the management and financing of new facilities to
 261 serve residents in a timely, orderly, and efficient manner,
 262 pursuant to section 187.201(17) (a) and (b)3., Florida Statutes.

263 6. To encourage local government financial self-
 264 sufficiency in providing public facilities and to identify and
 265 implement fiscally sound, innovative, and cost-effective
 266 techniques to provide and finance public facilities while
 267 encouraging development, use, and coordination of capital
 268 improvement plans by all levels of government, pursuant to
 269 section 187.201(17) (b)5., 6., and 7., Florida Statutes, as
 270 provided also in the Okeechobee County Comprehensive Plan.

271 7. To increase, promote, and provide access to cultural,
 272 historical, and educational resources and opportunities,
 273 pursuant to section 187.201(18) (a) and (b)1., Florida Statutes.

HB 1483

2006
CS

274 8. To enhance and diversify the economy of the Okeechobee
275 County area by promoting partnerships among education, business,
276 industry, agriculture, and the arts, provide opportunities for
277 training skilled employees for new and expanding businesses, and
278 promote self-sufficiency through training and educational
279 programs that result in productive employment, pursuant to
280 section 187.201(21)(a) and (b)6., 7., and 8., Florida Statutes.

281 9. To encourage and enhance cooperation among communities
282 that have unique assets, irrespective of political boundaries,
283 to bring the private and public sectors together for
284 establishing an orderly, environmentally sound, and economically
285 sound plan for current and future needs and growth, pursuant to
286 section 187.201(25)(b)8., Florida Statutes.

287 10. To create independent special districts by or pursuant
288 to general law to ensure long-term management and related
289 financing, to meet the need in the state for timely, efficient,
290 effective, responsive, innovative, accountable, focused, and
291 economic ways to deliver basic services to new communities to
292 solve the state's planning, management, and financing needs for
293 delivery of capital infrastructure in order in turn to provide
294 for projected growth only and to do so without overburdening
295 other governments and their taxpayers, pursuant to section
296 189.402, Florida Statutes, so that providing to the new
297 community basic systems, facilities, and services by independent
298 special districts remains pursuant to uniform general law and
299 section 189.402(3)(a) and (c), Florida Statutes.

300 11. To ensure that those independent districts and the
301 exercise of their powers are consistent and comply with

HB 1483

2006
CS

302 applicable due process, disclosure, accountability, ethics, and
303 government-in-the-sunshine requirements of law, both to the
304 independent districts and to their elected and appointed
305 officials, pursuant to section 189.402(3)(b), Florida Statutes,
306 because independent special districts are a legitimate
307 alternative method available for use by both the public and
308 private sectors to manage, own, operate, construct, and finance
309 basic capital infrastructure systems, facilities, and services,
310 pursuant to section 189.402(4)(a), Florida Statutes.

311 12. To ensure that an independent special district is
312 created to serve a special purpose to cooperate and to
313 coordinate its activities with the applicable general-purpose
314 local government because aspects of growth and development
315 transcend boundaries and responsibilities of individual units of
316 government so that no single unit of government can plan or
317 implement policies to deal with these issues unilaterally as
318 effectively, pursuant to section 189.402(7) and (8), Florida
319 Statutes.

320 (c) Construction, operation, and development of the new
321 community and the use of the special and single-purpose
322 independent district are not inconsistent with the Okeechobee
323 County Comprehensive Plan.

324 (d) This land area for the new community requires an
325 independent, special, and single-purpose local government, in
326 the form of an independent special district as defined in
327 section 189.403(3), Florida Statutes, subject to all substantive
328 and procedural limitations under state law, including this act,
329 in order to constitute itself a highly specialized alternative

HB 1483

2006
CS

330 and viable growth management concurrency mechanism appropriate
331 for this unique area, available to both the private and public
332 sectors.

333 (e) Such a district requires timely, flexible, limited,
334 and specialized management and related financing capabilities
335 under its uniform state charter, created by this act pursuant to
336 general law, in order to produce those flexible, innovative, and
337 highly specialized benefits to the new community property in
338 northeastern Okeechobee County.

339 (f) Such a district must have management capabilities to
340 provide pinpointed, focused, accountable, responsive, limited,
341 specialized, and low-overhead-based capability, authority, and
342 power to provide basic systems, facilities, and services to the
343 new community development with economies of scale but at
344 sustained high levels of quality over the long term.

345 (g) In order to be responsive to the critical timing
346 required through the exercise of its special management
347 functions, an independent district requires financing of those
348 functions, including bondable lienable and nonlienable revenue,
349 with full and continuing public disclosure and accountability,
350 funded by landowners, both present and future, and funded also
351 by users of the systems, facilities, and services provided to
352 the land area by the district, without burdening the taxpayers
353 and citizens of the state or of Okeechobee County or any
354 municipality in Okeechobee County.

355 (h) The provision of services by this independent district
356 must implement, be subject to, and function not inconsistent
357 with any related permitting and planning requirements of

HB 1483

2006
CS

358 Okeechobee County and of the Okeechobee County Comprehensive
359 Plan and Land Development Regulations.

360 (i) The creation, existence, and operation of the Grove
361 Community District, as limited and specialized to its single
362 narrow purpose, will also:

363 1. Constitute a public mechanism to translate the anti-
364 urban-sprawl objective of the Okeechobee County Comprehensive
365 Plan Future Land Use Element into reality.

366 2. Constitute a disincentive for premature or
367 inappropriate municipal incorporation consistent with state law.

368 3. Result in self-contained and self-sustained high-
369 quality infrastructure over the long term.

370 4. Provide a mechanism for full and continuing disclosure
371 of how basic systems, facilities, and services are both managed
372 and financed, including full and continuing disclosure to both
373 prospective purchasers and all residents of public financing
374 related to any burdens of land ownership and any related burdens
375 on existing or future residents.

376 5. Implement the Okeechobee County Comprehensive Plan
377 Future Land Use Element because innovative land techniques that
378 use public facilities efficiently, that meet county needs, and
379 that promote a sense of pride and community for its residents
380 are encouraged where the new community is located.

381 (j) The district is also a mechanism to implement the
382 Okeechobee County Concurrency Management System designed to
383 coincide with, and to implement, both the Okeechobee County
384 future land use element and the capital improvements element for

HB 1483

2006
CS

385 basic systems, facilities, and services consistent with the best
386 interests of the new community.

387 (k) By serving its single specialized purpose and in
388 preventing urban sprawl, the district will not result in
389 needless proliferation, duplication, and fragmentation of local
390 government systems, facilities, and services in this area of
391 northeastern Okeechobee County.

392 (l) Subject to its substantive and procedural limitations,
393 the district will assist directly in public and combined public
394 and private planning and coordination in order to achieve
395 innovative solutions to the needs and requirements in this
396 unique new community located in northeastern Okeechobee County.

397 (m) Management of the timing and phasing of critical
398 sequential events, coordinated by the initial private landowner
399 and the Board of County Commissioners of Okeechobee County, is
400 of fundamental importance and is the basis of the inordinate
401 burden on the initial landowner developer and to enhance the
402 provision of sustained high-quality infrastructure over the long
403 term to enhance the intrinsic value of the new community in
404 order to implement its requirements.

405 (n) The critical single purpose of the district to provide
406 basic infrastructure systems, facilities, services, works,
407 infrastructure, and improvements to the private new community is
408 in the public interest because it:

409 1. Does not pass on taxes or profits to purchasers of
410 property or to landowners and residents within their
411 jurisdictions.

HB 1483

2006
CS

- 412 2. Results in less tendency for short-term planning,
 413 construction, and management considerations because the
 414 elections for members of the government board are staggered.
- 415 3. Is not influenced, guided, or limited by quarterly and
 416 annual profit statements.
- 417 4. Does not have police or regulatory powers.
- 418 5. Does not have larger general-purpose overhead
 419 responsibilities.
- 420 6. Is not subject to legitimate but counterveiling fiscal,
 421 economic, policy, and political considerations to which large
 422 general-purpose local governments and large landowners and
 423 developers would be subject in the natural course of events.
- 424 7. Does not constitute needless duplication,
 425 proliferation, or fragmentation of local government systems,
 426 facilities, and services in Okeechobee County.
- 427 8. Shall operate and function subject to and not
 428 inconsistent with the county comprehensive plan with least
 429 overhead cost and with the highest amount of the public
 430 disclosure, accountability, responsiveness, and productivity.
- 431 9. Coincides its functions with the authority and best
 432 interests of local general-purpose government, the private
 433 landowners, both present and future, the taxpayers, the future
 434 residents, and the state in the provision of needed
 435 infrastructure to the community at sustained levels of quality
 436 over the long term.
- 437 10. Provides highly accountable innovative systems,
 438 facilities, and services close to the land and close to the
 439 people.

HB 1483

2006
CS

440 11. Serves a land area that is amenable to separate
441 special district government.

442 12. Serves a land area that is sufficiently compact and of
443 size sufficient for the functionally interrelated new community
444 development.

445 13. Serves a land area in which there is no existing local
446 or regional system, facility, or service with which creation and
447 operation of this district and the provision of its systems,
448 facilities, improvements, and infrastructure would be
449 incompatible.

450 14. Will enhance the intrinsic value of the property and
451 the new community development and be a sustaining source of
452 public revenue.

453 (o) The independent district charter created in this act
454 involves innovative general and special powers not otherwise
455 available for this unique and highly specialized first ever new
456 community in such a unique area.

457 (p) The minimum requirements of general law or creation of
458 this district by special act have been met as confirmed and set
459 forth expressly in section 3(1).

460 (3) DETERMINATIONS.--Based upon its findings and
461 ascertainties, the Legislature states expressly and determines
462 that:

463 (a) This act represents the findings, ascertainments, and
464 determinations of the Legislature that creating the Grove
465 Community District by special act pursuant to general law is the
466 best alternative as required by section 189.404(2)(e)3., Florida

HB 1483

2006
CS

467 Statutes, because it meets affirmatively the findings and
468 ascertainments of this Legislature set forth hereinabove.

469 (b) The creation by this act of the district in the area
470 of northeastern Okeechobee County is consistent affirmatively
471 with the Okeechobee County Comprehensive Plan.

472 (c) The authority for this act is pursuant to section
473 189.404, Florida Statutes, and the State Comprehensive Plan
474 pursuant to section 187.201, Florida Statutes.

475 (d) The Board of County Commissioners of Okeechobee
476 County, on January 12, 2006, adopted Resolution 2006-1,
477 expressing no objection to the creation and establishment of the
478 Grove Community District and finding it consistent with the
479 Okeechobee County Comprehensive Plan as provided in section
480 189.404(2)(e)4., Florida Statutes.

481 (4) INTENT.--Based upon its findings, ascertainments, and
482 determinations, the Legislature expresses its intent:

483 (a) To ensure that the creation and operation of the Grove
484 Community District by and pursuant to this act, exercising its
485 management and related financing powers to implement its
486 limited, single, and special purpose, is not a development order
487 and does not trigger or invoke any development provision within
488 the meaning of chapter 380, Florida Statutes, and all applicable
489 governmental planning, environmental, and land development laws,
490 regulations, rules, policies, and ordinances apply to all
491 development of the land within the jurisdiction of the district
492 created by this act.

493 (b) That the district operate and function subject to, and
494 not inconsistent with, the Okeechobee County Comprehensive Plan

HB 1483

2006
CS

495 and Land Development Regulations and any applicable development
496 orders, zoning regulations, or other land development
497 regulations.

498 (c) That under this act, this special and single-purpose
499 Grove Community District shall not have the power of a general-
500 purpose local government to adopt a comprehensive plan or
501 related land development regulations as those terms are defined
502 in the Local Government Comprehensive Planning and Land
503 Development Regulation Act.

504 (d) That the Grove Community District created by this act
505 constitute an innovative mechanism for long-term, sustained
506 quality public stewardship through the planning, implementation,
507 construction, management, and related financing of basic
508 systems, facilities, services, and infrastructure projects for
509 the self-contained and self-sustained mixed-use new community.

510 (e) That it is in the public interest that this limited,
511 independent, specialized, and single-purpose district local
512 government have perpetual existence subject only to legislative
513 review as provided in its charter in this act so that it is not
514 in a position to outlive its usefulness.

515 (f) That the exercise by this Grove Community District of
516 its powers to carry out its single purpose under its charter as
517 created by this act is consistent with applicable due process,
518 disclosure, accountability, ethics, conflict of interest,
519 government-in-the-sunshine, competitive procurement, including
520 its employees or consultants, competitive negotiation, and
521 competitive bidding requirements, both as to the government

HB 1483

2006
CS

522 entity itself and as to its appointed or elected officials as
523 required in this act.

524 (5) PURPOSE.--The limited, single, and specialized purpose
525 of the Grove Community District is to provide community
526 development systems, facilities, services, projects,
527 improvements, and infrastructure to the new community by
528 exercising its various management powers, with related financing
529 powers, both general and special, as set forth by and limited by
530 this act.

531 (6) DEFINITIONS.--As used in this act:

532 (a) "Ad valorem bonds" means bonds which are payable from
533 the proceeds of ad valorem taxes levied on real and tangible
534 personal property and which are generally referred to as general
535 obligation bonds.

536 (b) "Assessable improvements" means, without limitation,
537 any and all public improvements and community facilities that
538 the district is empowered to provide in accordance with this
539 act, which provide a special benefit to property within the
540 district.

541 (c) "Assessment bonds" means special obligations of the
542 district which are payable solely from proceeds of the special
543 assessments or benefit special assessments levied for assessable
544 improvements; however, in lieu of issuing assessment bonds to
545 fund the costs of assessable improvements, the district may
546 issue revenue bonds for such purposes payable from special
547 assessments.

548 (d) "Assessments" means those nonmillage district
549 assessments which include special assessments, benefit special

HB 1483

2006
CS

550 assessments, and maintenance special assessments and a
551 nonmillage, non-ad valorem maintenance tax if authorized by
552 general law.

553 (e) "Benefit special assessments" are district assessments
554 imposed, levied, and collected pursuant to the provisions of
555 section 4(14)(b).

556 (f) "Board" means the governing board of the district or,
557 if such board has been abolished, the board, body, or commission
558 succeeding to the principal functions thereof or to whom the
559 powers given to the board by this act have been given by law.

560 (g) "Bond" includes "certificate," and the provisions
561 which are applicable to bonds are equally applicable to
562 certificates. The term "bond" includes any general obligation
563 bond, assessment bond, refunding bond, revenue bond, and other
564 such obligation in the nature of a bond as is provided for in
565 this act, as the case may be.

566 (h) "Cost" or "costs," when used with reference to any
567 project, include, but are not limited to:

568 1. The expense of determining the feasibility or
569 practicability of acquisition, construction, or reconstruction.

570 2. The cost of surveys, estimates, plans, and
571 specifications.

572 3. The cost of improvements.

573 4. Engineering, fiscal, and legal expenses and charges.

574 5. The cost of all labor, materials, machinery, and
575 equipment.

576 6. The cost of all lands, properties, rights, easements,
577 and franchises acquired.

HB 1483

2006
CS

- 578 7. Financing charges.
- 579 8. The creation of initial reserve and debt service funds.
- 580 9. Working capital.
- 581 10. Interest charges incurred or estimated to be incurred
582 on money borrowed prior to and during construction and
583 acquisition and for such reasonable period of time after
584 completion of construction or acquisition as the board may
585 determine.
- 586 11. The cost of issuance of bonds pursuant to this act,
587 including advertisements and printing.
- 588 12. The cost of any bond or tax referendum held pursuant
589 to this act and all other expenses of issuance of bonds.
- 590 13. The discount, if any, on the sale or exchange of
591 bonds.
- 592 14. Administrative expenses.
- 593 15. Such other expenses as may be necessary or incidental
594 to the acquisition, construction, or reconstruction of any
595 project or to the financing thereof or to the development of any
596 lands within the district.
- 597 16. Payments, contributions, dedications, and any other
598 exactions required as a condition to receive any government
599 approval or permit necessary to accomplish any district purpose.
- 600 (i) "Developed urban area" means any reasonably compact
601 urban area.
- 602 (j) "District" or "Grove Community District" means the
603 unit of special and single-purpose local government created and
604 chartered by this act, including the creation of its charter,
605 and limited to the performance, in implementing its single

HB 1483

2006
CS

606 purpose, of those general and special powers authorized by its
607 charter under this act; the boundaries of which are set forth by
608 the act; and the governing head of which is created and
609 authorized to operate with legal existence by this act and the
610 purpose of which is as set forth in this act.

611 (k) "District manager" means the manager of the district.

612 (l) "District roads" means highways, streets, roads,
613 alleys, sidewalks, landscaping, storm drains, bridges, and
614 thoroughfares of all kinds of descriptions.

615 (m) "General obligation bonds" means bonds which are
616 secured by, or provide for their payment by, the pledge, in
617 addition to those special taxes levied for their discharge and
618 such other sources as may be provided for their payment or
619 pledged as security under the resolution authorizing their
620 issuance, of the full faith and credit and taxing power of the
621 district and for payment of which recourse may be had against
622 the general fund of the district.

623 (n) "Governing board member" means any member of the
624 board.

625 (o) "Land development regulations" means those regulations
626 of general-purpose local government, adopted under the Local
627 Government Comprehensive Planning and Land Development
628 Regulations Act, the Growth Management Act, and chapter 163,
629 Florida Statutes, to which the district is subject and as to
630 which the district may not doing anything that is inconsistent;
631 but this term does not mean specific management engineering,
632 planning, and other criteria and standards needed in the daily
633 management and implementation by the district of its provision

HB 1483

2006
CS

634 of basic systems, facilities, services, works, improvements,
 635 projects, or infrastructure, including design criteria and
 636 standards, so long as they remain subject to and are not
 637 inconsistent with the Okeechobee County Comprehensive Plan and
 638 the applicable land development regulations.

639 (p) "Landowner" means the owner of a freehold estate as
 640 appears by the deed record, including a trustee, a private
 641 corporation, and an owner of a condominium unit; it does not
 642 include a reversioner, remainderman, mortgagee, or any
 643 governmental entity, who shall not be counted and need not be
 644 notified of proceedings under this act. "Landowner" also means
 645 the owner of a ground lease from a governmental entity, which
 646 leasehold interest has a remaining term, excluding all renewal
 647 options, in excess of 50 years.

648 (q) "Local general-purpose government" means a county,
 649 municipality, or consolidated city-county government.

650 (r) "Maintenance special assessments" means assessments
 651 imposed, levied, and collected pursuant to the provisions of
 652 section 4(14)(d).

653 (s) "Non-ad valorem assessments" means those assessments
 654 levied and imposed by the board which are not based upon millage
 655 and which constitute, pursuant to the provisions hereof, first
 656 liens on the properties subject thereto, coequal with the liens
 657 of state, county, municipal, and school board taxes:

658 1. If and when pursuant to general law, those nonmillage
 659 and non-ad valorem taxes, limited expressly and only to those
 660 certain maintenance taxes provided for expressly in the district

HB 1483

2006
CS

661 charter in this act which are not ad valorem taxes and are not
662 special assessments.

663 2. Assessments which are not taxes and are special
664 assessments levied and imposed by the board pursuant to an
665 informed and nonarbitrary determination by the board that the
666 systems, facilities, and services will provide, as a logical
667 connection to the applicable parcels of property, special
668 benefits peculiar to the property, different in kind and degree
669 than general benefits and that the duty to pay per parcel will
670 be apportioned in a manner that is fair and reasonable; and
671 which may be known and referred to as "assessments," "special
672 assessments," "maintenance assessments," or "benefit
673 assessments" as defined by and as may be applicable in the
674 context of this charter. The levy of maintenance assessments to
675 maintain a system or facility constructed and financed by
676 special assessments levied by the district may be based on the
677 assessment methodology by which the construction special
678 assessments are levied but upon a determination that the
679 maintenance special assessments also provide a special and
680 peculiar benefit to the property and are apportioned in a manner
681 that is fair and reasonable.

682 3. Any assessments which may be levied, imposed, and
683 equalized by the board by rule of the district.

684 (t) "Powers" means powers as used and exercised by the
685 board to accomplish the single, limited, and special purpose of
686 the district, including:

687 1. "General powers," as provided in the act for the
688 district charter, which means those organizational and

HB 1483

2006
CS

689 administrative powers of the district as provided in this act in
 690 its charter in order to carry out its single special purpose as
 691 a local government public corporate body politic.

692 2. "Special powers," means those powers enumerated by the
 693 act in the charter of the district to carry out its specialized
 694 systems, facilities, services, projects, improvements, and
 695 infrastructure and related functions in order to carry out its
 696 single specialized purpose.

697 3. Any other powers, authority, and functions set forth in
 698 this act.

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

703 (v) "Qualified elector" means any person at least 18 years
 704 of age who is a citizen of the United States, is a legal
 705 resident of the state and the district, and registers to vote
 706 with the supervisor of elections in the county in which the
 707 district land is located.

708 (w) "Refunding bonds" means bonds issued to refinance
 709 outstanding bonds of any type of the interest and redemption
 710 premium thereon. Refunding bonds shall be issuable and payable
 711 in the same manner as the refinanced bonds except that no
 712 approval by the electorate shall be required unless required by
 713 the State Constitution.

714 (x) "Revenue bonds" means obligations of the district
 715 which are payable from revenues, including, but not limited to,
 716 special assessments and benefit special assessments, derived

HB 1483

2006
CS

717 from sources other than ad valorem taxes on real or tangible
718 personal property and which do not pledge the property, credit,
719 or general tax revenue of the district.

720 (y) "Sewer system" means any plant, system, facility, or
721 property and additions, extensions, and improvements thereto at
722 any future time constructed or acquired as part thereof useful
723 or necessary or having the present capacity for future use in
724 connection with the collection, treatment, purification, or
725 disposal of sewage, including, without limitation, industrial
726 wastes resulting from any process of industry, manufacture,
727 trade, or business or from the development of any natural
728 resource. Without limiting the generality of the foregoing, the
729 term "sewer system" includes treatment plants, pumping stations,
730 lift stations, valves, force mains, intercepting sewers,
731 laterals, pressure lines, mains, and all necessary appurtenances
732 and equipment; all sewer mains, laterals, and other devices for
733 the reception and collection of sewage from premises connected
734 therewith; and all real and personal property and any interest
735 therein, rights, easements, and franchises of any nature
736 relating to any such system and necessary or convenient for
737 operation thereof.

738 (z) "Special assessments" means assessments as imposed,
739 levied, and collected by the district for the costs of
740 assessable improvements pursuant to the provisions of this act,
741 chapter 170, Florida Statutes, the additional authority under
742 section 197.3631, Florida Statutes, or other provisions of
743 general law now or hereinafter enacted which provide or

HB 1483

2006
CS

744 authorize a supplemental means to impose, levy, and collect
745 special assessments.

746 (aa) "Taxes" or "tax" means those levies and impositions
747 by the board which support and pay for government and the
748 administration of law and which may be:

749 1. "Ad valorem" or "property" taxes based upon both the
750 appraised value of property and millage, at a rate uniform
751 within the jurisdiction.

752 2. If and when authorized by general law, "non-ad valorem
753 maintenance taxes" not based on millage which are used to
754 maintain district systems, facilities, and services.

755 (bb) "Urban area" means a developed and inhabited urban
756 area within the district within a minimum acreage resident
757 population density of least 1.5 persons per acre as defined by
758 the latest official census, special census, or population
759 estimate or a minimum density of one single-family home per 2.5
760 acres with access to improved roads or a minimum density of one
761 single-family home per 5 acres within a recorded plat
762 subdivision. Urban areas shall be designated by the board of the
763 district with the assistance of all local general-purpose
764 governments having jurisdiction over the area within the
765 jurisdiction of the district.

766 (cc) "Water system" means any plant, system, facility, or
767 property and additions, extensions, and improvements thereto at
768 any future time constructed or acquired as part thereof useful
769 or necessary or having the present capacity for future use in
770 connection with the development of sources, treatment, or
771 purification and distribution of water. Without limiting the

HB 1483

2006
CS

772 generality of the foregoing, the term "water system" includes
773 dams, reservoirs, storage, tanks, mains, lines, valves, pumping
774 stations, laterals, and pipes for the purpose of carrying water
775 to the premises connected with such system and all rights,
776 easements, and franchises of any nature relating to any such
777 system and necessary or convenient for the operation thereof.

778 (7) POLICY.--Based upon its findings, ascertainments,
779 determinations, intent, purpose, and definitions, the
780 Legislature states its policy expressly:

781 (a) The district and district charter, with its general
782 and special powers, created in this act are essential and the
783 best alternative for the unique location and nature of the new
784 community for residential, commercial, academic, and other
785 community uses, projects, or functions in northeastern
786 Okeechobee County consistent with and designed to enhance the
787 Okeechobee County Comprehensive Plan and to serve a lawful
788 public purpose.

789 (b) This district, a local government and corporate body
790 politic, is limited to its single, narrow, and special
791 legislative purpose herein expressed, with the power to provide,
792 plan, implement, construct, maintain, and finance as a local
793 government management entity its basic systems, facilities,
794 services, improvements, infrastructure, and projects and
795 possessing financing powers to fund its management purpose over
796 the long term.

797 (c) This act may be amended only by special act of the
798 Legislature in whole or in part.

HB 1483

2006
CS

799 Section 3. Minimum general law requirements; creation and
800 establishment; boundaries; jurisdiction; construction; charter
801 with legal description.--

802 (1) MINIMUM CHARTER REQUIREMENTS.--Pursuant to section
803 189.404(3), Florida Statutes, the Legislature sets forth that
804 the minimum requirements in paragraphs (a) through (o) have been
805 met in the identified provisions of the act as follows:

806 (a) The purpose of the district is stated in the act in
807 section 2, subsection (5).

808 (b) The powers, functions, and duties of the district are
809 set forth generally in section 4, subsection (3), paragraphs (g)
810 and (h) and subsections (5)-(16), (18), (19), (21), (25), and
811 (32) as to which:

812 1. Taxation provisions are set forth in section 2,
813 subsection (6), paragraph (aa); section 4, subsection (3),
814 paragraph (h); subsection (14), paragraphs (a), (c), (f), (g),
815 and (i); and subsections (17), (18), and (19).

816 2. Bond issuance provisions are set forth generally in
817 section 2; section 4, subsection (8), paragraph (d); subsections
818 (10)-(13), and subsection (16), paragraphs (b) and (c).

819 3. Provisions regarding the other revenue-raising
820 capabilities are set forth in section 2, subsection (6),
821 paragraphs (b), (d), (r), (s), and (z); and section 4,
822 subsections (10) and (11); subsection (14), paragraphs (b), (d),
823 (e), (h), (i), and (j); and subsections (15) and (16).

824 4. Provisions regarding fees, rentals, and charges are set
825 forth in section 2, subsection (6); section 4, subsection (8),
826 paragraph (i); and subsections (22)-(25).

HB 1483

2006
CS

827 5. Provisions regarding budget preparation and approval
828 are set forth in section 4, subsections (5), (6), and (9).

829 6. Provisions regarding liens and foreclosures of liens
830 are set forth in section 4, subsection (14), paragraphs (f),
831 (g), (h), and (i); and subsections (15), (17), (18), and (19).

832 7. Provisions regarding the use of tax deeds and tax
833 certificates as appropriate for non-ad valorem assessments are
834 set forth in section 4, subsection (8), paragraph (o);
835 subsection (14), paragraphs (b), (c), (d), (e), (f), (h), and
836 (i); and subsection (15).

837 8. Provisions regarding contractual agreements are set
838 forth in section 4, subsection (8), paragraphs (c), (l), (p),
839 (r), and (s); and subsection (9), paragraphs (k), (o), (p), (s),
840 (t), (v), and (w).

841 (c) Provisions for methods for establishing the district
842 are set forth in section 2, subsection (6), paragraph (j) and
843 this section and are effective as provided in section 6.

844 (d) Provisions regarding methods for amending the charter
845 of the district are set forth in section 2 of subsection (7),
846 paragraph (c); subsection (4) of this section; and section 4 of
847 subsection (28).

848 (e) Provisions regarding aspects of the governing board
849 are set forth as follows:

850 1. Provisions regarding the membership of the governing
851 board are set forth in section 4, subsection (3), paragraph (b)
852 and subsection (4), paragraph (c).

HB 1483

2006
CS

853 2. Provisions regarding the organization of the governing
854 board are set forth in section 4, subsection (3), paragraphs
855 (b)-(d) and subsection (4), paragraph (c).

856 3. Provisions regarding the requirement of five board
857 members are set forth in section 4, subsection (3), paragraph
858 (b) and subsection (4), paragraph (c), subparagraph 1.

859 4. Provisions regarding the quorum of the governing board
860 are set forth in section 4, subsection (3), paragraph (b) and
861 subsection (4), paragraph (c), subparagraph 1., sub-subparagraph
862 e.

863 (f) Provisions regarding maximum compensation of each
864 board member are set forth in section 4, subsection (4),
865 paragraph (c), and in particular in subparagraph 1., sub-
866 subparagraph h.

867 (g) Provisions regarding the administrative duties of the
868 governing board are set forth in section 4, subsections (5)-(8).

869 (h) Provisions applicable to financial disclosure,
870 noticing, and reporting requirements for:

871 1. Financial disclosure are set forth in section 4,
872 subsections (6) and (7).

873 2. Voting are set forth in section 4, subsections (3) and
874 (4).

875 3. Reporting requirements are set forth in section 4,
876 subsections (5)-(7) and (31).

877 (i) Provisions regarding procedures and requirements for
878 issuing bonds are set forth in section 4, subsection (12),
879 paragraphs (a)-(q), and subsection (13).

880 (j) Provisions regarding elections or referenda are:

HB 1483

2006
CS

881 1. For procedures for elections, set forth in section 4,
882 subsections (3) and (4), and regarding referenda, set forth in
883 section 4, subsection (14), paragraph (a).

884 2. For qualifications of an elector of the district, a
885 qualified elector, set forth in section 2, subsection (6),
886 paragraph (v) and section 4, subsection (3), paragraphs (b) and
887 (c).

888 3. For referenda, set forth in section 4, subsection (4),
889 paragraph (b).

890 (k) Provisions regarding methods for financing the
891 district are set forth generally in section 4, subsections (10),
892 (11), (14), (15), (16), (17), (18), and (19).

893 (l) Other than taxes levied for the payment of bonds and
894 taxes levied for periods not longer than 2 years when authorized
895 by vote of the electors of the district, provisions for:

896 1. The authority to levy ad valorem taxes are set forth in
897 section 4, subsection (3), paragraph (h) and subsection (14),
898 paragraph (a); and section 2, subsection (6), paragraph (aa),
899 subparagraph 1.

900 2. The authorized millage rate are set forth in section 4,
901 subsection (14), paragraph (a).

902 (m) Provisions for the method or methods of collecting
903 non-ad valorem assessments, fees, or service charges are:

904 1. For collecting non-ad valorem assessments, set forth in
905 section 4, subsection (14), paragraphs (b), (c), (d), (e), (h)
906 and, (i), and subsection (15).

907 2. For collecting fees and service charges, set forth in
908 section 4, subsection (22).

HB 1483

2006
CS

909 (n) Provisions for planning requirements are as limited by
910 the provisions of section 2 and this section and as limited
911 further by section 4, subsections (8) and (9).

912 (o) Provisions for geographic boundary limitations of the
913 district are set forth in subsections (2)-(4) of this section
914 and section 4, subsection (2).

915 (2) CREATION AND ESTABLISHMENT.--The Grove Community
916 District is created and incorporated hereby as a public body,
917 corporate and politic, a political subdivision, an independent,
918 limited, special, and single-purpose local government, and an
919 independent special district under section 189.404, Florida
920 Statutes, and as defined in this act and in section 189.403(3),
921 Florida Statutes, in and for northeastern Okeechobee County. Any
922 amendments to chapter 190, Florida Statutes, after January 1,
923 2006, which grant additional general powers, special powers,
924 authorities, or projects to a community development district by
925 amendment to its uniform charter, sections 190.006-190.041,
926 Florida Statutes, shall constitute a general power, special
927 power, authority, or function of the Grove Community District,
928 except that as to any such additional powers, authorities, or
929 projects, this act shall control if there are any related
930 provisions in such additional powers, authorities, or projects
931 inconsistent with the provisions of this act. Because all
932 notices for the enactment by the Legislature of this special act
933 have been provided pursuant to the State Constitution, the laws
934 of Florida, and the rules of the House of Representatives and
935 the Senate, and because Okeechobee County is not a charter
936 county, no referendum subsequent to the effective date of this

Page 34 of 110

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1483-01-c1

HB 1483

2006
CS

937 act is required. The district, as created by this act, is
938 established on the property pursuant to sections 4(2) and 6.

939 (3) TERRITORIAL BOUNDARIES.--The territorial boundary of
940 the district shall embrace and include, without reservation or
941 enclave, all of that certain real property described legally in
942 section 4(2).

943 (4) JURISDICTION.--The jurisdiction of this district, in
944 the exercise of its general and special powers and in the
945 carrying out of its single, narrow, and special purpose, is
946 within the external boundaries of the district and
947 extraterritorially when authorized expressly by this act or
948 general law and subject to the limitations of law on the
949 applicable source of revenue granted by this act to finance the
950 exercise of district powers. This single-purpose district is
951 created for all public body corporate, politic, and local
952 government authority and power limited by the charter and
953 subject to the provisions of other general laws, including
954 expressly chapter 189, Florida Statutes, except that an
955 inconsistent provision in this act shall control and the
956 district has jurisdiction to perform such acts and exercise such
957 projects, functions, and powers as shall be necessary,
958 convenient, incidental, proper, or reasonable for the
959 implementation of its limited, single, and specialized purpose
960 regarding the sound planning, provision, acquisition,
961 development, operation, maintenance, and related financing of
962 those public systems, facilities, services, improvements,
963 projects, and infrastructure works as authorized herein
964 including those necessary and incidental thereto. Such

HB 1483

2006
CS

965 inconsistent provisions in chapter 189, Florida Statutes, are
 966 sections 189.4042, 189.4045, 189.405, 189.4051, 189.408, and
 967 189.423, Florida Statutes.

968 (5) EXCLUSIVE CHARTER.--The charter of the Grove Community
 969 District is this act and may be amended, terminated, or repealed
 970 only by special act of the Legislature amending or repealing
 971 this act.

972 Section 4. Disposition of sections 2 and 3; legal
 973 description; exclusive charter of the Grove Community
 974 District.--

975 (1) INCORPORATION AND DISPOSITION OF SECTIONS 2 AND
 976 3.--Sections 2 and 3 of this act are incorporated herein and
 977 made a part of this section. This act constitutes the exclusive
 978 charter of the Grove Community District.

979 (2) LEGAL DESCRIPTION.--The metes and bounds legal
 980 description of the district, within which there are no enclaves
 981 or parcels of property owned by those who do not wish their
 982 property to be included within the district, is as follows:

983 METES AND BOUNDS DESCRIPTION

984 Grove Community District

986 LEGAL DESCRIPTION:

987 (OFFICIAL RECORDS BOOK 230, PAGE 571, PUBLIC RECORDS,
 988 OKEECHOBEE COUNTY, FLORIDA)

990 ALL OF SECTIONS 1, 2, 3, 10, 11, 12, 13, 14, AND 15,
 991 IN TOWNSHIP 34 SOUTH, RANGE 36 EAST, OKEECHOBEE

HB 1483

2006
CS

992 | COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING
 993 | DESCRIBED LANDS:
 994 |
 995 | BEGINNING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST
 996 | CORNER OF SAID SECTION 13, RUN NORTH 89°26'05" WEST A
 997 | DISTANCE OF 5284.42 FEET TO AN IRON PIPE MARKING THE
 998 | SOUHWEST CORNER OF SAID SECTION 13; THENCE RUN SOUTH
 999 | 89°42'28" WEST A DISTANCE OF 5114.05 FEET ALONG THE
 1000 | SOUTH LINE OF SECTION 14 TO AN IRON PIPE AT THE SW
 1001 | CORNER THEREOF; THENCE RUN NORTH 89°31'14" WEST ALONG
 1002 | THE SOUTH LINE OF SECTION 15 A DISTANCE OF 5302.02
 1003 | FEET TO A CONCRETE MONUMENT MARKING THE SOUTHWEST
 1004 | CORNER OF SAID SECTION 15; THENCE RUN NORTH 00°00'14"
 1005 | EAST ALONG THE WEST LINE OF SECTION 15 A DISTANCE OF
 1006 | 174.49 FEET; THENCE RUN SOUTH 89°12'07" EAST ALONG A
 1007 | FENCE LINE A DISTANCE OF 5302.87 FEET TO A POINT WHICH
 1008 | IS 145 FEET NORTH OF THE SOUTHWEST CORNER OF SAID
 1009 | SECTION 14; THENCE RUN SOUTH 00°12'46" WEST A DISTANCE
 1010 | OF 20.0 FEET; THENCE RUN NORTH 89°42'28" EAST ALONG A
 1011 | LINE LYING PARALLEL TO AND 125 FEET NORTH OF THE SOUTH
 1012 | LINE OF SECTION 14 A DISTANCE OF 5113.88 FEET TO A
 1013 | POINT WHICH IS 125 FEET NORTH OF THE SOUTHWEST CORNER
 1014 | OF SECTION 13; THENCE RUN SOUTH 89°26'05" EAST ALONG A
 1015 | LINE PARALLEL TO AND 125 FEET NORTH OF THE SOUTH LINE
 1016 | OF SECTION 13 A DISTANCE OF 5149.10 FEET TO A POINT
 1017 | WHICH IS 135 FEET WEST AND 125 FEET NORTH OF THE
 1018 | SOUTHEAST CORNER OF SECTION 13; THENCE RUN NORTH
 1019 | 00°00'22" WEST A DISTANCE OF 100 FEET; THENCE RUN

HB 1483

2006
CS

1020 SOUTH 89°26'05" EAST A DISTANCE OF 135 FEET TO THE
 1021 EAST LINE OF SAID SECTION 13; THENCE RUN SOUTH
 1022 00°00'22" EAST A DISTANCE OF 225 FEET TO THE POINT OF
 1023 BEGINNING AT THE SOUTHEAST CORNER OF SECTION 13,
 1024 TOWNSHIP 34 SOUTH, RANGE 36 EAST, OKEECHOBEE COUNTY,
 1025 FLORIDA, CONTAINING 5683.29 ACRES, MORE OR LESS.

1026
 1027 (3) BOARD; MEMBERS AND MEETINGS; ORGANIZATION; POWERS;
 1028 DUTIES; TERMS OF OFFICE; RELATED ELECTION REQUIREMENTS.--

1029 (a) The board shall exercise the powers granted to the
 1030 district pursuant to this act in order to implement its
 1031 specialized single purpose.

1032 (b) There is created the Board of Supervisors of the Grove
 1033 Community District, which is the governing board and body of the
 1034 district. Except as otherwise provided herein, each member shall
 1035 hold office for a term of 4 years and until his or her successor
 1036 is chosen and qualifies. There shall be five members of the
 1037 board who shall, in order to be eligible, be residents of the
 1038 state and citizens of the United States. Three members shall
 1039 constitute a quorum.

1040 (c) Within 45 days after the effective date of this act, a
 1041 specially noticed meeting of the landowners of the district
 1042 shall be held for the purpose of electing the members to the
 1043 first board as herein provided. Notice of such special meeting
 1044 of the landowners shall be given by causing publication thereof
 1045 to be made once a week for 2 consecutive weeks prior to such
 1046 meeting in a newspaper of general paid subscription and
 1047 circulation in Okeechobee County, the last day of such

HB 1483

2006
CS

1048 publication not to be fewer than 14 or more than 28 days before
1049 the day of the election. Such special meeting of the landowners
1050 shall be held in a public place in Okeechobee County, and the
1051 place, date, and hour of holding such meeting and the purpose
1052 thereof shall be stated expressly in the notice. The landowners,
1053 when assembled, shall organize by electing a chair who shall
1054 preside at the meeting of the landowners and a secretary who
1055 shall record the proceedings. At such meeting, for the election
1056 of each person to be elected, each and every acre of land, or
1057 any fraction thereof, within the boundary of the district shall
1058 represent one vote and each owner of that acre or fraction
1059 thereof shall be entitled to one vote for every such acre or
1060 fraction thereof. Persons who qualify to serve as board members
1061 shall be nominated at the noticed meeting and prior to the
1062 initial election at the noticed meeting. A landowner may vote in
1063 person or by proxy in writing.

1064 (d) At the landowners' meeting for the election of the
1065 members of the board on a one-acre, one-vote basis, the two
1066 candidates receiving the highest number of votes shall be
1067 elected for terms expiring November 30, 2008, and the three
1068 candidates receiving the next highest number of votes shall be
1069 elected for terms expiring November 30, 2010. The members of the
1070 first board elected by the landowners shall serve their
1071 respective 4-year or 2-year terms; however, the next election by
1072 the landowners shall be held on the first Tuesday in November
1073 2008 to elect members to fill those vacancies to 4-year terms.
1074 Thereafter, there shall be an election of supervisors for the

HB 1483

2006
CS

1075 district every 2 years in November on a date established by the
1076 board and noticed pursuant to paragraph (c).

1077 (e) The landowners present at the meeting shall constitute
1078 a quorum.

1079 (f) All vacancies or expirations on the board shall be
1080 filled as provided by this act.

1081 (g) In case of a vacancy in the office of any member of
1082 the board, the remaining members of the board shall by majority
1083 vote elect a person to serve as a member of the board for the
1084 unexpired portion of the term.

1085 (h) If the board proposes to exercise its limited ad
1086 valorem taxing power as provided elsewhere in this charter, the
1087 provisions of section 4(14)(a) shall apply.

1088 (4) ELECTION; POPULAR ELECTIONS, REFERENDUM; DESIGNATION
1089 OF URBAN AREAS.--

1090 (a) Elections of the members of the board shall be
1091 conducted on a one-acre, one-vote basis as provided in paragraph
1092 (3)(c), until and unless the provisions of paragraph (b) apply.
1093 When applicable and required, the appropriate provisions of
1094 section 189.405, Florida Statutes, apply.

1095 (b) A referendum shall be called by the board, each member
1096 elected on a one-acre, one-vote basis, on the question of
1097 whether certain members of the board should be elected by
1098 qualified electors, providing each of the following conditions
1099 has been satisfied at least 60 days prior to the general or
1100 special election at which the referendum is to be held:

1101 1. The district has at least 500 qualified electors based
1102 on the most recent state population estimate.

HB 1483

2006
CS

1103 2. A petition signed by 10 percent of the qualified
 1104 electors of the district has been filed with the board. The
 1105 petition shall be submitted to the Supervisor of Elections of
 1106 Okeechobee County who shall, within 30 days after receipt of the
 1107 petition, certify to the board the percentage of signatures of
 1108 qualified electors contained in the petition.

1109 (c) Upon verification by the supervisor of elections that
 1110 10 percent of the qualified electors of the district have
 1111 petitioned the board, a referendum election shall be called by
 1112 the board at the next regularly scheduled election of governing
 1113 board members occurring at least 60 days after verification.

1114 (d) If the qualified electors approve the election
 1115 procedure described in this section, the governing board of the
 1116 district shall remain five members and elections shall be held
 1117 pursuant to the criteria described in this paragraph, beginning
 1118 with the next regularly scheduled election of governing board
 1119 members or at a special election called within 6 months after
 1120 the referendum and final unappealed approval of district urban
 1121 area maps as provided in this section, whichever is earlier.

1122 (e) If the qualified electors of the district reject the
 1123 election procedure described in this section, elections of the
 1124 members of the board shall continue as described in this act on
 1125 a one-acre, one-vote basis. No further referendum on the
 1126 question shall be held for a minimum period of 2 years after the
 1127 referendum.

1128 (f) Within 30 days after approval of the election process
 1129 described in this section by qualified electors of the district,
 1130 the board shall direct the district staff to prepare and to

HB 1483

2006
CS

1131 present maps of the district describing the extent and location
1132 of all urban areas within the district. Such determination shall
1133 be based upon the criteria contained in the definition of urban
1134 area in this act.

1135 (g) Within 60 days after approval of the election process
1136 described in this subsection by qualified electors of the
1137 district, the maps describing urban areas within the district
1138 shall be presented to the board.

1139 (h) Any district landowner or elector may contest the
1140 accuracy of the urban area maps prepared by the staff of the
1141 district within 30 days after submission to the board. Upon
1142 notice of objection to the maps, the governing board shall
1143 request the county engineer to prepare and present maps of the
1144 district describing the extent and location of all urban areas
1145 within the district. Such determination shall be based limitedly
1146 and exclusively upon the criteria contained in the definition in
1147 this act of urban area. Within 30 days after the governing board
1148 requests, the county engineer shall present the maps to the
1149 governing board.

1150 (i) Upon presentation of the maps by the county engineer,
1151 the governing board shall compare the maps submitted by both the
1152 district staff and the county engineer and make a determination
1153 as to which set of maps to adopt. Within 60 days after
1154 presentation of all such maps, the governing board may amend and
1155 shall adopt the official maps at a regularly scheduled board
1156 meeting.

1157 (j) Any district landowner or qualified elector may
1158 contest the accuracy of the urban area maps adopted by the board

HB 1483

2006
CS

1159 after adoption in accordance with the provision for judicial
1160 review as provided in the Administrative Procedure Act. Accuracy
1161 shall be determined pursuant to the definition of urban area in
1162 section 2(6)(bb).

1163 (k) Upon adoption by the board or certification by the
1164 court, the district urban area maps shall serve as the official
1165 maps for determination of the extent of urban area within the
1166 district and the number of members of the board to be elected by
1167 qualified electors and by one-acre, one-vote at the next
1168 regularly scheduled election of governing board members.

1169 (l) Upon a determination of the percentage of urban area
1170 within the district as compared with total area within the
1171 district, the governing board shall determine the number of
1172 electors in accordance with the percentages pursuant to this
1173 paragraph. The landowners' meeting date shall be designated by
1174 the board.

1175 (m) The map shall be updated and readopted every 5 years
1176 or sooner at the discretion of the board.

1177 (n)1. The five members of the governing board of the
1178 district shall be elected in accordance with the following
1179 determinations of urban area:

1180 a. If urban areas constitute 25 percent or less of the
1181 district, one governing board member shall be elected by the
1182 qualified electors and four governing board members shall be
1183 elected in accordance with the one-acre, one-vote principle
1184 contained within subsection (3).

1185 b. If urban areas constitute more than 25 percent but less
1186 than 50 percent of the district, two governing board members

HB 1483

2006
CS

1187 shall be elected by the qualified electors and three governing
 1188 board members shall be elected in accordance with the one-acre,
 1189 one-vote principle contained in subsection (3).

1190 c. If urban areas constitute at least 50 percent but less
 1191 than 70 percent of the district, three governing board members
 1192 shall be elected by the qualified electors and two governing
 1193 board members shall be elected in accordance with the one-acre,
 1194 one-vote principle contained in subsection (3).

1195 d. If urban areas constitute at least 70 percent but less
 1196 than 90 percent of the district, four governing board members
 1197 shall be elected by the qualified electors and one governing
 1198 board member shall be elected in accordance with the one-acre,
 1199 one-vote principle contained in subsection (3).

1200 e. If urban areas constitute at least 90 percent or more
 1201 of the district, all governing board members shall be elected by
 1202 the qualified electors.

1203 2. All members of the board, regardless of how elected,
 1204 shall be public officers, known as supervisors, and, upon
 1205 entering into office, shall take and subscribe to the oath of
 1206 office as prescribed by section 876.05, Florida Statutes. All
 1207 members of the board, regardless of how elected, and regardless
 1208 of whether they are qualified electors themselves, shall be
 1209 public officials and subject to ethics and conflict of interest
 1210 laws of the state that apply to all public officers. They shall
 1211 hold office for the terms for which they were elected and until
 1212 their successors are chosen and qualified.

1213 3. Any elected member of the board may be removed by the
 1214 Governor for malfeasance, misfeasance, dishonesty, incompetency,

HB 1483

2006
CS

1215 or failure to perform the duties imposed upon him or her by this
1216 act. Any vacancies which may occur in such office shall be
1217 filled by the Governor, as soon as practicable, unless filled by
1218 the board as provided in this act.

1219 4. All governing board members elected by qualified
1220 electors shall be qualified electors elected at large.
1221 Candidates seeking election as qualified electors shall conduct
1222 their campaigns in accordance with the provisions of chapter
1223 106, Florida Statutes, and shall file petitions as required in
1224 section 99.021, Florida Statutes, and take the oath therein
1225 prescribed.

1226 5. All governing board members elected by qualified
1227 electors shall have a term of 4 years each except for governing
1228 board members elected at the first election and the first
1229 landowners' meeting following the referendum prescribed in
1230 paragraph (b). Governing board members elected at the first
1231 election and the first landowners' meeting following the
1232 referendum shall serve as follows:

1233 a. If one governing board member is elected by the
1234 qualified electors and four are elected on a one-acre, one-vote
1235 basis, the governing board members elected by the qualified
1236 electors shall be elected for a term of 4 years each. Governing
1237 board members elected on a one-acre, one-vote basis shall be
1238 elected for terms as prescribed by subsection (3).

1239 b. If two governing board members are elected by the
1240 qualified electors and three are elected on a one-acre, one-vote
1241 basis, the governing board members elected by the qualified
1242 electors shall be elected for a term period of 4 years each.

HB 1483

2006
CS

1243 Governing board members elected on a one-acre, one-vote basis
1244 shall be elected for terms of 1, 2, and 3 years, respectively,
1245 as prescribed by subsection (3).

1246 c. If three governing board members are elected by the
1247 qualified electors and two are elected on a one-acre, one-vote
1248 basis, two of the governing board members elected by the
1249 qualified electors shall be elected for a term of 4 years and
1250 the other governing board member elected by the electors shall
1251 be elected for a term of 2 years. Governing board members
1252 elected on a one-acre, one-vote basis shall be elected for
1253 periods of 1 year and 2 years, respectively, as prescribed by
1254 subsection (3).

1255 d. If four governing board members are elected by the
1256 qualified electors and one is elected on a one-acre, one-vote
1257 basis, two of the governing board members elected by the
1258 electors shall be elected for terms of 2 years each and the
1259 other two for term of 4 years each. The governing board member
1260 elected on a one-acre, one-vote basis shall be elected for a
1261 term of 1 year as prescribed by subsection (3).

1262 e. If five governing board members are elected by the
1263 qualified electors, three shall be elected for terms of 4 years
1264 each and two for terms of 2 years each.

1265 6. If any vacancy occurs in a seat occupied by a governing
1266 board member elected by the qualified electors, the remaining
1267 members of the governing board shall, within 45 days after the
1268 vacancy occurs, appoint a person who would be eligible to hold
1269 the office for the unexpired term.

HB 1483

2006
CS

1270 7. Each and every election by qualified electors of
1271 members of the board pursuant to this act shall be conducted in
1272 the manner and at a time prescribed by law for holding general
1273 elections or prescribed by the Supervisor of Elections in and
1274 for the Okeechobee County political subdivision.

1275 8.a. An annual landowners' meeting shall be held pursuant
1276 to subsection (3) and at least one governing board member shall
1277 be elected on a one-acre, one-vote basis pursuant to subsection
1278 (3) for so long as 10 percent or more of the district is not
1279 contained in an urban area. In the event all district governing
1280 board members are elected by qualified electors, there shall be
1281 no further landowners' meetings.

1282 b. At any landowners' meeting called pursuant to this
1283 section, 50 percent of the district acreage shall not be
1284 required to constitute a quorum and each governing board member
1285 shall be elected by a majority of the acreage represented either
1286 by owner or proxy present and voting at said meeting.

1287 c. All landowners' meetings of districts operating
1288 pursuant to this section shall be set by the board within the
1289 month preceding the month of the election of the governing board
1290 members by the electors.

1291 d. Vacancies on the board shall be filled pursuant to
1292 subsection (3) and this subsection except as otherwise provided
1293 in this section.

1294 9. Three board members shall constitute a quorum for the
1295 purpose of conducting its business and exercising its powers and
1296 for all other related purposes. Action taken by the board
1297 members present shall be upon a vote of the majority of the

HB 1483

2006
CS

1298 members present, unless general law or rule of the district
 1299 subsequently promulgated requires a greater number.

1300 10. As soon as practicable after each election or
 1301 appointment, the board shall elect one of its members as chair,
 1302 elect a secretary who need not be a member of the board, and
 1303 elect such other officers as the board may deem necessary.

1304 11. The board shall keep a permanent record book entitled
 1305 "Record of Proceedings of Grove Community District," in which
 1306 shall be recorded minutes of all meetings, resolutions,
 1307 proceedings, certificates, bonds given by all employees, and any
 1308 and all corporate acts. The record book shall at reasonable
 1309 times be opened to inspection in the same manner as state,
 1310 county, and municipal records pursuant to chapter 119, Florida
 1311 Statutes. The record book shall be kept at the office or other
 1312 regular place of business maintained by the board within
 1313 Okeechobee County.

1314 12. Each supervisor shall be entitled to receive for his
 1315 or her services an amount not to exceed \$200 per meeting of the
 1316 board, not to exceed \$4,800 per year per supervisor, or an
 1317 amount established by the electors at referendum. In addition,
 1318 each supervisor shall receive travel and per diem expenses as
 1319 set forth in section 112.061, Florida Statutes.

1320 13. All meetings of the board shall be open to the public
 1321 and governed by the provisions of chapter 286, Florida Statutes.

1322 (o) The members of the board, whether elected on a one-
 1323 acre, one-vote basis or a qualified-electors basis, shall
 1324 constitute the members of the governing board of the district
 1325 subject to the requirements of this act.

HB 1483

2006
CS

1326 (5) BOARD OF SUPERVISORS; GENERAL DUTIES.--

1327 (a) The board shall employ and fix the compensation of a
1328 district manager. The district manager shall have charge and
1329 supervision of the works of the district and shall be
1330 responsible for preserving and maintaining any improvement or
1331 facility constructed or erected pursuant to the provisions of
1332 this act, for maintaining and operating the equipment owned by
1333 the district, and for performing such other duties as may be
1334 prescribed by the board. It shall not be a conflict of interest
1335 under chapter 112, Florida Statutes, for a board member or the
1336 district manager or another employee of the district to be a
1337 stockholder, officer, or employee of a landowner. The district
1338 manager may hire or otherwise employ and terminate the
1339 employment of such other persons, including, without limitation,
1340 professional, supervisory, and clerical employees, as may be
1341 necessary and authorized by the board. The compensation and
1342 other conditions of employment of the officers and employees of
1343 the district shall be as provided by the board.

1344 (b) The board shall designate a person who is a resident
1345 of the state as treasurer of the district, who shall have charge
1346 of the funds of the district. Such funds shall be disbursed only
1347 upon the order, or pursuant to the resolution, of the board by
1348 warrant or check countersigned by the treasurer and by such
1349 other person as may be authorized by the board. The board may
1350 give the treasurer such other or additional powers and duties as
1351 the board may deem appropriate and may fix his or her
1352 compensation. The board may require the treasurer to give a bond
1353 in such amount, on such terms, and with such sureties as may be

HB 1483

2006
CS

1354 deemed satisfactory to the board to secure the performance by
1355 the treasurer of his or her powers and duties. The financial
1356 records of the board shall be audited by an independent
1357 certified public accountant at least once a year.

1358 (c) The board is authorized to select as a depository for
1359 its funds any qualified public depository as defined in section
1360 280.02, Florida Statutes, which meets all the requirements of
1361 chapter 280, Florida Statutes, and has been designated by the
1362 treasurer as a qualified public depository, upon such terms and
1363 conditions as to the payment of interest by such depository upon
1364 the funds so deposited as the board may deem just and
1365 reasonable.

1366 (6) BUDGET; REPORTS AND REVIEWS.--

1367 (a) The district shall provide financial reports in such
1368 form and such manner as prescribed pursuant to this act and
1369 chapter 218, Florida Statutes.

1370 (b) On or before each July 15, the district manager shall
1371 prepare a proposed budget for the ensuing fiscal year to be
1372 submitted to the board for board approval. The proposed budget
1373 shall include at the direction of the board an estimate of all
1374 necessary expenditures of the district for the ensuing fiscal
1375 year and an estimate of income to the district from the taxes
1376 and assessments provided in this act. The board shall consider
1377 the proposed budget item by item and may either approve the
1378 budget as proposed by the district manager or modify the same in
1379 part or in whole. The board shall indicate its approval of the
1380 budget by resolution, which resolution shall provide for a
1381 hearing on the budget as approved. Notice of the hearing on the

Page 50 of 110

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hb1483-01-c1

HB 1483

2006
CS

1382 budget shall be published in a newspaper of general circulation
1383 in the area of the district once a week for 2 consecutive weeks,
1384 except that the first publication shall be not fewer than 15
1385 days prior to the date of the hearing. The notice shall further
1386 contain a designation of the day, time, and place of the public
1387 hearing. At the time and place designated in the notice, the
1388 board shall hear all objections to the budget as proposed and
1389 may make such changes as the board deems necessary. At the
1390 conclusion of the budget hearing, the board shall, by
1391 resolution, adopt the budget as finally approved by the board.
1392 The budget shall be adopted prior to October 1 of each year.

1393 (c) At least 60 days prior to adoption, the board shall
1394 submit to the Okeechobee County Board of County Commissioners,
1395 for purposes of disclosure and information only, the proposed
1396 annual budget for the ensuing fiscal year, and the board of
1397 county commissioners may submit written comments to the board
1398 solely for the assistance and information of the board of the
1399 district in adopting its annual district budget.

1400 (d) The board shall submit annually, to the Board of
1401 County Commissioners of Okeechobee County, its district public
1402 facilities report under section 189.415(2), Florida Statutes,
1403 addressing specifically short-term and long-term innovative
1404 systems, facilities, and services consistent with the unique
1405 nature of the new community. The Board of County Commissioners
1406 of Okeechobee County shall use and rely on the district public
1407 facilities report in the preparation or revision of the
1408 Okeechobee County Comprehensive Plan specifically under section
1409 189.415(6), Florida Statutes.

HB 1483

2006
CS

1410 (7) DISCLOSURE OF PUBLIC FINANCING.--The district shall
1411 take affirmative steps to provide for the full disclosure of
1412 information relating to the public financing and maintenance of
1413 improvements to real property undertaken by the district. Such
1414 information shall be made available to all current residents,
1415 and to all prospective residents, of the district. The district
1416 shall furnish each developer of a residential development within
1417 the district with sufficient copies of that information to
1418 provide each prospective initial purchaser of property in that
1419 development with a copy, and any developer of a residential
1420 development within the district, when required by law to provide
1421 a public offering statement, shall include a copy of such
1422 information relating to the public financing and maintenance of
1423 improvements in the public offering statement. The Division of
1424 Florida Land Sales, Condominiums, and Mobile Homes of the
1425 Department of Business and Professional Regulation shall ensure
1426 that disclosures are made by developers pursuant to chapter 498,
1427 Florida Statutes.

1428 (8) GENERAL POWERS.--The district shall have, and the
1429 board may exercise, the following general powers:

1430 (a) To sue and be sued in the name of the district; to
1431 adopt and use a seal and authorize the use of a facsimile
1432 thereof; to acquire by purchase, gift, devise, or otherwise, and
1433 to dispose of, real and personal property or any estate therein;
1434 and to make and execute contracts and other instruments
1435 necessary or convenient to the exercise of its powers.

1436 (b) To apply for coverage of its employees under the state
1437 retirement system in the same manner as if such employees were

HB 1483

2006
CS

1438 state employees, subject to necessary action by the district to
1439 pay employer contributions into the state retirement fund.

1440 (c) To contract for the services of consultants to perform
1441 planning, engineering, legal, or other appropriate services of a
1442 professional nature. Such contracts shall be subject to public
1443 bidding or competitive negotiation requirements as set forth in
1444 section 4(21).

1445 (d) To borrow money and accept gifts; to apply for and use
1446 grants or loans of money or other property from the United
1447 States, the state, a unit of local government, or any person for
1448 any district purposes and enter into agreements required in
1449 connection therewith; and to hold, use, and dispose of such
1450 moneys or property for any district purposes in accordance with
1451 the terms of the gift, grant, loan, or agreement relating
1452 thereto.

1453 (e) To adopt rules and orders pursuant to the provisions
1454 of chapter 120, Florida Statutes, prescribing the powers,
1455 duties, and functions of the officers of the district; the
1456 conduct of the business of the district; the maintenance of
1457 records; and the form of certificates evidencing tax liens and
1458 all other documents and records of the district. The board may
1459 also adopt administrative rules with respect to any of the
1460 projects of the district and define the area to be included
1461 therein. The board may also adopt resolutions which may be
1462 necessary for the conduct of district business.

1463 (f) To maintain an office at such place or places as the
1464 board designates in Okeechobee County and within the district
1465 when facilities are available.

HB 1483

2006
CS

1466 (g) To hold, control, and acquire by donation, purchase,
1467 or condemnation, and to dispose of, any public easements,
1468 dedications to public use, platted reservations for public
1469 purposes, or any reservations for those purposes authorized by
1470 this act other than public easements conveyed to or accepted by
1471 Okeechobee County and to make use of such easements,
1472 dedications, or reservations for the purpose mandated by this
1473 act.

1474 (h) To lease as lessor or lessee to or from any person,
1475 firm, corporation, association, or body, public or private, any
1476 projects of the type that the district is authorized to
1477 undertake and facilities or property of any nature for the use
1478 of the district to carry out the purposes mandated by this act.

1479 (i) To borrow money and issue bonds, certificates,
1480 warrants, notes, or other evidences of indebtedness as
1481 hereinafter provided; to levy such tax and assessments as may be
1482 authorized; and to charge, collect, and enforce fees and other
1483 user charges subject as applicable to section 4(10)-(13).

1484 (j) To raise, by user charges or fees authorized by
1485 resolution of the board, amounts of money which are necessary
1486 for the conduct of the district activities and services and to
1487 enforce their receipt and collection in the manner prescribed by
1488 resolution not inconsistent with law.

1489 (k) To exercise within the district, or beyond the
1490 district with prior approval by majority vote of a resolution of
1491 the governing body of the county if the taking will occur in an
1492 unincorporated area, the right and power of eminent domain,
1493 pursuant to the provisions of chapters 73 and 74, Florida

HB 1483

2006
CS

1494 Statutes, over any property within the state, except municipal,
 1495 county, state, and federal property, for the uses and purpose of
 1496 the district relating solely to water, sewer, district roads,
 1497 and water management, specifically including, without
 1498 limitation, the power for the taking of easements for the
 1499 drainage of the land of one person over and through the land of
 1500 another.

1501 (l) To cooperate with, or contract with, other
 1502 governmental agencies as may be necessary, convenient,
 1503 incidental, or proper in connection with any of the powers,
 1504 duties, or purposes authorized by this act.

1505 (m) To assess and impose upon lands in the district ad
 1506 valorem taxes as provided and limited by this act.

1507 (n) If and when authorized by general law, to determine,
 1508 order, levy, impose, collect, and enforce maintenance taxes.

1509 (o) To determine, order, levy, impose, collect, and
 1510 enforce assessments pursuant to this act, which sets forth a
 1511 detailed uniform procedure to implement chapter 170, Florida
 1512 Statutes, and as an alternative to determine, order, levy,
 1513 impose, collect, and enforce assessments under and pursuant to
 1514 chapter 170, Florida Statutes, pursuant to authority granted in
 1515 section 197.3631, Florida Statutes, or pursuant to other
 1516 provisions of general law, now or hereinafter enacted, which
 1517 provide or authorize a supplemental means to impose, levy, and
 1518 collect special assessments. Such special assessments, in the
 1519 discretion of the district, as provided in section 197.3631,
 1520 Florida Statutes, may be collected and enforced pursuant to the
 1521 provisions of sections 197.3632 and 197.3635, Florida Statutes,

HB 1483

2006
CS

1522 and chapters 170 and 173, Florida Statutes, or as provided by
1523 this act.

1524 (p) To exercise such special powers and other express
1525 powers as may be authorized and granted by this act in the
1526 charter of the district, including powers as provided in any
1527 interlocal agreement entered into pursuant to chapter 163,
1528 Florida Statutes, or which shall be required or permitted to be
1529 undertaken by the district pursuant to any development order or
1530 development of regional impact, including any interlocal service
1531 agreement with Okeechobee County for fair-share capital
1532 construction funding for any capital facilities or systems
1533 required of the developer pursuant to any applicable development
1534 order or agreement.

1535 (q) To exercise all of the powers necessary, convenient,
1536 incidental, or proper in connection with any other powers or
1537 duties or the single purpose of the district authorized by this
1538 act.

1539
1540 The provisions of this subsection shall be construed liberally
1541 in order to carry out effectively the single specialized purpose
1542 of this act and to secure for the district its ability to be
1543 innovative.

1544 (9) SPECIAL POWERS.--The district shall have the following
1545 special powers to implement its lawful, single, and special
1546 purpose and to provide pursuant to that purpose basic systems,
1547 facilities, services, improvements, projects, works, and
1548 infrastructure in the new community, each of which constitutes a
1549 lawful public purpose when exercised pursuant to this charter,

HB 1483

2006
CS

1550 subject to, and not inconsistent with, the regulatory
 1551 jurisdiction and permitting authority of all other applicable
 1552 governmental bodies, agencies, and any special districts having
 1553 authority with respect to any area included therein, and to
 1554 plan, establish, acquire, construct or reconstruct, enlarge or
 1555 extend, equip, operate, finance, fund, and maintain
 1556 improvements, systems, facilities, services, works, projects,
 1557 and infrastructure any or all of the following special powers
 1558 granted by this act in order to implement the special
 1559 requirements of this new community within the single special
 1560 purpose of the district:

1561 (a) To provide for water management and control for the
 1562 lands within the district and to connect some or any of such
 1563 facilities with roads and bridges. In the event that the board
 1564 assumes the responsibility for providing water management and
 1565 control for the district which is to be financed by benefit
 1566 special assessments, the board shall adapt plans and assessments
 1567 pursuant to law or may adopt water management and control plans,
 1568 assess for benefits, and apportion and levy special assessments
 1569 as follows:

1570 1. The board shall cause to be made by the district's
 1571 engineer, or such other engineer or engineers as the board may
 1572 employ for that purpose, complete and comprehensive water
 1573 management and control plans for the lands located within the
 1574 district that will be improved in part or in whole by any system
 1575 of facilities that may be outlined and adopted, and the engineer
 1576 shall make a report in writing to the board with maps and

HB 1483

2006
CS

1577 profiles of said surveys and an estimate of the cost of carrying
1578 out and completing the plans.

1579 2. Upon the completion of such plans, the board shall hold
1580 a hearing thereon to hear objections thereto, shall give notice
1581 of the time and place fixed for such hearing by publication once
1582 each week for 2 consecutive weeks in a newspaper of general
1583 circulation in the general area of the district, and shall
1584 permit the inspection of the plan at the office of the district
1585 by all persons interested. All objections to the plan shall be
1586 filed at or before the time fixed in the notice for the hearing
1587 and shall be in writing.

1588 3. After the hearing, the board shall consider the
1589 proposed plan and any objections thereto and may modify, reject,
1590 or adopt the plan or continue the hearing to a day certain for
1591 further consideration of the proposed plan or modifications
1592 thereof.

1593 4. When the board approves a plan, a resolution shall be
1594 adopted and a certified copy thereof shall be filed in the
1595 office of the secretary and incorporated by him or her into the
1596 records of the district.

1597 5. The water management and control plan may be altered in
1598 detail from time to time until the appraisal record herein
1599 provided is filed, but not in such manner as to affect
1600 materially the conditions of its adoption. After the appraisal
1601 record has been filed, no alteration of the plan shall be made,
1602 except as provided by this act.

HB 1483

2006
CS

1603 6. Within 20 days after the final adoption of the plan by
 1604 the board, the board shall proceed pursuant to section 298.301,
 1605 Florida Statutes.

1606 (b) To provide for water supply, sewer, and wastewater
 1607 management, reclamation, and reuse or any combination thereof
 1608 and any irrigation systems, facilities, and services; to
 1609 construct and operate connecting intercepting or outlet sewers
 1610 and sewer mains and pipes and water mains, conduits, or
 1611 pipelines in, along, and under any street, alley, highway, or
 1612 other public place or way; and to dispose of any effluent,
 1613 residue, or other byproducts of such system or sewer system.

1614 1. The district may not purchase or sell a water, sewer,
 1615 or wastewater reuse utility that provides service to the public
 1616 for compensation, or enter into a wastewater facility
 1617 privatization contract for a wastewater facility, until the
 1618 governing body of the new community district has held a public
 1619 hearing on the purchase, sale, or wastewater facility
 1620 privatization contract and made a determination that the
 1621 purchase, sale, or wastewater facility privatization contract is
 1622 in the public interest.

1623 2. In determining if the purchase, sale, or wastewater
 1624 facility privatization contract is in the public interest, the
 1625 district shall consider, at a minimum, the following:

1626 a. The most recent available income and expense statement
 1627 for the utility.

1628 b. The most recent available balance sheet for the
 1629 utility, listing assets and liabilities and clearly showing the

HB 1483

2006
CS

1630 amount of contributions in aid of construction and the
1631 accumulated depreciation thereon.

1632 c. A statement of the existing rate base of the utility
1633 for regulatory purposes.

1634 d. The physical condition of the utility facilities being
1635 purchased, sold, or subject to a wastewater facility
1636 privatization contract.

1637 e. The reasonableness of the purchase, sale, or wastewater
1638 facility privatization contract price and terms.

1639 f. The impacts of the purchase, sale, or wastewater
1640 facility privatization contract on utility customers, both
1641 positive and negative.

1642 g. Any additional investment required and the ability and
1643 willingness of the purchaser or the private firm under a
1644 wastewater facility privatization contract to make that
1645 investment, whether the purchaser is the district or the entity
1646 purchasing the utility from the district.

1647 h. In the case of a wastewater facility privatization
1648 contract, the terms and conditions on which the private firm
1649 will provide capital investment and financing or a combination
1650 thereof for contemplated capital replacements, additions,
1651 expansions, and repairs. The district shall give significant
1652 weight to this criterion.

1653 i. The alternatives to the purchase, sale, or wastewater
1654 facility privatization contract and the potential impact on
1655 utility customers if the purchase, sale, or wastewater facility
1656 privatization contract is not made.

HB 1483

2006
CS

1657 j. The ability of the purchaser or the private firm under
1658 a wastewater facility privatization contract to provide and
1659 maintain high-quality and cost-effective utility service,
1660 whether the purchaser is the district or the entity purchasing
1661 the utility from the district.

1662 k. In the case of a wastewater facility privatization
1663 contract, the technical expertise and experience of the private
1664 firm in carrying out the obligations specified in the wastewater
1665 facility privatization contract. The district shall give
1666 significant weight to this criterion.

1667 3. All moneys paid by a private firm to a district
1668 pursuant to a wastewater facility privatization contract shall
1669 be used for the purpose of reducing or offsetting property
1670 taxes, wastewater service rates, or debt reduction or making
1671 infrastructure improvements or capital asset expenditures or
1672 other public purpose; however, nothing herein shall preclude the
1673 district from using all or part of the moneys for the purpose of
1674 the district's qualification for relief from the repayment of
1675 federal grant awards associated with the wastewater system as
1676 may be required by federal law or regulation. The district shall
1677 prepare a statement showing that the purchase, sale, or
1678 wastewater facility privatization contract is in the public
1679 interest, including a summary of the purchaser's or private
1680 firm's experience in water, sewer, or wastewater reuse utility
1681 operation and a showing of financial ability to provide the
1682 service, whether the purchaser or private firm is the district
1683 or the entity purchasing the utility from the district.

HB 1483

2006
CS

1684 (c) To provide for bridges or culverts that may be needed
1685 across any drain, ditch, canal, floodway, holding basin,
1686 excavation, public highway, tract, grade, fill, or cut and
1687 roadways over levees and embankments, and to construct any and
1688 all of such works and improvements across, through, or over any
1689 public right-of-way, highway, grade, fill, or cut.

1690 (d) To provide for district roads equal to or exceeding
1691 the specifications of the county in which such district roads
1692 are located, and streetlights, including conditions of
1693 development approval which sometimes may be different
1694 specifications than the normal specifications of the county.
1695 This special power includes construction, improvement, pavement,
1696 and maintenance of roadways and roads necessary and convenient
1697 for the exercise of the powers or duties of the district to:

1698 1. Implement its single purpose.
1699 2. Include as a component thereof roads, parkways,
1700 bridges, landscaping, irrigation, bicycle and jogging paths,
1701 street lighting, traffic signals, road striping, and all other
1702 customary elements of a modern road system in general or as tied
1703 to the conditions of development approval for the specific
1704 district.

1705 3. Plan, implement, construct or reconstruct, enlarge or
1706 extend, finance, fund, equip, operate, and maintain parking
1707 facilities freestanding or as may be related to any innovative
1708 strategic intermodal system of transportation pursuant to
1709 applicable federal, state, and local laws and ordinances.

HB 1483

2006
CS

1710 (e) To provide for buses, trolleys, transit shelters,
 1711 ride-sharing facilities and services, parking improvements, and
 1712 related signage.

1713 (f) To cover investigation and remediation costs
 1714 associated with the cleanup of actual or perceived environmental
 1715 contamination within the district under the supervision or
 1716 direction of a competent governmental authority unless the
 1717 covered costs benefit any person who is a landowner within the
 1718 district who caused or contributed to the contamination.

1719 (g) To provide for conservation areas, mitigation areas,
 1720 and wildlife habitat, including the maintenance of any plant or
 1721 animal species, and any related interest in real or personal
 1722 property.

1723 (h) Using its general and special powers as set forth in
 1724 this act, to provide for any other project within or without the
 1725 boundaries of a district when the project is the subject of an
 1726 agreement between the district and the Board of County
 1727 Commissioners of Okeechobee County or with any applicable other
 1728 public or private entity, including a homeowner association, and
 1729 is not inconsistent with the Okeechobee County Comprehensive
 1730 Plan and the Growth Management act which implement the single
 1731 special purpose of the district.

1732 (i) To provide for parks and facilities for indoor and
 1733 outdoor recreational, cultural, and educational uses.

1734 (j) To provide for fire prevention and control, including
 1735 fire stations and buildings, water mains and plugs, fire trucks,
 1736 and other vehicles and equipment, and for emergency medical

HB 1483

2006
CS

1737 | services, including stations and buildings, vehicles, and
 1738 | equipment.
 1739 | (k) To provide for school buildings and related
 1740 | structures, which may be leased, sold, or donated to the school
 1741 | district, for use in the educational system when authorized by
 1742 | the district school board. The district is granted the special
 1743 | power to contract with the Okeechobee County School Board and,
 1744 | as applicable, the Board of County Commissioners of Okeechobee
 1745 | County, and with the applicable landowner developer of the lands
 1746 | within the jurisdiction of the district, to assess the school
 1747 | district educational facilities plan, and to implement a
 1748 | management and financing plan for timely construction,
 1749 | maintenance, and acquisition, at the option of the district, of
 1750 | school facilities, including facilities identified in the
 1751 | facilities work programs or those proposed by charter schools.
 1752 | The district is granted the special power to determine, order,
 1753 | levy, impose, collect, or arrange for the collection and
 1754 | enforcement of assessments, as defined in and pursuant to this
 1755 | act, for such school facilities. The district is eligible for
 1756 | the financial enhancements available to educational facility
 1757 | benefit districts to provide for financing the construction and
 1758 | maintenance of educational facilities pursuant to section
 1759 | 1013.356, Florida Statutes, and, if and when authorized by
 1760 | general law, to acquire such educational facilities. This act,
 1761 | in the place of an educational facilities benefit district,
 1762 | authorizes the Okeechobee County School Board to designate the
 1763 | district. The district is authorized to enter into an interlocal
 1764 | agreement with the Okeechobee County School Board and, as

HB 1483

2006
CS

1765 applicable, the Board of County Commissioners of Okeechobee
 1766 County, and applicable private landowners and developers in
 1767 order to provide for such construction, maintenance, and
 1768 acquisition and in order to receive the applicable financial
 1769 enhancements provided by section 1013.356, Florida Statutes. The
 1770 interlocal agreement shall consider, among other things,
 1771 absorption rates, sales rates, and related data of existing and
 1772 projected schools; racial, ethnic, social, and economic balance
 1773 within the Okeechobee County School District under applicable
 1774 state and federal law; and the provision of school attendance
 1775 zones to allow students residing within a reasonable distance of
 1776 the facilities constructed and financed through the interlocal
 1777 agreement to attend such facilities. Because these facilities
 1778 are funded by assessments and not by taxes of any type, the
 1779 provision of these facilities may be multiuse and, consistent
 1780 with the provisions of this act, shall be first liens on the
 1781 property upon a showing of special and peculiar benefits that
 1782 flow to the property within the jurisdiction of the district as
 1783 a logical connection from the systems, facilities, and services,
 1784 resulting in added use, enhanced enjoyment, decreased insurance
 1785 premiums, or enhanced value in marketability so that the
 1786 Legislature finds that the provisions of the Florida
 1787 Constitution for free public schools is implemented and
 1788 enhanced.

1789 (1) To provide for security, including, but not limited
 1790 to, guardhouses, fences and gates, electronic intrusion
 1791 detection systems, and patrol cars, when authorized by proper
 1792 governmental agencies, except that the district may not exercise

HB 1483

2006
CS

1793 | any powers of a law enforcement agency but may contract with the
 1794 | appropriate local general-purpose government agencies for an
 1795 | increased level of such services within the district boundaries.
 1796 | The district may operate guardhouses for the limited purpose of
 1797 | providing security for the residents of the district and which
 1798 | serve a predominate public, as opposed to private, purpose. Such
 1799 | guardhouses shall be operated by the district or other unit of
 1800 | local government pursuant to procedures designed to serve such
 1801 | security purposes as set forth in rules adopted by the board,
 1802 | from time to time, following the procedures set forth in chapter
 1803 | 120, Florida Statutes.

1804 | (m) To provide for control and elimination of mosquitoes
 1805 | and other arthropods of public health importance.

1806 | (n) To provide for waste collection and disposal.

1807 | (o) To enter into impact fee credit agreements with
 1808 | Okeechobee County and the Okeechobee County School Board. Under
 1809 | such agreements, where the district constructs or makes
 1810 | contributions for public systems, facilities, services,
 1811 | projects, improvements, works, and infrastructures for which
 1812 | impact fee credits would be available to the landowner developer
 1813 | under the Okeechobee County and Okeechobee County School Board
 1814 | applicable impact fee ordinance, the agreement authorized by
 1815 | this act shall provide that such impact fee credit shall inure
 1816 | to the landowners within the district in portion to assessments
 1817 | or other burdens levied and imposed upon the landowners with
 1818 | respect to assessable improvements giving rise to such impact
 1819 | fee credits, and the district shall, from time to time, execute
 1820 | such instruments, such as assignments of impact fee credits, as

HB 1483

2006
CS

1821 may be necessary, appropriate, or desirable to accomplish or to
 1822 confirm the foregoing.

1823 (p) To establish and create, at noticed meetings, such
 1824 government departments of the board of the district, as well as
 1825 committees, task forces, boards, commissions, or other agencies
 1826 under the supervision and control of the district, as from time
 1827 to time the members of the board may deem necessary or desirable
 1828 in the performance of the acts or other things necessary to
 1829 exercise its general or special powers to implement an
 1830 innovative project to carry out the special purpose of the
 1831 district as provided in this act and to delegate to such
 1832 departments, boards, task forces, committees, or other agencies
 1833 such administrative duties and other powers as the board may
 1834 deem necessary or desirable, but only if there is a set of
 1835 expressed limitations for accountability, notice, and periodic
 1836 written reporting to the board, which shall retain its powers.

1837 (q) So long as not inconsistent with the applicable local
 1838 government comprehensive plan and development entitlements, to
 1839 coordinate with the landowner developer on the phasing of the
 1840 delivery of infrastructure and to create phase entities or units
 1841 for its charter purpose. Toward this end, and so long as it
 1842 implements the purpose of the district under this act, the board
 1843 may designate, therefore, units of development and adopt systems
 1844 of progressive phased development by units with related
 1845 management planning, implementation, construction, maintenance,
 1846 and financing within its phased unit. If the board proceeds to
 1847 designate such phased units of development, it must adopt at a
 1848 noticed meeting pursuant to chapter 120, Florida Statutes, a

HB 1483

2006
CS

1849 rule setting forth detailed procedures and authorizations for
1850 such phase unit processes. A committee, department, or agency of
1851 the board shall be given express duty of oversight with monthly
1852 written reports to the board. No such phased units can begin or
1853 operate until or unless the required noticed rule has been
1854 promulgated. With regard to any phased unit, there shall be no
1855 bonded indebtedness and no levy of any lienable or nonlienable
1856 revenue, whether to amortize bonds or not, within the boundary
1857 of a phased unit other than by the board and pursuant to the
1858 powers, procedures, and provisions of this act and other
1859 applicable laws.

1860 (r) To plan, establish, acquire, construct or reconstruct,
1861 enlarge or extend, equip, operate, maintain, finance, and fund
1862 buildings and structures for district offices, maintenance
1863 facilities, meeting facilities, town centers, or any other
1864 project authorized or granted by this act upon a showing at a
1865 noticed meeting of its efficacy to the specialized single
1866 purpose of this district for the new community.

1867 (s) To plan, establish, acquire, construct or reconstruct,
1868 enlarge or extend, equip, operate, maintain, finance, and fund
1869 edifices and facilities for the provision of health care when
1870 authorized by applicable public or private agencies providing
1871 health care and upon a showing of efficacy to carry out the
1872 purpose of the district.

1873 (t) To coordinate, work with, and, as the board deems
1874 appropriate, enter into interlocal agreements subject to the
1875 provisions of this charter with any public or private
1876 institution of higher education, including the Indian River

HB 1483

2006
CS

1877 Community College and any public or private university. The
1878 purpose of such coordination and agreements is to help sustain
1879 high-quality infrastructure in, around, and for the universities
1880 as may be appropriate under the law on the basis that the
1881 provision of such systems, facilities, and services, including
1882 classrooms or other buildings for such institutions, constitutes
1883 enhancement of the intrinsic value and marketability of property
1884 within the new community and also provides for increased
1885 enjoyment and enhanced use of the property. These systems,
1886 facilities, and services, including buildings, shall be first
1887 liens on the property within the community and serve a lawful
1888 public purpose upon a showing by the board in a nonarbitrary and
1889 informed manner of special and peculiar benefits that flow to
1890 the property within the community as a logical connection from
1891 the systems, facilities, and services, resulting in added use,
1892 enhanced enjoyment, decreased insurance premiums on, or enhanced
1893 value in the marketability of the property.

1894 (u) To adopt and enforce appropriate rules following the
1895 procedures of chapter 120, Florida Statutes, in connection with
1896 the provisions of one or more its systems, facilities, services,
1897 projects, improvements, works, and infrastructure.

1898
1899 The enumeration of special powers in this subsection shall not
1900 be deemed exclusive or restrictive but shall be deemed to
1901 incorporate all powers, express or implied, necessary or
1902 incident to carrying out such enumerated special powers,
1903 including also the general powers provided by this special act
1904 charter to the district to implement its single purpose. The

HB 1483

2006
CS

1905 provisions of this subsection shall be construed liberally in
 1906 order to carry out effectively the single purpose of this
 1907 district under this act and to secure for the district its
 1908 ability to be innovative.

1909 (10) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to
 1910 the other powers provided for in this act, and not in limitation
 1911 thereof, the district shall have the power, at any time, and
 1912 from time to time after the issuance of any bonds of the
 1913 district shall have been authorized, to borrow money for the
 1914 purposes for which such bonds are to be issued in anticipation
 1915 of the receipt of the proceeds of the sale of such bonds and to
 1916 issue bond anticipation notes in a principal sum not in excess
 1917 of the authorized maximum amount of such bond issue. Such notes
 1918 shall be in such denomination or denominations; bear interest at
 1919 such rate, not to exceed the maximum rate allowed by general
 1920 law; mature at such time or times not later than 5 years from
 1921 the date of issuance; and be in such form and executed in such
 1922 manner as the board shall prescribe. Such notes may be sold at
 1923 either public or private sale or, if such notes are renewal
 1924 notes, may be exchanged for notes then outstanding on such terms
 1925 as the board shall determine. Such notes shall be paid from the
 1926 proceeds of such bonds when issued. The board may, in its
 1927 discretion, in lieu of retiring the notes by means of bonds,
 1928 retire them by means of current revenues or from any taxes or
 1929 assessments levied for the payment of such bonds, but in such
 1930 event, a like amount of the bonds authorized shall not be
 1931 issued.

HB 1483

2006
CS

1932 (11) SHORT-TERM BORROWING.--The district may at any time
 1933 obtain loans, in such amount and on such terms and conditions as
 1934 the board may approve, for the purpose of paying any of the
 1935 expenses of the district or any costs incurred or that may be
 1936 incurred in connection with any of the projects of the district,
 1937 which loans shall bear interest as the board determines as not
 1938 to exceed the maximum rate allowed by general law and may be
 1939 payable from and secured by a pledge of such funds, revenues,
 1940 taxes, and assessments as the board may determine, subject,
 1941 however, to the provisions contained in any proceeding under
 1942 which bonds were theretofore issued and are then outstanding.
 1943 For the purpose of defraying such costs and expenses, the
 1944 district may issue negotiable notes, warrants, or other
 1945 evidences of debt to be payable at such times and to bear such
 1946 interest, not to exceed the maximum rate allowed by general law,
 1947 as the board may determine and to be sold or discounted at such
 1948 price or prices not less than 95 percent of par value and on
 1949 such terms as the board may deem advisable. The board shall have
 1950 the right to provide for the payment thereof by pledging the
 1951 whole or any part of the funds, revenues, taxes, and assessments
 1952 of the district. The approval of the electors residing in the
 1953 district shall not be necessary except when required by the
 1954 State Constitution.

1955 (12) BONDS.--

1956 (a) Bonds may be sold in blocks or installments at
 1957 different times, or an entire issue or series may be sold at one
 1958 time. Bonds may be sold at public or private sale after such
 1959 advertisement, if any, as the board may deem advisable, but not

HB 1483

2006
CS

1960 | in any event at less than 90 percent of the par value thereof,
 1961 | together with accrued interest thereon. Bonds may be sold or
 1962 | exchanged for refunding bonds. Special assessment and revenue
 1963 | bonds may be delivered by the district as payment of the
 1964 | purchase price of any project or part thereof, or a combination
 1965 | of projects or parts thereof, or as the purchase price or
 1966 | exchange for any property, real, personal, or mixed, including
 1967 | franchises or services rendered by any contractor, engineer, or
 1968 | other person, all at one time or in blocks from time to time, in
 1969 | such manner and upon such terms as the board in its discretion
 1970 | shall determine. The price or prices for any bonds sold,
 1971 | exchanged, or delivered may be:

1972 | 1. The money paid for the bonds.
 1973 | 2. The principal amount, plus accrued interest to the date
 1974 | of redemption or exchange, or outstanding obligations exchanged
 1975 | for refunding bonds.

1976 | 3. In the case of special assessment or revenue bonds, the
 1977 | amount of any indebtedness to contractors or other persons paid
 1978 | with such bonds, or the fair value of any properties exchanged
 1979 | for the bonds, as determined by the board.

1980 | (b) Any general obligation bonds, special assessment
 1981 | bonds, or revenue bonds may be authorized by resolution or
 1982 | resolutions of the board, which shall be adopted by a majority
 1983 | of all the members thereof then in office. Such resolution or
 1984 | resolutions may be adopted at the same meeting at which they are
 1985 | introduced and need not be published or posted. The board may,
 1986 | by resolution, authorize the issuance of bonds and fix the
 1987 | aggregate amount of bonds to be issued; the purpose or purposes

HB 1483

2006
CS

1988 | for which the moneys derived therefrom shall be expended,
 1989 | including, but not limited to, payment of costs as defined in
 1990 | section 2(6)(h); the rate or rates of interest, not to exceed
 1991 | the maximum rate allowed by general law; the denomination of the
 1992 | bonds; whether or not the bonds are to be issued in one or more
 1993 | series; the date or dates of maturity, which shall not exceed 40
 1994 | years from their respective dates of issuance; the medium of
 1995 | payment; the place or places within or without the state where
 1996 | payment shall be made; registration privileges; redemption terms
 1997 | and privileges, whether with or without premium; the manner of
 1998 | execution; the form of the bonds, including any interest coupons
 1999 | to be attached thereto; the manner of execution of bonds and
 2000 | coupons; and any and all other terms, covenants, and conditions
 2001 | thereof and the establishment of revenue or other funds. Such
 2002 | authorizing resolution or resolutions may further provide for
 2003 | the contracts authorized by section 159.825(1)(f) and (g),
 2004 | Florida Statutes, regardless of the tax treatment of such bonds
 2005 | being authorized, subject to the finding by the board of a net
 2006 | savings to the district resulting by reason thereof. Such
 2007 | authorizing resolution may further provide that such bonds may
 2008 | be executed in accordance with the Registered Public Obligations
 2009 | Act, except that bonds not issued in registered form shall be
 2010 | valid if manually countersigned by an officer designated by
 2011 | appropriate resolution of the board. The seal of the district
 2012 | may be affixed, lithographed, engraved, or otherwise reproduced
 2013 | in facsimile on such bonds. In case any officer whose signature
 2014 | appears on any bonds or coupons ceases to be such officer before
 2015 | the delivery of such bonds, such signature or facsimile shall

HB 1483

2006
CS

2016 nevertheless be valid and sufficient for all purposes as if he
 2017 or she had remained in office until such delivery.

2018 (c) Pending the preparation of definitive bonds, the board
 2019 may issue interim certificates or receipts or temporary bonds,
 2020 in such form and with such provisions as the board may
 2021 determine, exchangeable for definitive bonds when such bonds
 2022 have been executed and are available for delivery. The board may
 2023 also provide for the replacement of any bonds which become
 2024 mutilated, lost, or destroyed.

2025 (d) Any bond issued under this act or any temporary bond,
 2026 in the absence of an express recital on the face thereof that it
 2027 is nonnegotiable, shall be fully negotiable and shall be and
 2028 constitute a negotiable instrument within the meaning and for
 2029 all purposes of the law merchant and the laws of the state.

2030 (e) The board may make such provision with respect to the
 2031 defeasance of the right, title, and interest of the holders of
 2032 any of the bonds and obligations of the district in any
 2033 revenues, funds, or other properties by which such bonds are
 2034 secured as the board deems appropriate and, without limitation
 2035 on the foregoing, may provide that when such bonds or
 2036 obligations become due and payable or are called for redemption
 2037 and the whole amount of the principal and interest and premium,
 2038 if any, due and payable upon the bonds or obligations then
 2039 outstanding is held in trust for such purpose and provision is
 2040 also made for paying all other sums payable in connection with
 2041 such bonds or other obligations, then the right, title, and
 2042 interest of the holders of the bonds in any revenues, funds, or
 2043 other properties by which such bonds are secured shall thereupon

HB 1483

2006
CS

2044 cease, terminate, and become void; and the board may apply any
2045 surplus in any sinking fund established in connection with such
2046 bonds or obligations and all balances remaining in all other
2047 funds or accounts other than money held for the redemption or
2048 payment of the bonds or other obligations to any lawful purpose
2049 of the district as the board shall determine.

2050 (f) If the proceeds of any bonds are less than the cost of
2051 completing the project in connection with which such bonds were
2052 issued, the board may authorize the issuance of additional bonds
2053 upon such terms and conditions as the board may provide in the
2054 resolution authorizing the issuance thereof, but only in
2055 compliance with the resolution or other proceedings authorizing
2056 the issuance of the original bonds.

2057 (g) The district shall have the power to issue bonds to
2058 provide for the retirement or refunding of any bonds or
2059 obligations of the district that, at the time of such issuance,
2060 are or subsequently thereto become due and payable, or that at
2061 the time of issuance have been called or are or will be subject
2062 to call for redemption within 10 years thereafter, or the
2063 surrender of which can be procured from the holders thereof at
2064 prices satisfactory to the board. Refunding bonds may be issued
2065 at any time when, in the judgment of the board, such issuance
2066 will be advantageous to the district. No approval of the
2067 qualified electors residing in the district shall be required
2068 for the issuance of refunding bonds except in cases in which
2069 such approval is required by the State Constitution. The board
2070 may by resolution confer upon the holders of such refunding
2071 bonds all rights, powers, and remedies to which the holders

Page 75 of 110

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1483-01-c1

HB 1483

2006
CS

2072 would be entitled if they continued to be the owners and had
 2073 possession of the bonds for the refinancing of which such
 2074 refunding bonds are issued, including, but not limited to, the
 2075 preservation of the lien of such bonds on the revenues of any
 2076 project or on pledged funds, without extinguishment, impairment,
 2077 or diminution thereof. The provisions of this act pertaining to
 2078 bonds of the district shall, unless the context otherwise
 2079 requires, govern the issuance of refunding bonds, the form and
 2080 other details thereof, the rights of the holders thereof, and
 2081 the duties of the board with respect thereto.

2082 (h)1. The district shall have the power to issue revenue
 2083 bonds from time to time without limitation as to amount. Such
 2084 revenue bonds may be secured by, or payable from, the gross or
 2085 net pledge of the revenues to be derived from any project or
 2086 combination of projects; from the rates, fees, or other charges
 2087 to be collected from the users of any project or projects; from
 2088 any revenue-producing undertaking or activity of the district;
 2089 from special assessments; from benefit special assessments; or
 2090 from any other source or pledged security. Such bonds shall not
 2091 constitute an indebtedness of the district, and the approval of
 2092 the qualified electors shall not be required unless such bonds
 2093 are additionally secured by the full faith and credit and taxing
 2094 power of the district.

2095 2. Any two or more projects may be combined and
 2096 consolidated into a single project and may be operated and
 2097 maintained as a single project. The revenue bonds authorized
 2098 herein may be issued to finance any one or more of such
 2099 projects, regardless of whether such projects have been combined

HB 1483

2006
CS

2100 and consolidated into a single project. If the board deems it
2101 advisable, the proceedings authorizing such revenue bonds may
2102 provide that the district may combine the projects then being
2103 financed or theretofore financed with other projects to be
2104 subsequently financed by the district and that revenue bonds to
2105 be thereafter issued by the district shall be on parity with the
2106 revenue bonds then being issued, all on such terms, conditions,
2107 and limitations provided in the proceeding which authorized the
2108 original bonds.

2109 (i)1. Subject to the limitations of this charter, the
2110 district shall have the power from time to time to issue general
2111 obligation bonds to finance or refinance capital projects or to
2112 refund outstanding bonds in an aggregate principal amount of
2113 bonds outstanding at any one time not in excess of 35 percent of
2114 the assessed value of the taxable property within the district
2115 as shown on the pertinent tax records at the time of the
2116 authorization of the general obligation bonds for which the full
2117 faith and credit of the district is pledged. Except for
2118 refunding bonds, no general obligation bonds shall be issued
2119 unless the bonds are issued to finance or refinance a capital
2120 project and the issuance has been approved at an election held
2121 in accordance with the requirements for such election as
2122 prescribed by the State Constitution. Such elections shall be
2123 called to be held in the district by the board of county
2124 commissioners of the county upon the request of the board of the
2125 district. The expenses of calling and holding an election shall
2126 be at the expense of the district, and the district shall

HB 1483

2006
CS

2127 reimburse the county for any expenses incurred in calling or
2128 holding such election.

2129 2. The district may pledge its full faith and credit for
2130 the payment of the principal and interest on such general
2131 obligation bonds and for any reserve funds provided therefor and
2132 may unconditionally and irrevocably pledge itself to levy ad
2133 valorem taxes on all taxable property in the district, to the
2134 extent necessary for the payment thereof, without limitations as
2135 to rate or amount.

2136 3. If the board determines to issue general obligation
2137 bonds for more than one capital project, the approval of the
2138 issuance of the bonds for each and all such projects may be
2139 submitted to the electors on one and the same ballot. The
2140 failure of the electors to approve the issuance of bonds for any
2141 one or more capital projects shall not defeat the approval of
2142 bonds for any capital project which has been approved by the
2143 electors.

2144 4. In arriving at the amount of general obligation bonds
2145 permitted to be outstanding at any one time pursuant to
2146 subparagraph 1., there shall not be included any general
2147 obligation bonds which are additionally secured by the pledge
2148 of:

2149 a. Any assessments levied in an amount sufficient to pay
2150 the principal and interest on the general obligation bonds so
2151 additionally secured, which assessments have been equalized and
2152 confirmed by resolution of the board pursuant to this act or
2153 section 170.08, Florida Statutes.

HB 1483

2006
CS

2154 b. Water revenues, sewer revenues, or water and sewer
 2155 revenues of the district to be derived from user fees in an
 2156 amount sufficient to pay the principal and interest on the
 2157 general obligation bonds so additionally secured.

2158 c. Any combination of assessments and revenues described
 2159 in subparagraphs a. and b.

2160 (j)1. All bonds issued under the provisions of this act
 2161 shall constitute legal investments for savings banks, banks,
 2162 trust companies, insurance companies, executors, administrators,
 2163 trustees, guardians, and other fiduciaries and for any board,
 2164 body, agency, instrumentality, county, municipality, or other
 2165 political subdivision of the state and shall be and constitute
 2166 security which may be deposited by banks or trust companies as
 2167 security for deposits of state, county, municipal, or other
 2168 public funds or by insurance companies as required or voluntary
 2169 statutory deposits.

2170 2. Any bonds issued by the district shall be incontestable
 2171 in the hands of bona fide purchasers or holders for value and
 2172 shall not be invalid because of any irregularity or defect in
 2173 the proceedings for the issue and sale thereof.

2174 (k) Any resolution authorizing the issuance of bonds may
 2175 contain such covenants as the board may deem advisable, and all
 2176 such covenants shall constitute valid and legally binding and
 2177 enforceable contracts between the district and the bondholders,
 2178 regardless of the time of issuance thereof. Such covenants may
 2179 include, without limitation, covenants concerning the
 2180 disposition of the bond proceeds; the use and disposition of
 2181 project revenues; the pledging of revenues, taxes, and

HB 1483

2006
CS

2182 assessments; the obligations of the district with respect to the
 2183 operation of the project and the maintenance of adequate project
 2184 revenues; the issuance of additional bonds; the appointment,
 2185 powers, and duties of trustees and receivers; the acquisition of
 2186 outstanding bonds and obligations; restrictions on the
 2187 establishing of competing projects or facilities; restrictions
 2188 on the sale or disposal of the assets and property of the
 2189 district; the priority of assessment liens; the priority of
 2190 claims by bondholders on the taxing power of the district; the
 2191 maintenance of deposits to ensure the payment of revenues by
 2192 users of district facilities and services; the discontinuance of
 2193 district services by reason of delinquent payments; acceleration
 2194 upon default; the execution of necessary instruments; the
 2195 procedure for amending or abrogating covenants with the
 2196 bondholders; and such other covenants as may be deemed necessary
 2197 or desirable for the security of the bondholders.

2198 (l) The power of the district to issue bonds under the
 2199 provisions of this act may be determined, and any of the bonds
 2200 of the district maturing over a period of more than 5 years
 2201 shall be validated and confirmed, by court decree, under the
 2202 provisions of chapter 75, Florida Statutes.

2203 (m) To the extent allowed by general law, all bonds issued
 2204 hereunder and interest paid thereon and all fees, charges, and
 2205 other revenues derived by the district from the projects
 2206 provided by this act are exempt from all taxes by the state or
 2207 by any political subdivision, agency, or instrumentality
 2208 thereof; however, any interest, income, or profits on debt
 2209 obligations issued hereunder are not exempt from the tax imposed

HB 1483

2006
CS

2210 by chapter 220, Florida Statutes. Further, the district is not
 2211 exempt from the provisions of chapter 212, Florida Statutes.

2212 (n) Bonds issued by the district shall meet the criteria
 2213 set forth in section 189.4085, Florida Statutes.

2214 (o) This act constitutes full and complete authority for
 2215 the issuance of bonds and the exercise of the powers of the
 2216 district provided herein. No procedures or proceedings,
 2217 publications, notices, consents, approvals, orders, acts, or
 2218 things by the board, or any board, officers, commission,
 2219 department, agency, or instrumentality of the district, other
 2220 than those required by this act, shall be required to perform
 2221 anything under this act, except that the issuance or sale of
 2222 bonds pursuant to the provisions of this act shall comply with
 2223 the general law requirements applicable to the issuance or sale
 2224 of bonds by the district. Nothing in this act shall be construed
 2225 to authorize the district to utilize bond proceeds to fund the
 2226 ongoing operations of the district.

2227 (p) The state pledges to the holders of any bonds issued
 2228 under this act that it will not limit or alter the rights of the
 2229 district to own, acquire, construct, reconstruct, improve,
 2230 maintain, operate, or furnish the projects or to levy and
 2231 collect the taxes, assessments, rentals, rates, fees, and other
 2232 charges provided for herein or to fulfill the terms of any
 2233 agreement made with the holders of such bonds or other
 2234 obligations and that it will not in any way impair the rights or
 2235 remedies of such holders.

HB 1483

2006
CS

2236 (q) A default on the bonds or obligations of a district
2237 shall not constitute a debt or obligation of the state or any
2238 local general-purpose government or the state.

2239 (13) TRUST AGREEMENTS.--Any issue of bonds shall be
2240 secured by a trust agreement by and between the district and a
2241 corporate trustee or trustees, which may be any trust company or
2242 bank having the powers of a trust company within or without the
2243 state. The resolution authorizing the issuance of the bonds or
2244 such trust agreement may pledge the revenues to be received from
2245 any projects of the district and may contain such provisions for
2246 protecting and enforcing the rights and remedies of the
2247 bondholders as the board may approve, including, without
2248 limitation, covenants setting forth the duties of the district
2249 in relation to the acquisition, construction, reconstruction,
2250 improvement, maintenance, repair, operation, and insurance of
2251 any projects; the fixing and revising of the rates, fees, and
2252 charges; and the custody, safeguarding, and application of all
2253 moneys and for the employment of consulting engineers in
2254 connection with such acquisition, construction, reconstruction,
2255 improvement, maintenance, repair, or operation. It shall be
2256 lawful for any bank or trust company within or without the state
2257 which may act as a depository of the proceeds of bonds or of
2258 revenues to furnish such indemnifying bonds or to pledge such
2259 securities as may be required by the district. Such resolution
2260 or trust agreement may set forth the rights and remedies of the
2261 bondholders and of the trustee, if any, and may restrict the
2262 individual right of action by bondholders. The board may provide
2263 for the payment of proceeds of the sale of the bonds and the

Page 82 of 110

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hb1483-01-c1

HB 1483

2006
CS

2264 revenues of any project to such officer, board, or depository as
 2265 it may designate for the custody thereof and may provide for the
 2266 method of disbursement thereof with such safeguards and
 2267 restrictions as it may determine. All expenses incurred in
 2268 carrying out the provisions of such resolution or trust
 2269 agreement may be treated as part of the cost of operation of the
 2270 project to which such trust agreement pertains.

2271 (14) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 2272 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 2273 ASSESSMENTS; MAINTENANCE TAXES.--

2274 (a) A board elected by and consisting of qualified
 2275 electors shall have the power to levy and assess an ad valorem
 2276 tax on all the taxable property in the district to construct,
 2277 operate, and maintain assessable improvements; to pay the
 2278 principal of, and interest on, any general obligation bonds of
 2279 the district; and to provide for any sinking or other funds
 2280 established in connection with any such bonds. An ad valorem tax
 2281 levied by the board for operating purposes, exclusive of debt
 2282 service on bonds, shall not exceed 3 mills. The ad valorem tax
 2283 provided for herein shall be in addition to county and all other
 2284 ad valorem taxes provided for by law. Such tax shall be
 2285 assessed, levied, and collected in the same manner and at the
 2286 same time as county taxes. The levy of ad valorem taxes shall be
 2287 approved by referendum when required by the State Constitution.

2288 (b) The board annually shall determine, order, and levy
 2289 the annual installment of the total benefit special assessments
 2290 for bonds issued for and expenses related to financing
 2291 assessable improvements. These assessments may be due and

HB 1483

2006
CS

2292 collected during each year that county taxes are due and
 2293 collected, in which case such annual installment and levy shall
 2294 be evidenced and certified to the property appraiser by the
 2295 board not later than August 31 of each year. Such assessment
 2296 shall be entered by the property appraiser on the county tax
 2297 rolls and shall be collected and enforced by the tax collector
 2298 in the same manner and at the same time as county taxes, and the
 2299 proceeds thereof shall be paid to the district. However, this
 2300 subsection shall not prohibit the district in its discretion
 2301 from using the method prescribed in either section 197.3632,
 2302 Florida Statutes, or chapter 173, Florida Statutes, for
 2303 collecting and enforcing these assessments. Each annual
 2304 installment of benefit special assessments shall be a lien on
 2305 the property against which assessed until paid and shall be
 2306 enforceable in a like manner as county taxes. The amount of the
 2307 assessment for the exercise of the district's powers under
 2308 subsections (8) and (9) shall be determined by the board based
 2309 upon a report by the district's engineer and assessed by the
 2310 board upon such lands, which may be part or all of the lands
 2311 within the district benefited by the improvement, apportioned
 2312 between benefited lands in proportion to the benefits received
 2313 by each tract of land. The board may, if it determines it is in
 2314 the best interests of the district, set forth in the proceedings
 2315 initially levying such benefit special assessments or in
 2316 subsequent proceedings a formula for the determination of an
 2317 amount, which, when paid by a taxpayer with respect to any tax
 2318 parcel, shall constitute a prepayment of all future annual
 2319 installments of such benefit special assessments and the payment

HB 1483

2006
CS

2320 of which amount with respect to such tax parcel shall relieve
2321 and discharge such tax parcel of the lien of such benefit
2322 special assessments and any subsequent annual installment
2323 thereof. The board may provide further that upon delinquency in
2324 the payment of any annual installment of benefit special
2325 assessments, the prepayment amount of all future annual
2326 installments of benefit special assessments as determined in
2327 this paragraph shall be and become immediately due and payable
2328 together with such delinquent annual installment.

2329 (c) If and when authorized by general law, to maintain and
2330 preserve the physical facilities and services constituting the
2331 works, improvements, or infrastructure provided by the district
2332 pursuant to this act, and to repair and restore any one or more
2333 of them, when needed, and for the purpose of defraying the
2334 current expenses of the district, including any sum which may be
2335 required to pay state and county ad valorem taxes on any lands
2336 which may have been purchased and which are held by the district
2337 under the provisions of this act, the board may, upon the
2338 completion of said systems, facilities, services, works,
2339 improvements, or infrastructure, in whole or in part, as may be
2340 certified to the board by the engineer of the board, levy
2341 annually a non-ad valorem and nonmillage tax upon each tract or
2342 parcel of land within the district, to be known as a
2343 "maintenance tax." This non-ad valorem maintenance tax shall be
2344 apportioned upon the basis of the net assessments of benefits
2345 assessed as accruing from the original construction and shall be
2346 evidenced and certified to the property appraiser by the board
2347 not later than June 1 of each year and shall be entered by the

Page 85 of 110

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hb1483-01-c1

HB 1483

2006
CS

2348 property appraiser on the tax roll of the property appraiser, as
2349 certified by the property appraiser to the tax collector, and
2350 collected by the tax collector on the merged collection roll of
2351 the tax collector in the same manner and at the same time as
2352 county ad valorem taxes, and the proceeds therefrom shall be
2353 paid to the district. This non-ad valorem maintenance tax shall
2354 be a lien until paid on the property against which assessed and
2355 enforceable in like manner and of the same dignity as county ad
2356 valorem taxes.

2357 (d) To maintain and preserve the facilities and projects
2358 of the district, the board may levy a maintenance special
2359 assessment. This assessment may be evidenced to and certified to
2360 the property appraiser by the board not later than August 31 of
2361 each year and shall be entered by the property appraiser on the
2362 county tax rolls and shall be collected and enforced by the tax
2363 collector in the same manner and at the same time as county
2364 taxes, and the proceeds therefrom shall be paid to the district.
2365 However, this subsection shall not prohibit the district in its
2366 discretion from using the method prescribed in section 197.363,
2367 section 197.3631, or section 197.3632, Florida Statutes, for
2368 collecting and enforcing these assessments. These maintenance
2369 special assessments shall be a lien on the property against
2370 which assessed until paid and shall be enforceable in like
2371 manner as county taxes. The amount of the maintenance special
2372 assessment for the exercise of the district's powers under this
2373 section shall be determined by the board based upon a report by
2374 the district's engineer and assessed by the board upon such
2375 lands, which may be all of the lands within the district

Page 86 of 110

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hb1483-01-c1

HB 1483

2006
CS

2376 benefited by the maintenance thereof, apportioned between the
 2377 benefited lands in proportion to the benefits received by each
 2378 tract of land.

2379 (e) The board shall have the power to levy and impose any
 2380 special assessments pursuant to subsection (15).

2381 (f) The collection and enforcement of all taxes levied by
 2382 the district shall be at the same time and in like manner as
 2383 county taxes, and the provisions of the Florida Statutes
 2384 relating to the sale of lands for unpaid and delinquent county
 2385 taxes; the issuance, sale, and delivery of tax certificates for
 2386 such unpaid and delinquent county taxes; the redemption thereof;
 2387 the issuance to individuals of tax deeds based thereon; and all
 2388 other procedures in connection therewith shall be applicable to
 2389 the district to the same extent as if such statutory provisions
 2390 were expressly set forth herein. All taxes shall be subject to
 2391 the same discounts as county taxes.

2392 (g) All taxes provided for in this act shall become
 2393 delinquent and bear penalties on the amount of such taxes in the
 2394 same manner as county taxes.

2395 (h) Benefit special assessments, maintenance special
 2396 assessments, and special assessments are hereby found and
 2397 determined to be non-ad valorem assessments as defined by
 2398 section 197.3632, Florida Statutes. Maintenance taxes are non-ad
 2399 valorem taxes and are not special assessments.

2400 (i) Any and all assessments, including special
 2401 assessments, benefit special assessments, and maintenance
 2402 special assessments authorized by this section; special
 2403 assessments as defined by section 2(6)(z) and granted and

HB 1483

2006
CS

2404 authorized by this subsection; and maintenance taxes if
 2405 authorized by general law, shall constitute a lien on the
 2406 property against which assessed from the date of levy and
 2407 imposition thereof until paid, coequal with the lien of state,
 2408 county, municipal, and school board taxes. These assessments may
 2409 be collected, at the district's discretion, under authority of
 2410 section 197.3631, Florida Statutes, by the tax collector
 2411 pursuant to the provisions of sections 197.3632 and 197.3635,
 2412 Florida Statutes, or in accordance with other collection
 2413 measures provided by law. In addition to, and not in limitation
 2414 of, any powers otherwise set forth herein or in general law,
 2415 these assessments may also be enforced pursuant to the
 2416 provisions of chapter 173, Florida Statutes.

2417 (j) Except as otherwise provided by law, no levy of ad
 2418 valorem taxes or non-ad valorem assessments under this act or
 2419 chapter 170 or chapter 197, Florida Statutes, or otherwise by a
 2420 board of a district on property of a governmental entity that is
 2421 subject to a ground lease as described in section 190.003(13),
 2422 Florida Statutes, shall constitute a lien or encumbrance on the
 2423 underlying fee interest of such governmental entity.

2424 (15) SPECIAL ASSESSMENTS.--

2425 (a) As an alternative method to the levy and imposition of
 2426 special assessments pursuant to chapter 170, Florida Statutes,
 2427 pursuant to the authority of section 197.3631, Florida Statutes,
 2428 or pursuant to other provisions of general law that provide a
 2429 supplemental means or authority to impose, levy, and collect
 2430 special assessments as otherwise authorized under this act, the
 2431 board may levy and impose special assessments to finance the

HB 1483

2006
CS

2432 exercise of any its powers permitted under this act using the
2433 following uniform procedures:

2434 1. At a noticed meeting, the board shall consider and
2435 review an engineer's report on the costs of the systems,
2436 facilities, and services to be provided, a preliminary
2437 assessment methodology, and a preliminary roll based on acreage
2438 or platted lands, depending upon whether platting has occurred.

2439 2. The assessment methodology shall address and discuss,
2440 and the board shall consider, whether the systems, facilities,
2441 and services being contemplated will result in special benefits
2442 peculiar to the property, different in kind and degree than
2443 general benefits, as a logical connection between the property
2444 and the systems, facilities, and services themselves, and
2445 whether the duty to pay the assessments by the property owners
2446 is apportioned in a manner that is fair and equitable and not in
2447 excess of the special benefit received. It shall be fair and
2448 equitable to designate a fixed proportion of the annual debt
2449 service, together with interest thereon, on the aggregate
2450 principal amount of bonds issued to finance such systems,
2451 facilities, and services which give rise to unique, special, and
2452 peculiar benefits to property of the same or similar
2453 characteristics under the assessment methodology so long as such
2454 fixed proportion does not exceed the unique, special, and
2455 peculiar benefits enjoyed by such property from such systems,
2456 facilities, and services.

2457 3. The engineer's cost report shall identify the nature of
2458 the proposed systems, facilities, and services, their location,
2459 and a cost breakdown plus a total estimated cost, including cost

HB 1483

2006
CS

2460 of construction or reconstruction, labor and materials, lands,
2461 property, rights, easements, franchises or systems, facilities
2462 and services to be acquired, cost of plans and specifications,
2463 surveys of estimates of costs and of revenues, cost of
2464 engineering, legal, and other professional consultation
2465 services, and other expenses or costs necessary or incident to
2466 determining the feasibility or practicability of such
2467 construction, reconstruction, or acquisition, administrative
2468 expenses, relationship to the authority and power of the
2469 district in its charter, and such other expense or costs as may
2470 be necessary or incident to the financing to be authorized by
2471 the board.

2472 4. The preliminary assessment roll will be prepared in
2473 accordance with the method of assessment provided for in the
2474 assessment methodology and as may be adopted by the board. The
2475 assessment roll shall be completed as promptly as possible and
2476 shall show the acreage, lots, lands, or plats assessed and the
2477 amount of the fairly and reasonably apportioned assessment based
2478 on special and peculiar benefit to the property, lot, parcel, or
2479 acreage of land, and if the assessment against each such lot,
2480 parcel, acreage, or portion of land is to be paid in
2481 installments, the number of annual installments in which the
2482 assessment is divided shall be entered into and shown upon the
2483 assessment roll.

2484 5. The board may determine and declare by an initial
2485 assessment resolution to levy and assess the assessments with
2486 respect to assessable improvements stating the nature of the
2487 systems, facilities, and services; improvements, projects, or

HB 1483

2006
CS

2488 infrastructure constituting such assessable improvements; the
 2489 information in the engineer's cost report; and the information
 2490 in the assessment methodology as determined by the board at the
 2491 noticed meeting and referencing and incorporating as part of the
 2492 resolution the engineer's cost report, the preliminary
 2493 assessment methodology, and the preliminary assessment roll as
 2494 referenced exhibits to the resolution by reference. If the board
 2495 determines to declare and levy the special assessments by the
 2496 initial assessment resolution, the board shall also adopt and
 2497 declare a notice resolution, which shall provide and cause the
 2498 initial assessment resolution to be published once a week for a
 2499 period of 2 weeks in a newspaper of general circulation
 2500 published in Okeechobee County. The board shall, by the notice
 2501 resolution, fix a time and place at which the owner or owners of
 2502 the property to be assessed or any other persons interested
 2503 therein may appear before the board and be heard as to the
 2504 propriety and advisability of making such improvements, as to
 2505 the costs thereof, as to the manner of payment therefor, and as
 2506 to the amount thereof to be assessed against each property so
 2507 improved. Thirty days' notice in writing of such time and place
 2508 shall be given to such property owners. The notice shall include
 2509 the amount of the assessment and shall be served by mailing a
 2510 copy to each assessed property owner at his or her last known
 2511 address, the names and addresses of such property owners to be
 2512 obtained from the record of the property appraiser of the county
 2513 political subdivision where the land is located or from such
 2514 other sources as the district manager or engineer deems
 2515 reliable. Proof of such mailing shall be made by the affidavit

HB 1483

2006
CS

2516 of the manager of the district or by the engineer, said proof to
2517 be filed with the manager of the district, provided that failure
2518 to mail said notice or notices shall not invalidate any of the
2519 proceedings hereunder. It is provided further that the last
2520 publication shall be at least 1 week prior to the date of the
2521 hearing on the final assessment resolution. Said notice shall
2522 describe the general areas to be improved and advise all persons
2523 interested that the description of each property to be assessed
2524 and the amount to be assessed to each piece, parcel, lot, or
2525 acre of property may be ascertained at the office of the manager
2526 of the district. Such service by publication shall be verified
2527 by the affidavit of the publisher and filed with the manager of
2528 the district. Moreover, the initial assessment resolution with
2529 its attached, referenced, and incorporated engineer's cost
2530 report, preliminary assessment methodology, and preliminary
2531 assessment roll, along with the notice resolution, shall be
2532 available for public inspection at the office of the manager and
2533 the office of the engineer or any other office designated by the
2534 board in the notice resolution. Notwithstanding the foregoing,
2535 the landowners of all of the property which is proposed to be
2536 assessed may give the district written notice of waiver of any
2537 notice and publication provided for in this subparagraph, and
2538 such notice and publication shall not be required; however, any
2539 meeting of the board to consider such resolution shall be a
2540 publicly noticed meeting.

2541 6. At the time and place named in the noticed resolution
2542 as provided for in subparagraph 5., the board shall meet and
2543 hear testimony from affected property owners as to the propriety

HB 1483

2006
CS

2544 and advisability of providing the systems, facilities, services,
 2545 projects, works, improvements, or infrastructure and funding
 2546 them with assessments referenced in the initial assessment
 2547 resolution on the property. Following the testimony and
 2548 questions from the members of the board or any professional
 2549 advisors to the district or the preparers of the engineer's cost
 2550 report, the assessment methodology, and the assessment roll, the
 2551 board shall make a final decision on whether to levy and assess
 2552 the particular assessments. Thereafter, the board shall meet as
 2553 an equalizing board to hear and consider any and all complaints
 2554 as to the particular assessments and shall adjust and equalize
 2555 the assessments on the basis of justice and right.

2556 7. When so equalized and approved by resolution or
 2557 ordinance by the board, to be called the final assessment
 2558 resolution, a final assessment roll shall be filed with the
 2559 manager of the board, and such assessment shall stand confirmed
 2560 and remain legal, valid, and binding first liens on the property
 2561 against which such assessments are made until paid, equal in
 2562 dignity to the first liens of ad valorem taxation of county
 2563 governments and school boards; however, upon completion of the
 2564 systems, facilities, services, projects, improvements, works, or
 2565 infrastructure, the district shall credit to each assessment the
 2566 difference in the assessment as originally made, approved,
 2567 levied, assessed, and confirmed and the proportionate part of
 2568 the actual cost of the improvement to be paid by the particular
 2569 special assessments as finally determined upon the completion of
 2570 the improvement, but in no event shall the final assessment
 2571 exceed the amount of the special and peculiar benefits as

HB 1483

2006
CS

2572 apportioned fairly and reasonably to the property from the
 2573 system, facility, or service being provided as originally
 2574 assessed. Promptly after such confirmation, the assessment shall
 2575 be recorded by the manager of the board in the minutes of the
 2576 proceedings of the district, and the record of the lien in this
 2577 set of minutes shall constitute prima facie evidence of its
 2578 validity. The board, in its sole discretion, may by resolution
 2579 grant a discount equal to all or a part of the payee's
 2580 proportionate share of the cost of the project consisting of
 2581 bond financing cost, such as capitalized interest, funded
 2582 reserves, and bond discounts included in the estimated cost of
 2583 the project, upon payment in full of any assessments during such
 2584 period prior to the time such financing costs are incurred as
 2585 may be specified by the board in such resolution.

2586 8. District assessments may be made payable in
 2587 installments over no more than 30 years from the date of the
 2588 payment of the first installment thereof and may bear interest
 2589 at fixed or variable rates.

2590 (b) Notwithstanding any provision of this act or of
 2591 chapter 170 or section 170.09, Florida Statutes, which provide
 2592 that assessments may be paid without interest at any time within
 2593 30 days after the improvement is completed and a resolution
 2594 accepting the same has been adopted by the governing authority,
 2595 such provision shall not be applicable to any district
 2596 assessments, whether imposed, levied, and collected pursuant to
 2597 the provisions of this act or other provisions of Florida law,
 2598 including, but not limited to, chapter 170, Florida Statutes.

HB 1483

2006
CS

2599 | (c) In addition, the district is authorized expressly in
 2600 | the exercise of its rulemaking power to promulgate a rule or
 2601 | rules providing for notice, levy, imposition, equalization, and
 2602 | collection of assessments.

2603 | (16) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 2604 | ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

2605 | (a) The board may, after any special assessments or
 2606 | benefit special assessments for assessable improvements are
 2607 | made, determined, and confirmed as provided in this act, issue
 2608 | certificates of indebtedness for the amount so assessed against
 2609 | the abutting property or property otherwise benefited within the
 2610 | external boundaries of the district, as the case may be.
 2611 | Separate certificates shall be issued against each part or
 2612 | parcel of land or property assessed, which certificates shall
 2613 | state the general nature of the improvement for which the
 2614 | assessment is made. The certificates shall be payable in annual
 2615 | installments in accordance with the installments of the special
 2616 | assessment for which they are issued. The board may determine
 2617 | the interest to be borne by such certificates, not to exceed the
 2618 | maximum rate allowed by general law, and may sell such
 2619 | certificates at either private or public sale and determine the
 2620 | form, manner of execution, and other details of such
 2621 | certificates. The certificates shall recite that they are
 2622 | payable only from the special assessments levied and collected
 2623 | from the part or parcel of land or property against which they
 2624 | are issued. The proceeds of such certificates may be pledged for
 2625 | the payment of principal of and interest on any revenue bonds or
 2626 | general obligation bonds issued to finance in whole or in part

HB 1483

2006
CS

2627 such assessable improvements, or, if not so pledged, may be used
 2628 to pay the cost or part of the cost of such assessable
 2629 improvements.

2630 (b) The district may also issue assessment bonds, revenue
 2631 bonds, or other obligations payable from a special fund into
 2632 which such certificates of indebtedness referred to in the
 2633 preceding paragraph may be deposited; or, if such certificates
 2634 of indebtedness have not been issued, the district may assign to
 2635 such special fund for the benefit of the holders of such
 2636 assessment bonds or other obligations, or to a trustee for such
 2637 bondholders, the assessment liens provided for in this act
 2638 unless such certificates of indebtedness or assessment liens
 2639 have been theretofore pledged for any bonds or other obligations
 2640 authorized hereunder. In the event of the creation of such
 2641 special fund and the issuance of such assessment bonds or other
 2642 obligations, the proceeds of such certificates of indebtedness
 2643 or assessment liens deposited therein shall be used only for the
 2644 payment of the assessment bonds or other obligations issued as
 2645 provided in this section. The district is authorized to covenant
 2646 with the holders of such assessment bonds, revenue bonds, or
 2647 other obligations that it will diligently and faithfully enforce
 2648 and collect all the special assessments and interest and
 2649 penalties thereon for which such certificates of indebtedness or
 2650 assessment liens have been deposited in or assigned to such
 2651 fund; to foreclose such assessment liens so assigned to such
 2652 special fund or represented by the certificates of indebtedness
 2653 deposited in the special fund, after such assessment liens have
 2654 become delinquent, and deposit the proceeds derived from such

HB 1483

2006
CS

2655 foreclosure, including interest and penalties, in such special
2656 fund; and to make any other covenants deemed necessary or
2657 advisable in order to properly secure the holders of such
2658 assessment bonds or other obligations.

2659 (c) The assessment bonds, revenue bonds, or other
2660 obligations issued pursuant to this section shall have such
2661 dates of issue and maturity as shall be deemed advisable by the
2662 board; however, the maturities of such assessment bonds or other
2663 obligations shall not be more than 2 years after the due date of
2664 the last installment which will be payable on any of the special
2665 assessments for which such assessment liens, or the certificates
2666 of indebtedness representing such assessment liens, are assigned
2667 to or deposited in such special fund.

2668 (d) Such assessment bonds, revenue bonds, or other
2669 obligations issued under this section shall bear such interest
2670 as the board may determine, not to exceed the maximum rate
2671 allowed by general law, and shall be executed, shall have such
2672 provisions for redemption prior to maturity, and shall be sold
2673 in the manner of and be subject to all of the applicable
2674 provisions contained in this act for revenue bonds, except as
2675 the same may be inconsistent with the provisions of this
2676 section.

2677 (e) All assessment bonds, revenue bonds, or other
2678 obligations issued under the provisions of this section shall be
2679 and constitute and shall have all the qualities and incidents of
2680 negotiable instruments under the law merchant and the laws of
2681 the state.

HB 1483

2006
CS

2682 (17) TAX LIENS.--All taxes of the district provided for in
 2683 this act, except together with all penalties for default in the
 2684 payment of the same and all costs in collecting the same,
 2685 including a reasonable attorney's fee fixed by the court and
 2686 taxed as a cost in the action brought to enforce payment, shall,
 2687 from January 1 for each year the property is liable to
 2688 assessment and until paid, constitute a lien of equal dignity
 2689 with the liens for state and county taxes and other taxes of
 2690 equal dignity with state and county taxes upon all the lands
 2691 against which such taxes shall be levied. A sale of any of the
 2692 real property within the district for state and county or other
 2693 taxes shall not operate to relieve or release the property so
 2694 sold from the lien for subsequent district taxes or installments
 2695 of district taxes, which lien may be enforced against such
 2696 property as though no such sale thereof had been made. In
 2697 addition to, and not in limitation of, the preceding sentence,
 2698 for purposes of section 197.552, Florida Statutes, the lien of
 2699 all special assessments levied by the district shall constitute
 2700 a lien of record held by a municipal or county governmental
 2701 unit. The provisions of sections 194.171, 197.122, 197.333, and
 2702 197.432, Florida Statutes, as each may be amended from time to
 2703 time, shall be applicable to district taxes with the same force
 2704 and effect as if such provisions were expressly set forth in
 2705 this act.

2706 (18) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2707 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2708 (a) The district shall have the power and right to:

HB 1483

2006
CS

2709 1. Pay any delinquent state, county, district, municipal,
 2710 or other tax or assessment upon lands located wholly or
 2711 partially within the boundaries of the district; and
 2712 2. Redeem or purchase any tax sales certificates issued or
 2713 sold on account of any state, county, district, municipal, or
 2714 other taxes or assessments upon lands located wholly or
 2715 partially within the boundaries of the district.
 2716 (b) Delinquent taxes paid, or tax sales certificates
 2717 redeemed or purchased, by the district, together with all
 2718 penalties for the default in payment of the same, all costs in
 2719 collecting the same, and a reasonable attorney's fee, shall
 2720 constitute a lien in favor of the district of equal dignity with
 2721 the liens of state and county taxes and other taxes of equal
 2722 dignity with state and county taxes upon all the real property
 2723 against which the taxes were levied. The lien of the district
 2724 may be foreclosed in the manner provided in this act.
 2725 (c) In any sale of land pursuant to section 197.542,
 2726 Florida Statutes, as may be amended from time to time, the
 2727 district may certify to the clerk of the circuit court of the
 2728 county holding such sale the amount of taxes due to the district
 2729 upon the lands sought to be sold, and the district shall share
 2730 in the disbursement of the sales proceeds in accordance with the
 2731 provisions of this act and under the laws of the state.
 2732 (19) FORECLOSURE OF LIENS.--Any lien in favor of the
 2733 district arising under this act may be foreclosed by the
 2734 district by foreclosure proceedings in the name of the district
 2735 in a court of competent jurisdiction as provided by general law
 2736 in like manner as is provided in chapter 173, Florida Statutes,

HB 1483

2006
CS

2737 and amendments thereto; the provisions of that chapter shall be
 2738 applicable to such proceedings with the same force and effect as
 2739 if those provisions were expressly set forth in this act. Any
 2740 act required or authorized to be done by or on behalf of a
 2741 municipality in foreclosure proceedings under chapter 173,
 2742 Florida Statutes, may be performed by such officer or agent of
 2743 the district as the board may designate. Such foreclosure
 2744 proceedings may be brought at any time after the expiration of 1
 2745 year from the date any tax, or installment thereof, becomes
 2746 delinquent; however, no lien shall be foreclosed against any
 2747 political subdivision or agency of the state. Other legal
 2748 remedies shall remain available.

2749 (20) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
 2750 FACILITIES, AND SERVICES.--To the full extent permitted by law,
 2751 the district shall require all lands, buildings, premises,
 2752 persons, firms, and corporations within the district to use the
 2753 water management and control facilities and water and sewer
 2754 facilities of the district.

2755 (21) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 2756 PROVISIONS REQUIRED.--

2757 (a) No contract shall be let by the board for any goods,
 2758 supplies, or materials to be purchased when the amount thereof
 2759 to be paid by the district shall exceed the amount provided in
 2760 section 287.017, Florida Statutes, for category four unless
 2761 notice of bids shall be advertised once in a newspaper of
 2762 general circulation in Okeechobee County. Any board seeking to
 2763 construct or improve a public building or structure or other
 2764 public works shall comply with the bidding procedures of section

HB 1483

2006
CS

2765 255.20, Florida Statutes, and other applicable general law. In
 2766 each case, the bid of the lowest responsive and responsible
 2767 bidder shall be accepted unless all bids are rejected because
 2768 the bids are too high or because the board determines it is in
 2769 the best interests of the district to reject all bids. The board
 2770 may require the bidders to furnish bond with a responsible
 2771 surety to be approved by the board. Nothing in this section
 2772 shall prevent the board from undertaking and performing the
 2773 construction, operation, and maintenance of any project or
 2774 facility authorized by this act by the employment of labor,
 2775 material, and machinery.

2776 (b) The provisions of the Consultants' Competitive
 2777 Negotiation Act, section 287.055, Florida Statutes, apply to
 2778 contracts for engineering, architecture, landscape architecture,
 2779 or registered surveying and mapping services let by the board.

2780 (c) Contracts for maintenance services for any district
 2781 facility or project shall be subject to competitive bidding
 2782 requirements when the amount thereof to be paid by the district
 2783 exceeds the amount provided in section 287.017, Florida
 2784 Statutes, for category four. The district shall adopt rules,
 2785 policies, or procedures establishing competitive bidding
 2786 procedures for maintenance services. Contracts for other
 2787 services shall not be subject to competitive bidding unless the
 2788 district adopts a rule, policy, or procedure applying
 2789 competitive bidding procedures to said contracts.

2790 (22) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 2791 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

HB 1483

2006
CS

2792 (a) The district is authorized to prescribe, fix,
2793 establish, and collect rates, fees, rentals, or other charges,
2794 hereinafter sometimes referred to as "revenues," and to revise
2795 the same from time to time, for the systems, facilities, and
2796 services furnished by the district within the limits of the
2797 district, including, but not limited to, recreational
2798 facilities, water management and control facilities, and water
2799 and sewer systems; to recover the costs of making connection
2800 with any district service, facility, or system; and to provide
2801 for reasonable penalties against any user or property for any
2802 such rates, fees, rentals, or other charges that are delinquent.

2803 (b) No such rates, fees, rentals, or other charges for any
2804 of the facilities or services of the district shall be fixed
2805 until after a public hearing at which all the users of the
2806 proposed facility or service or owners, tenants, or occupants
2807 served or to be served thereby and all other interested persons
2808 shall have an opportunity to be heard concerning the proposed
2809 rates, fees, rentals, or other charges. Rates, fees, rentals,
2810 and other charges shall be adopted under the administrative
2811 rulemaking authority of the district but shall not apply to
2812 district leases. Notice of such public hearing setting forth the
2813 proposed schedule or schedules of rates, fees, rentals, and
2814 other charges shall have been published in a newspaper of
2815 general circulation in Okeechobee County at least once and at
2816 least 10 days prior to such public hearing. The rulemaking
2817 hearing may be adjourned from time to time. After such hearing,
2818 such schedule or schedules, either as initially proposed or as
2819 modified or amended, may be finally adopted. A copy of the

HB 1483

2006
CS

2820 schedule or schedules of such rates, fees, rentals, or charges
 2821 as finally adopted shall be kept on file in an office designated
 2822 by the board and shall be open at all reasonable times to public
 2823 inspection. The rates, fees, rentals, or charges so fixed for
 2824 any class of users or property served shall be extended to cover
 2825 any additional users or properties thereafter served which shall
 2826 fall in the same class, without the necessity of any notice or
 2827 hearing.

2828 (c) Such rates, fees, rentals, and charges shall be just,
 2829 equitable, and uniform for users of the same class and, when
 2830 appropriate, may be based or computed either upon the amount of
 2831 service furnished, upon the number of average number of persons
 2832 residing or working in or otherwise occupying the premises
 2833 served, upon any other factor affecting the use of the
 2834 facilities furnished, or upon any combination of the foregoing
 2835 factors, as may be determined by the board on an equitable
 2836 basis.

2837 (d) The rates, fees, rentals, or other charges prescribed
 2838 shall be such as will produce revenues, together with any other
 2839 assessments, taxes, revenues, or funds available or pledged for
 2840 such purpose, at least sufficient to provide for the following
 2841 items, but not necessarily in the order stated:

2842 1. All expenses of operation and maintenance of such
 2843 facility or service;

2844 2. Payment, when due, of all bonds and interest thereon
 2845 for the payment of which such revenues are, or shall have been,
 2846 pledged or encumbered, including reserves for such purpose; and

HB 1483

2006
CS

2847 3. Any other funds which may be required under the
2848 resolution or resolutions authorizing the issuance of bonds
2849 pursuant to this act.

2850 (e) The board shall have the power to enter into contracts
2851 for the use of the projects of the district and with respect to
2852 the services, systems, and facilities furnished or to be
2853 furnished by the district.

2854 (23) RECOVERY OF DELINQUENT CHARGES.--In the event that
2855 any rates, fees, rentals, charges, or delinquent penalties are
2856 not paid as and when due and are in default for 60 days or more,
2857 the unpaid balance thereof and all interest accrued thereon,
2858 together with reasonable attorney's fees and costs, may be
2859 recovered by the district in a civil action.

2860 (24) DISCONTINUANCE OF SERVICE.--In the event the fees,
2861 rentals, or other charges for water and sewer services, or
2862 either of them, are not paid when due, the board shall have the
2863 power, under such reasonable rules and regulations as the board
2864 may adopt, to discontinue and shut off both water and sewer
2865 services until such fees, rentals, or other charges, including
2866 interest, penalties, and charges for the shutting off and
2867 discontinuance of or restoration of such water and sewer
2868 services, or both, are fully paid; for such purposes, the board
2869 may enter on any lands, waters, or premises of any person, firm,
2870 corporation, or body, public or private, within the district
2871 limits. Such delinquent fees, rentals, or other charges,
2872 together with interest, penalties, and charges for the shutting
2873 off and discontinuance of or restoration of such services and
2874 facilities, reasonable attorney's fees, and other expenses, may

HB 1483

2006
CS

2875 | be recovered by the district, which may also enforce payment of
 2876 | such delinquent fees, rentals, or other charges by any other
 2877 | lawful method of enforcement.

2878 | (25) ENFORCEMENT AND PENALTIES.--The board or any
 2879 | aggrieved person may have recourse to such remedies in law and
 2880 | at equity as may be necessary to ensure compliance with the
 2881 | provisions of this act, including injunctive relief to enjoin or
 2882 | restrain any person violating the provisions of this act or any
 2883 | bylaws, resolutions, regulations, rules, codes, or orders
 2884 | adopted under this act. In case any building or structure is
 2885 | erected, constructed, reconstructed, altered, repaired,
 2886 | converted, or maintained, or any building, structure, land, or
 2887 | water is used, in violation of this act or of any code, order,
 2888 | resolution, or other regulation made under authority conferred
 2889 | by this act or under law, the board or any citizen residing in
 2890 | the district may institute any appropriate action or proceeding
 2891 | to prevent such unlawful erection, construction, reconstruction,
 2892 | alteration, repair, conversion, maintenance, or use; to
 2893 | restrain, correct, or avoid such violation; to prevent the
 2894 | occupancy of such building, structure, land, or water; and to
 2895 | prevent any illegal act, conduct, business, or use in or about
 2896 | such premises, land, or water.

2897 | (26) SUITS AGAINST THE DISTRICT.--Any suit or action
 2898 | brought or maintained against the district for damages arising
 2899 | out of tort, including, without limitation, any claim arising
 2900 | upon account of an act causing an injury or loss of property,
 2901 | personal injury, or death, shall be subject to the limitations
 2902 | provided in section 768.28, Florida Statutes.

HB 1483

2006
CS

2903 (27) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
 2904 district property shall be exempt from levy and sale by virtue
 2905 of an execution, and no execution or other judicial process
 2906 shall issue against such property, nor shall any judgment
 2907 against the district be a charge or lien on its property or
 2908 revenues; however, nothing contained herein shall apply to or
 2909 limit the rights of bondholders to pursue any remedy for the
 2910 enforcement of any lien or pledge given by the district in
 2911 connection with any of the bonds or obligations of the district.

2912 (28) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

2913 (a) The board may ask the Legislature through its local
 2914 legislative delegation in and for Okeechobee County to amend
 2915 this act to contract or expand the boundaries of the district by
 2916 amendment of subsection (2).

2917 (b) The district shall remain in existence until:

2918 1. The district is terminated and dissolved pursuant to
 2919 amendment to this act by the Legislature; or

2920 2. The district has become inactive pursuant to section
 2921 189.4044, Florida Statutes.

2922 (29) INCLUSION OF TERRITORY.--The inclusion of any or all
 2923 territory of the district within a municipality does not change,
 2924 alter, or affect the boundary, territory, existence, or
 2925 jurisdiction of the district.

2926 (30) SALE OF REAL ESTATE WITHIN A DISTRICT; REQUIRED
 2927 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
 2928 district under this act, each contract for the initial sale of a
 2929 parcel of real property and each contract for the initial sale
 2930 of a residential unit within the district shall include,

HB 1483

2006
CS

2931 immediately prior to the space reserved in the contract for the
 2932 signature of the purchaser, the following disclosure statement
 2933 in boldfaced and conspicuous type which is larger than the type
 2934 in the remaining text of the contract: "THE GROVE COMMUNITY
 2935 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES
 2936 AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS
 2937 PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF
 2938 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT
 2939 AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT.
 2940 THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER
 2941 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
 2942 ASSESSMENTS PROVIDED FOR BY LAW."

2943 (31) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
 2944 after the election of the first board members, the district
 2945 shall cause to be recorded in the property records in the county
 2946 in which it is located a "Notice of Creation and Establishment
 2947 of the Grove Community District." The notice shall, at a
 2948 minimum, include the legal description of the property of the
 2949 landowners who have consented to establishment of this district
 2950 and a copy of the disclosure statement specified in subsection
 2951 (30).

2952 (32) PUBLIC ACCESS.--Any system, facility, service, works,
 2953 improvement, project, or other infrastructure owned by the
 2954 district or funded by federal tax-exempt bonding issued by the
 2955 district is public; the district by rule may regulate, and may
 2956 impose reasonable charges or fees for, the use thereof but not
 2957 to the extent that such regulation or imposition of such charges
 2958 or fees constitutes denial of reasonable access.

HB 1483

2006
CS

2959 Section 5. Incorporation committee.--

2960 (1) At the next general election following a finding by
2961 the supervisor of elections that 5,000 qualified electors reside
2962 in the district, the supervisor of elections shall conduct an
2963 election in accordance with election laws currently in force at
2964 which the qualified electors voting in the election elect five
2965 persons who are qualified electors of the district to serve on
2966 an incorporation committee created for the purpose of reviewing
2967 the feasibility of incorporating the district as a municipality.
2968 The five candidates receiving the highest number of votes shall
2969 serve as members of the incorporation committee. A member of the
2970 district board may not serve as a member of the incorporation
2971 committee.

2972 (2) The incorporation committee shall, by September 1 of
2973 the year following its creation, submit a feasibility study and
2974 proposed municipal charter, prepared in accordance with chapter
2975 165, Florida Statutes, to the board and the legislative
2976 delegation of Okeechobee County. The incorporation committee
2977 shall also submit to the board and the legislative delegation of
2978 Okeechobee County a report indicating whether the district
2979 should remain in existence or be dissolved and all services
2980 provided by the district assumed by, and all revenue, property,
2981 assets, and liabilities of the district transferred to and
2982 assumed by, the municipality upon final incorporation.

2983 (3) The incorporation committee is subject to the public
2984 records requirements in chapter 119, Florida Statutes, and all
2985 meetings of the incorporation committee shall be open to the

HB 1483

2006
CS

2986 | public and governed by the provisions of chapter 286, Florida
 2987 | Statutes.

2988 | (4) The district shall fund expenses of the incorporation
 2989 | committee, including the costs of preparing the feasibility
 2990 | study and proposed municipal charter. Members of the
 2991 | incorporation committee shall serve without compensation but are
 2992 | entitled to reimbursement for travel and per diem expenses from
 2993 | the district in accordance with section 112.061, Florida
 2994 | Statutes. The district shall also reimburse the supervisor of
 2995 | elections for the cost of conducting the election of the
 2996 | incorporation committee.

2997 | (5) The incorporation committee shall be dissolved upon
 2998 | submission of the final feasibility study and proposed municipal
 2999 | charter to the board and the legislative delegation of
 3000 | Okeechobee County.

3001 | Section 6. Severability.--If any provision of this act is
 3002 | determined unconstitutional or otherwise determined invalid by a
 3003 | court of law, all the rest and remainder of the act shall remain
 3004 | in full force and effect as the law of Florida.

3005 | Section 7. This act shall take effect upon becoming a law,
 3006 | except that the provisions of paragraph (a) of subsection (14)
 3007 | of section 4 which authorize the levy of ad valorem assessments
 3008 | shall only take effect upon express approval by a majority vote
 3009 | of those qualified electors of the district, as required by
 3010 | Section 9 of Article VII of the State Constitution, voting in a
 3011 | referendum to be called by the Supervisor of Elections of
 3012 | Okeechobee County and held by the Board of Supervisors of the
 3013 | Grove Community District. Such election shall be held in

HB 1483

2006
CS

3014 | accordance with the provisions of law relating to elections in
3015 | force at the time the referendum is held.