

## ENROLLED

HB 1483, Engrossed 1

2006 Legislature

1                                   A bill to be entitled  
2           An act relating to the Grove Community District,  
3           Okeechobee County; providing a short title; creating the  
4           Grove Community District; providing for findings,  
5           determinations, ascertainments, intent, purpose,  
6           definitions, and policy; providing a charter; providing  
7           jurisdiction; providing boundaries; providing powers of  
8           the district; creating the district as a special, limited,  
9           and single-purpose independent district, an independent  
10          local government, and corporate body politic, to provide  
11          community development infrastructure; providing for  
12          authority, boundaries, jurisdiction, and charter  
13          amendment; providing for a governing board and terms of  
14          office and duties thereof; providing for elections;  
15          providing for a district manager; providing for bonds;  
16          providing for borrowing; providing for future transition  
17          to ad valorem taxation; providing for special assessments;  
18          providing for issuance of certificates of indebtedness;  
19          providing for tax liens; providing minimum charter  
20          requirements; providing for the applicability of and  
21          compliance with provisions of chapter 189, Florida  
22          Statutes, and other general laws; providing for election  
23          of an incorporation committee to review feasibility of  
24          incorporating the district as a municipality; providing  
25          for severability; providing for a referendum; providing an  
26          effective date.  
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28 | Be It Enacted by the Legislature of the State of Florida:

29 |

30 |       Section 1. Short title.--This act may be known as the  
 31 | "Grove Community District Act."

32 |       Section 2. Legislative findings, ascertainments,  
 33 | determinations, intent, purpose, definitions, and policy.--

34 |       (1) LEGISLATIVE FINDINGS.--

35 |       (a) The northeastern area of Okeechobee County is unique  
 36 | and special.

37 |       (b) The land area of Okeechobee County is relatively  
 38 | untouched and is predominantly used for agriculture or is  
 39 | undeveloped.

40 |       (c) The economy of Okeechobee County is dominated by farm  
 41 | and retirement industries and:

42 |       1. Okeechobee County is beginning to experience the  
 43 | economic growth that substantially large parts of the remainder  
 44 | of the state have already experienced.

45 |       2. While the influence of the farming industry continues  
 46 | to decline, the retirement industry is a major and growing  
 47 | industry.

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

53 |       (d) In implementing protection of natural resources,  
 54 | retention of viable agriculture, and promotion of a sound

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55 economy, the Okeechobee County Comprehensive Plan promotes  
 56 compact, efficient, and self-sustaining mixed-use development.

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

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

66 (g) In particular:

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

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

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

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

97           1. To prevent urban sprawl by providing self-sustaining  
 98 and freestanding infrastructure and by preventing needless and  
 99 counterproductive community development when the existing urban  
 100 area is not yet developed.

101           2. To prevent the needless duplication, fragmentation, and  
 102 proliferation of local government services in a proposed land  
 103 use area.

104           (i) Management of public health, safety, welfare,  
 105 economic, natural, and historic resources in this area of  
 106 northeastern Okeechobee County transcends the boundaries and  
 107 responsibilities of both private landowners and individual units  
 108 of government, so that no one single public or private entity or

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109 person can plan or implement policies to deal with the many  
110 issues which attend the provision of basic systems, facilities,  
111 and services to the area to be managed in northeastern  
112 Okeechobee County in order to provide for a new community in the  
113 area.

114 (j) It is the expressed set of findings of the Legislature  
115 further that:

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

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

132 3. Longer involvement of the initial landowner with regard  
133 to the provision of basic systems, facilities, and services in  
134 the new community area, coupled with a severely limited and

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135 highly specialized single purpose of the district, is in the  
136 public interest.

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

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

153 6. This need is met by coinciding the use and special  
154 attributes of various public and private alternatives for the  
155 provision of infrastructure to such a community development,  
156 including:

157 a. The public policy and related implementing zoning,  
158 permitting, and planning expertise, interests, and capabilities  
159 of state and regional government and of the Okeechobee County  
160 general-purpose local government;

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161           b. The flexible, limited, focused, and locally accountable  
 162 management and related financing capabilities of independent  
 163 special-purpose local government; and

164           c. The innovative development and marketing private-sector  
 165 expertise of the initial landowners, developers, and other  
 166 components of private enterprise.

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

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

176           1. To prevent urban sprawl, to protect and preserve  
 177 environmental, conservation, and agricultural uses and assets,  
 178 and to enhance the high-quality use of the applicable area of  
 179 northeastern Okeechobee County;

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

183           3. To enhance the net economic benefit to the Okeechobee  
 184 County area, including an enhanced and well-maintained tax base  
 185 to the benefit of all present and future taxpayers in Okeechobee  
 186 County; and

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187       4. To share the costs for providing such basic systems,  
 188 facilities, and services in an innovative, sequential, and  
 189 flexible manner within the new community to be serviced by the  
 190 Grove Community District.

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

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

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

206       2. The second public alternative is use of an independent  
 207 special district.

208       3. The private alternative is the private landowner, a  
 209 private homeowner association, a private utility, a private  
 210 business corporation, or a partnership or combination of these  
 211 various private alternatives.

212       (b) Planning, permitting, and creating the new community  
 213 and using the independent specialized single-purpose Grove



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214 Community District created by this act are consistent with and  
215 implement both the Okeechobee County Comprehensive Plan and Land  
216 Development Regulations and also the following long-standing and  
217 expressed policies of the state:

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

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

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

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

243           3. To recognize the existence of legitimate and often  
244 competing public and private interests and land use regulations  
245 and other government action, pursuant to section 187.201(14)(a),  
246 Florida Statutes.

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

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

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

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

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

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

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

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294 special districts remains pursuant to uniform general law and  
 295 section 189.402(3)(a) and (c), Florida Statutes.

296 11. To ensure that those independent districts and the  
 297 exercise of their powers are consistent and comply with  
 298 applicable due process, disclosure, accountability, ethics, and  
 299 government-in-the-sunshine requirements of law, both to the  
 300 independent districts and to their elected and appointed  
 301 officials, pursuant to section 189.402(3)(b), Florida Statutes,  
 302 because independent special districts are a legitimate  
 303 alternative method available for use by both the public and  
 304 private sectors to manage, own, operate, construct, and finance  
 305 basic capital infrastructure systems, facilities, and services,  
 306 pursuant to section 189.402(4)(a), Florida Statutes.

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

316 (c) Construction, operation, and development of the new  
 317 community and the use of the special and single-purpose  
 318 independent district are not inconsistent with the Okeechobee  
 319 County Comprehensive Plan.

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320       (d) This land area for the new community requires an  
321 independent, special, and single-purpose local government, in  
322 the form of an independent special district as defined in  
323 section 189.403(3), Florida Statutes, subject to all substantive  
324 and procedural limitations under state law, including this act,  
325 in order to constitute itself a highly specialized alternative  
326 and viable growth management concurrency mechanism appropriate  
327 for this unique area, available to both the private and public  
328 sectors.

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

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

341       (g) In order to be responsive to the critical timing  
342 required through the exercise of its special management  
343 functions, an independent district requires financing of those  
344 functions, including bondable lienable and nonlienable revenue,  
345 with full and continuing public disclosure and accountability,  
346 funded by landowners, both present and future, and funded also

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347 by users of the systems, facilities, and services provided to  
348 the land area by the district, without burdening the taxpayers  
349 and citizens of the state or of Okeechobee County or any  
350 municipality in Okeechobee County.

351 (h) The provision of services by this independent district  
352 must implement, be subject to, and function not inconsistent  
353 with any related permitting and planning requirements of  
354 Okeechobee County and of the Okeechobee County Comprehensive  
355 Plan and Land Development Regulations.

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

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

362 2. Constitute a disincentive for premature or  
363 inappropriate municipal incorporation consistent with state law.

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

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

372 5. Implement the Okeechobee County Comprehensive Plan  
373 Future Land Use Element because innovative land techniques that

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374 use public facilities efficiently, that meet county needs, and  
375 that promote a sense of pride and community for its residents  
376 are encouraged where the new community is located.

377 (j) The district is also a mechanism to implement the  
378 Okeechobee County Concurrency Management System designed to  
379 coincide with, and to implement, both the Okeechobee County  
380 future land use element and the capital improvements element for  
381 basic systems, facilities, and services consistent with the best  
382 interests of the new community.

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

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

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

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401       (n) The critical single purpose of the district to provide  
402 basic infrastructure systems, facilities, services, works,  
403 infrastructure, and improvements to the private new community is  
404 in the public interest because it:

405       1. Does not pass on taxes or profits to purchasers of  
406 property or to landowners and residents within their  
407 jurisdictions.

408       2. Results in less tendency for short-term planning,  
409 construction, and management considerations because the  
410 elections for members of the government board are staggered.

411       3. Is not influenced, guided, or limited by quarterly and  
412 annual profit statements.

413       4. Does not have police or regulatory powers.

414       5. Does not have larger general-purpose overhead  
415 responsibilities.

416       6. Is not subject to legitimate but counterveiling fiscal,  
417 economic, policy, and political considerations to which large  
418 general-purpose local governments and large landowners and  
419 developers would be subject in the natural course of events.

420       7. Does not constitute needless duplication,  
421 proliferation, or fragmentation of local government systems,  
422 facilities, and services in Okeechobee County.

423       8. Shall operate and function subject to and not  
424 inconsistent with the county comprehensive plan with least  
425 overhead cost and with the highest amount of the public  
426 disclosure, accountability, responsiveness, and productivity.



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427 9. Coincides its functions with the authority and best  
428 interests of local general-purpose government, the private  
429 landowners, both present and future, the taxpayers, the future  
430 residents, and the state in the provision of needed  
431 infrastructure to the community at sustained levels of quality  
432 over the long term.

433 10. Provides highly accountable innovative systems,  
434 facilities, and services close to the land and close to the  
435 people.

436 11. Serves a land area that is amenable to separate  
437 special district government.

438 12. Serves a land area that is sufficiently compact and of  
439 size sufficient for the functionally interrelated new community  
440 development.

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

446 14. Will enhance the intrinsic value of the property and  
447 the new community development and be a sustaining source of  
448 public revenue.

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

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

456        (3) DETERMINATIONS.--Based upon its findings and  
457 ascertainments, the Legislature states expressly and determines  
458 that:

459        (a) This act represents the findings, ascertainments, and  
460 determinations of the Legislature that creating the Grove  
461 Community District by special act pursuant to general law is the  
462 best alternative as required by section 189.404(2)(e)3., Florida  
463 Statutes, because it meets affirmatively the findings and  
464 ascertainments of this Legislature set forth hereinabove.

465        (b) The creation by this act of the district in the area  
466 of northeastern Okeechobee County is consistent affirmatively  
467 with the Okeechobee County Comprehensive Plan.

468        (c) The authority for this act is pursuant to section  
469 189.404, Florida Statutes, and the State Comprehensive Plan  
470 pursuant to section 187.201, Florida Statutes.

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

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

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

489        (b) That the district operate and function subject to, and  
490 not inconsistent with, the Okeechobee County Comprehensive Plan  
491 and Land Development Regulations and any applicable development  
492 orders, zoning regulations, or other land development  
493 regulations.

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

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

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

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

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

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

528       (a) "Ad valorem bonds" means bonds which are payable from  
 529 the proceeds of ad valorem taxes levied on real and tangible  
 530 personal property and which are generally referred to as general  
 531 obligation bonds.

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

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

544        (d) "Assessments" means those nonmillage district  
545 assessments which include special assessments, benefit special  
546 assessments, and maintenance special assessments and a  
547 nonmillage, non-ad valorem maintenance tax if authorized by  
548 general law.

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

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

556        (g) "Bond" includes "certificate," and the provisions  
557 which are applicable to bonds are equally applicable to  
558 certificates. The term "bond" includes any general obligation

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559 | bond, assessment bond, refunding bond, revenue bond, and other  
 560 | such obligation in the nature of a bond as is provided for in  
 561 | this act, as the case may be.

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

564 | 1. The expense of determining the feasibility or  
 565 | practicability of acquisition, construction, or reconstruction.

566 | 2. The cost of surveys, estimates, plans, and  
 567 | specifications.

568 | 3. The cost of improvements.

569 | 4. Engineering, fiscal, and legal expenses and charges.

570 | 5. The cost of all labor, materials, machinery, and  
 571 | equipment.

572 | 6. The cost of all lands, properties, rights, easements,  
 573 | and franchises acquired.

574 | 7. Financing charges.

575 | 8. The creation of initial reserve and debt service funds.

576 | 9. Working capital.

577 | 10. Interest charges incurred or estimated to be incurred  
 578 | on money borrowed prior to and during construction and  
 579 | acquisition and for such reasonable period of time after  
 580 | completion of construction or acquisition as the board may  
 581 | determine.

582 | 11. The cost of issuance of bonds pursuant to this act,  
 583 | including advertisements and printing.

584 | 12. The cost of any bond or tax referendum held pursuant  
 585 | to this act and all other expenses of issuance of bonds.

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586       13. The discount, if any, on the sale or exchange of  
 587 bonds.

588       14. Administrative expenses.

589       15. Such other expenses as may be necessary or incidental  
 590 to the acquisition, construction, or reconstruction of any  
 591 project or to the financing thereof or to the development of any  
 592 lands within the district.

593       16. Payments, contributions, dedications, and any other  
 594 exactions required as a condition to receive any government  
 595 approval or permit necessary to accomplish any district purpose.

596       (i) "Developed urban area" means any reasonably compact  
 597 urban area.

598       (j) "District" or "Grove Community District" means the  
 599 unit of special and single-purpose local government created and  
 600 chartered by this act, including the creation of its charter,  
 601 and limited to the performance, in implementing its single  
 602 purpose, of those general and special powers authorized by its  
 603 charter under this act; the boundaries of which are set forth by  
 604 the act; and the governing head of which is created and  
 605 authorized to operate with legal existence by this act and the  
 606 purpose of which is as set forth in this act.

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

608       (l) "District roads" means highways, streets, roads,  
 609 alleys, sidewalks, landscaping, storm drains, bridges, and  
 610 thoroughfares of all kinds of descriptions.

611       (m) "General obligation bonds" means bonds which are  
 612 secured by, or provide for their payment by, the pledge, in

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613 addition to those special taxes levied for their discharge and  
614 such other sources as may be provided for their payment or  
615 pledged as security under the resolution authorizing their  
616 issuance, of the full faith and credit and taxing power of the  
617 district and for payment of which recourse may be had against  
618 the general fund of the district.

619 (n) "Governing board member" means any member of the  
620 board.

621 (o) "Land development regulations" means those regulations  
622 of general-purpose local government, adopted under the Local  
623 Government Comprehensive Planning and Land Development  
624 Regulations Act, the Growth Management Act, and chapter 163,  
625 Florida Statutes, to which the district is subject and as to  
626 which the district may not doing anything that is inconsistent;  
627 but this term does not mean specific management engineering,  
628 planning, and other criteria and standards needed in the daily  
629 management and implementation by the district of its provision  
630 of basic systems, facilities, services, works, improvements,  
631 projects, or infrastructure, including design criteria and  
632 standards, so long as they remain subject to and are not  
633 inconsistent with the Okeechobee County Comprehensive Plan and  
634 the applicable land development regulations.

635 (p) "Landowner" means the owner of a freehold estate as  
636 appears by the deed record, including a trustee, a private  
637 corporation, and an owner of a condominium unit; it does not  
638 include a reversioner, remainderman, mortgagee, or any  
639 governmental entity, who shall not be counted and need not be



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640 notified of proceedings under this act. "Landowner" also means  
641 the owner of a ground lease from a governmental entity, which  
642 leasehold interest has a remaining term, excluding all renewal  
643 options, in excess of 50 years.

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

646 (r) "Maintenance special assessments" means assessments  
647 imposed, levied, and collected pursuant to the provisions of  
648 section 4(14)(d).

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

654 1. If and when pursuant to general law, those nonmillage  
655 and non-ad valorem taxes, limited expressly and only to those  
656 certain maintenance taxes provided for expressly in the district  
657 charter in this act which are not ad valorem taxes and are not  
658 special assessments.

659 2. Assessments which are not taxes and are special  
660 assessments levied and imposed by the board pursuant to an  
661 informed and nonarbitrary determination by the board that the  
662 systems, facilities, and services will provide, as a logical  
663 connection to the applicable parcels of property, special  
664 benefits peculiar to the property, different in kind and degree  
665 than general benefits and that the duty to pay per parcel will  
666 be apportioned in a manner that is fair and reasonable; and

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667 which may be known and referred to as "assessments," "special  
668 assessments," "maintenance assessments," or "benefit  
669 assessments" as defined by and as may be applicable in the  
670 context of this charter. The levy of maintenance assessments to  
671 maintain a system or facility constructed and financed by  
672 special assessments levied by the district may be based on the  
673 assessment methodology by which the construction special  
674 assessments are levied but upon a determination that the  
675 maintenance special assessments also provide a special and  
676 peculiar benefit to the property and are apportioned in a manner  
677 that is fair and reasonable.

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

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

683 1. "General powers," as provided in the act for the  
684 district charter, which means those organizational and  
685 administrative powers of the district as provided in this act in  
686 its charter in order to carry out its single special purpose as  
687 a local government public corporate body politic.

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

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693           3. Any other powers, authority, and functions set forth in  
 694 this act.

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

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

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

710           (x) "Revenue bonds" means obligations of the district  
 711 which are payable from revenues, including, but not limited to,  
 712 special assessments and benefit special assessments, derived  
 713 from sources other than ad valorem taxes on real or tangible  
 714 personal property and which do not pledge the property, credit,  
 715 or general tax revenue of the district.

716           (y) "Sewer system" means any plant, system, facility, or  
 717 property and additions, extensions, and improvements thereto at  
 718 any future time constructed or acquired as part thereof useful  
 719 or necessary or having the present capacity for future use in

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720 connection with the collection, treatment, purification, or  
721 disposal of sewage, including, without limitation, industrial  
722 wastes resulting from any process of industry, manufacture,  
723 trade, or business or from the development of any natural  
724 resource. Without limiting the generality of the foregoing, the  
725 term "sewer system" includes treatment plants, pumping stations,  
726 lift stations, valves, force mains, intercepting sewers,  
727 laterals, pressure lines, mains, and all necessary appurtenances  
728 and equipment; all sewer mains, laterals, and other devices for  
729 the reception and collection of sewage from premises connected  
730 therewith; and all real and personal property and any interest  
731 therein, rights, easements, and franchises of any nature  
732 relating to any such system and necessary or convenient for  
733 operation thereof.

734 (z) "Special assessments" means assessments as imposed,  
735 levied, and collected by the district for the costs of  
736 assessable improvements pursuant to the provisions of this act,  
737 chapter 170, Florida Statutes, the additional authority under  
738 section 197.3631, Florida Statutes, or other provisions of  
739 general law now or hereinafter enacted which provide or  
740 authorize a supplemental means to impose, levy, and collect  
741 special assessments.

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

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

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

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

762           (cc) "Water system" means any plant, system, facility, or  
 763 property and additions, extensions, and improvements thereto at  
 764 any future time constructed or acquired as part thereof useful  
 765 or necessary or having the present capacity for future use in  
 766 connection with the development of sources, treatment, or  
 767 purification and distribution of water. Without limiting the  
 768 generality of the foregoing, the term "water system" includes  
 769 dams, reservoirs, storage, tanks, mains, lines, valves, pumping  
 770 stations, laterals, and pipes for the purpose of carrying water  
 771 to the premises connected with such system and all rights,

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772 easements, and franchises of any nature relating to any such  
 773 system and necessary or convenient for the operation thereof.

774 (7) POLICY.--Based upon its findings, ascertainments,  
 775 determinations, intent, purpose, and definitions, the  
 776 Legislature states its policy expressly:

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

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

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

795 Section 3. Minimum general law requirements; creation and  
 796 establishment; boundaries; jurisdiction; construction; charter  
 797 with legal description.--

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798           (1) MINIMUM CHARTER REQUIREMENTS.--Pursuant to section  
799 189.404(3), Florida Statutes, the Legislature sets forth that  
800 the minimum requirements in paragraphs (a) through (o) have been  
801 met in the identified provisions of the act as follows:

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

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

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

812           2. Bond issuance provisions are set forth generally in  
813 section 2; section 4, subsection (8), paragraph (d); subsections  
814 (10)-(13), and subsection (16), paragraphs (b) and (c).

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

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

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

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

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

833 8. Provisions regarding contractual agreements are set  
834 forth in section 4, subsection (8), paragraphs (c), (l), (p),  
835 (r), and (s); and subsection (9), paragraphs (k), (o), (p), (s),  
836 (t), (v), and (w).

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

840 (d) Provisions regarding methods for amending the charter  
841 of the district are set forth in section 2 of subsection (7),  
842 paragraph (c); subsection (4) of this section; and section 4 of  
843 subsection (28).

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

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

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



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

855       4. Provisions regarding the quorum of the governing board  
856 are set forth in section 4, subsection (3), paragraph (b) and  
857 subsection (4), paragraph (c), subparagraph 1., sub-subparagraph  
858 e.

859       (f) Provisions regarding maximum compensation of each  
860 board member are set forth in section 4, subsection (4),  
861 paragraph (c), and in particular in subparagraph 1., sub-  
862 subparagraph h.

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

865       (h) Provisions applicable to financial disclosure,  
866 noticing, and reporting requirements for:

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

869       2. Voting are set forth in section 4, subsections (3) and  
870 (4).

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

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

876       (j) Provisions regarding elections or referenda are:

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877 1. For procedures for elections, set forth in section 4,  
 878 subsections (3) and (4), and regarding referenda, set forth in  
 879 section 4, subsection (14), paragraph (a).

880 2. For qualifications of an elector of the district, a  
 881 qualified elector, set forth in section 2, subsection (6),  
 882 paragraph (v) and section 4, subsection (3), paragraphs (b) and  
 883 (c).

884 3. For referenda, set forth in section 4, subsection (4),  
 885 paragraph (b).

886 (k) Provisions regarding methods for financing the  
 887 district are set forth generally in section 4, subsections (10),  
 888 (11), (14), (15), (16), (17), (18), and (19).

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

892 1. The authority to levy ad valorem taxes are set forth in  
 893 section 4, subsection (3), paragraph (h) and subsection (14),  
 894 paragraph (a); and section 2, subsection (6), paragraph (aa),  
 895 subparagraph 1.

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

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

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

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

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

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

911        (2) CREATION AND ESTABLISHMENT.--The Grove Community  
912 District is created and incorporated hereby as a public body,  
913 corporate and politic, a political subdivision, an independent,  
914 limited, special, and single-purpose local government, and an  
915 independent special district under section 189.404, Florida  
916 Statutes, and as defined in this act and in section 189.403(3),  
917 Florida Statutes, in and for northeastern Okeechobee County. Any  
918 amendments to chapter 190, Florida Statutes, after January 1,  
919 2006, which grant additional general powers, special powers,  
920 authorities, or projects to a community development district by  
921 amendment to its uniform charter, sections 190.006-190.041,  
922 Florida Statutes, shall constitute a general power, special  
923 power, authority, or function of the Grove Community District,  
924 except that as to any such additional powers, authorities, or  
925 projects, this act shall control if there are any related  
926 provisions in such additional powers, authorities, or projects  
927 inconsistent with the provisions of this act. Because all  
928 notices for the enactment by the Legislature of this special act  
929 have been provided pursuant to the State Constitution, the laws

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930 of Florida, and the rules of the House of Representatives and  
 931 the Senate, and because Okeechobee County is not a charter  
 932 county, no referendum subsequent to the effective date of this  
 933 act is required. The district, as created by this act, is  
 934 established on the property pursuant to sections 4(2) and 6.

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

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

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957 development, operation, maintenance, and related financing of  
 958 those public systems, facilities, services, improvements,  
 959 projects, and infrastructure works as authorized herein  
 960 including those necessary and incidental thereto. Such  
 961 inconsistent provisions in chapter 189, Florida Statutes, are  
 962 sections 189.4042, 189.4045, 189.405, 189.4051, 189.408, and  
 963 189.423, Florida Statutes.

964 (5) EXCLUSIVE CHARTER.--The charter of the Grove Community  
 965 District is this act and may be amended, terminated, or repealed  
 966 only by special act of the Legislature amending or repealing  
 967 this act.

968 Section 4. Disposition of sections 2 and 3; legal  
 969 description; exclusive charter of the Grove Community  
 970 District.--

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

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

979 METES AND BOUNDS DESCRIPTION

980 Grove Community District

981  
 982 LEGAL DESCRIPTION:

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983        (OFFICIAL RECORDS BOOK 230, PAGE 571, PUBLIC RECORDS,  
 984        OKEECHOBEE COUNTY, FLORIDA)  
 985  
 986        ALL OF SECTIONS 1, 2, 3, 10, 11, 12, 13, 14, AND 15,  
 987        IN TOWNSHIP 34 SOUTH, RANGE 36 EAST, OKEECHOBEE  
 988        COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING  
 989        DESCRIBED LANDS:  
 990  
 991        BEGINNING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST  
 992        CORNER OF SAID SECTION 13, RUN NORTH 89°26'05" WEST A  
 993        DISTANCE OF 5284.42 FEET TO AN IRON PIPE MARKING THE  
 994        SOUHWEST CORNER OF SAID SECTION 13; THENCE RUN SOUTH  
 995        89°42'28" WEST A DISTANCE OF 5114.05 FEET ALONG THE  
 996        SOUTH LINE OF SECTION 14 TO AN IRON PIPE AT THE SW  
 997        CORNER THEREOF; THENCE RUN NORTH 89°31'14" WEST ALONG  
 998        THE SOUTH LINE OF SECTION 15 A DISTANCE OF 5302.02  
 999        FEET TO A CONCRETE MONUMENT MARKING THE SOUTHWEST  
 1000       CORNER OF SAID SECTION 15; THENCE RUN NORTH 00°00'14"  
 1001       EAST ALONG THE WEST LINE OF SECTION 15 A DISTANCE OF  
 1002       174.49 FEET; THENCE RUN SOUTH 89°12'07" EAST ALONG A  
 1003       FENCE LINE A DISTANCE OF 5302.87 FEET TO A POINT WHICH  
 1004       IS 145 FEET NORTH OF THE SOUTHWEST CORNER OF SAID  
 1005       SECTION 14; THENCE RUN SOUTH 00°12'46" WEST A DISTANCE  
 1006       OF 20.0 FEET; THENCE RUN NORTH 89°42'28" EAST ALONG A  
 1007       LINE LYING PARALLEL TO AND 125 FEET NORTH OF THE SOUTH  
 1008       LINE OF SECTION 14 A DISTANCE OF 5113.88 FEET TO A  
 1009       POINT WHICH IS 125 FEET NORTH OF THE SOUTHWEST CORNER

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1010 OF SECTION 13; THENCE RUN SOUTH 89°26'05" EAST ALONG A  
 1011 LINE PARALLEL TO AND 125 FEET NORTH OF THE SOUTH LINE  
 1012 OF SECTION 13 A DISTANCE OF 5149.10 FEET TO A POINT  
 1013 WHICH IS 135 FEET WEST AND 125 FEET NORTH OF THE  
 1014 SOUTHEAST CORNER OF SECTION 13; THENCE RUN NORTH  
 1015 00°00'22" WEST A DISTANCE OF 100 FEET; THENCE RUN  
 1016 SOUTH 89°26'05" EAST A DISTANCE OF 135 FEET TO THE  
 1017 EAST LINE OF SAID SECTION 13; THENCE RUN SOUTH  
 1018 00°00'22" EAST A DISTANCE OF 225 FEET TO THE POINT OF  
 1019 BEGINNING AT THE SOUTHEAST CORNER OF SECTION 13,  
 1020 TOWNSHIP 34 SOUTH, RANGE 36 EAST, OKEECHOBEE COUNTY,  
 1021 FLORIDA, CONTAINING 5683.29 ACRES, MORE OR LESS.

1022  
 1023 (3) BOARD; MEMBERS AND MEETINGS; ORGANIZATION; POWERS;  
 1024 DUTIES; TERMS OF OFFICE; RELATED ELECTION REQUIREMENTS.--

1025 (a) The board shall exercise the powers granted to the  
 1026 district pursuant to this act in order to implement its  
 1027 specialized single purpose.

1028 (b) There is created the Board of Supervisors of the Grove  
 1029 Community District, which is the governing board and body of the  
 1030 district. Except as otherwise provided herein, each member shall  
 1031 hold office for a term of 4 years and until his or her successor  
 1032 is chosen and qualifies. There shall be five members of the  
 1033 board who shall, in order to be eligible, be residents of the  
 1034 state and citizens of the United States. Three members shall  
 1035 constitute a quorum.

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1036        (c) Within 45 days after the effective date of this act, a  
1037 specially noticed meeting of the landowners of the district  
1038 shall be held for the purpose of electing the members to the  
1039 first board as herein provided. Notice of such special meeting  
1040 of the landowners shall be given by causing publication thereof  
1041 to be made once a week for 2 consecutive weeks prior to such  
1042 meeting in a newspaper of general paid subscription and  
1043 circulation in Okeechobee County, the last day of such  
1044 publication not to be fewer than 14 or more than 28 days before  
1045 the day of the election. Such special meeting of the landowners  
1046 shall be held in a public place in Okeechobee County, and the  
1047 place, date, and hour of holding such meeting and the purpose  
1048 thereof shall be stated expressly in the notice. The landowners,  
1049 when assembled, shall organize by electing a chair who shall  
1050 preside at the meeting of the landowners and a secretary who  
1051 shall record the proceedings. At such meeting, for the election  
1052 of each person to be elected, each and every acre of land, or  
1053 any fraction thereof, within the boundary of the district shall  
1054 represent one vote and each owner of that acre or fraction  
1055 thereof shall be entitled to one vote for every such acre or  
1056 fraction thereof. Persons who qualify to serve as board members  
1057 shall be nominated at the noticed meeting and prior to the  
1058 initial election at the noticed meeting. A landowner may vote in  
1059 person or by proxy in writing.

1060        (d) At the landowners' meeting for the election of the  
1061 members of the board on a one-acre, one-vote basis, the two  
1062 candidates receiving the highest number of votes shall be



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1063 elected for terms expiring November 30, 2008, and the three  
 1064 candidates receiving the next highest number of votes shall be  
 1065 elected for terms expiring November 30, 2010. The members of the  
 1066 first board elected by the landowners shall serve their  
 1067 respective 4-year or 2-year terms; however, the next election by  
 1068 the landowners shall be held on the first Tuesday in November  
 1069 2008 to elect members to fill those vacancies to 4-year terms.  
 1070 Thereafter, there shall be an election of supervisors for the  
 1071 district every 2 years in November on a date established by the  
 1072 board and noticed pursuant to paragraph (c).

1073 (e) The landowners present at the meeting shall constitute  
 1074 a quorum.

1075 (f) All vacancies or expirations on the board shall be  
 1076 filled as provided by this act.

1077 (g) In case of a vacancy in the office of any member of  
 1078 the board, the remaining members of the board shall by majority  
 1079 vote elect a person to serve as a member of the board for the  
 1080 unexpired portion of the term.

1081 (h) If the board proposes to exercise its limited ad  
 1082 valorem taxing power as provided elsewhere in this charter, the  
 1083 provisions of section 4(14)(a) shall apply.

1084 (4) ELECTION; POPULAR ELECTIONS, REFERENDUM; DESIGNATION  
 1085 OF URBAN AREAS.--

1086 (a) Elections of the members of the board shall be  
 1087 conducted on a one-acre, one-vote basis as provided in paragraph  
 1088 (3)(c), until and unless the provisions of paragraph (b) apply.

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1089 When applicable and required, the appropriate provisions of  
 1090 section 189.405, Florida Statutes, apply.

1091 (b) A referendum shall be called by the board, each member  
 1092 elected on a one-acre, one-vote basis, on the question of  
 1093 whether certain members of the board should be elected by  
 1094 qualified electors, providing each of the following conditions  
 1095 has been satisfied at least 60 days prior to the general or  
 1096 special election at which the referendum is to be held:

1097 1. The district has at least 500 qualified electors based  
 1098 on the most recent state population estimate.

1099 2. A petition signed by 10 percent of the qualified  
 1100 electors of the district has been filed with the board. The  
 1101 petition shall be submitted to the Supervisor of Elections of  
 1102 Okeechobee County who shall, within 30 days after receipt of the  
 1103 petition, certify to the board the percentage of signatures of  
 1104 qualified electors contained in the petition.

1105 (c) Upon verification by the supervisor of elections that  
 1106 10 percent of the qualified electors of the district have  
 1107 petitioned the board, a referendum election shall be called by  
 1108 the board at the next regularly scheduled election of governing  
 1109 board members occurring at least 60 days after verification.

1110 (d) If the qualified electors approve the election  
 1111 procedure described in this section, the governing board of the  
 1112 district shall remain five members and elections shall be held  
 1113 pursuant to the criteria described in this paragraph, beginning  
 1114 with the next regularly scheduled election of governing board  
 1115 members or at a special election called within 6 months after

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1116 the referendum and final unappealed approval of district urban  
1117 area maps as provided in this section, whichever is earlier.

1118 (e) If the qualified electors of the district reject the  
1119 election procedure described in this section, elections of the  
1120 members of the board shall continue as described in this act on  
1121 a one-acre, one-vote basis. No further referendum on the  
1122 question shall be held for a minimum period of 2 years after the  
1123 referendum.

1124 (f) Within 30 days after approval of the election process  
1125 described in this section by qualified electors of the district,  
1126 the board shall direct the district staff to prepare and to  
1127 present maps of the district describing the extent and location  
1128 of all urban areas within the district. Such determination shall  
1129 be based upon the criteria contained in the definition of urban  
1130 area in this act.

1131 (g) Within 60 days after approval of the election process  
1132 described in this subsection by qualified electors of the  
1133 district, the maps describing urban areas within the district  
1134 shall be presented to the board.

1135 (h) Any district landowner or elector may contest the  
1136 accuracy of the urban area maps prepared by the staff of the  
1137 district within 30 days after submission to the board. Upon  
1138 notice of objection to the maps, the governing board shall  
1139 request the county engineer to prepare and present maps of the  
1140 district describing the extent and location of all urban areas  
1141 within the district. Such determination shall be based limitedly  
1142 and exclusively upon the criteria contained in the definition in

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1143 this act of urban area. Within 30 days after the governing board  
 1144 requests, the county engineer shall present the maps to the  
 1145 governing board.

1146 (i) Upon presentation of the maps by the county engineer,  
 1147 the governing board shall compare the maps submitted by both the  
 1148 district staff and the county engineer and make a determination  
 1149 as to which set of maps to adopt. Within 60 days after  
 1150 presentation of all such maps, the governing board may amend and  
 1151 shall adopt the official maps at a regularly scheduled board  
 1152 meeting.

1153 (j) Any district landowner or qualified elector may  
 1154 contest the accuracy of the urban area maps adopted by the board  
 1155 after adoption in accordance with the provision for judicial  
 1156 review as provided in the Administrative Procedure Act. Accuracy  
 1157 shall be determined pursuant to the definition of urban area in  
 1158 section 2(6)(bb).

1159 (k) Upon adoption by the board or certification by the  
 1160 court, the district urban area maps shall serve as the official  
 1161 maps for determination of the extent of urban area within the  
 1162 district and the number of members of the board to be elected by  
 1163 qualified electors and by one-acre, one-vote at the next  
 1164 regularly scheduled election of governing board members.

1165 (l) Upon a determination of the percentage of urban area  
 1166 within the district as compared with total area within the  
 1167 district, the governing board shall determine the number of  
 1168 electors in accordance with the percentages pursuant to this

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1169 paragraph. The landowners' meeting date shall be designated by  
 1170 the board.

1171 (m) The map shall be updated and readopted every 5 years  
 1172 or sooner at the discretion of the board.

1173 (n)1. The five members of the governing board of the  
 1174 district shall be elected in accordance with the following  
 1175 determinations of urban area:

1176 a. If urban areas constitute 25 percent or less of the  
 1177 district, one governing board member shall be elected by the  
 1178 qualified electors and four governing board members shall be  
 1179 elected in accordance with the one-acre, one-vote principle  
 1180 contained within subsection (3).

1181 b. If urban areas constitute more than 25 percent but less  
 1182 than 50 percent of the district, two governing board members  
 1183 shall be elected by the qualified electors and three governing  
 1184 board members shall be elected in accordance with the one-acre,  
 1185 one-vote principle contained in subsection (3).

1186 c. If urban areas constitute at least 50 percent but less  
 1187 than 70 percent of the district, three governing board members  
 1188 shall be elected by the qualified electors and two governing  
 1189 board members shall be elected in accordance with the one-acre,  
 1190 one-vote principle contained in subsection (3).

1191 d. If urban areas constitute at least 70 percent but less  
 1192 than 90 percent of the district, four governing board members  
 1193 shall be elected by the qualified electors and one governing  
 1194 board member shall be elected in accordance with the one-acre,  
 1195 one-vote principle contained in subsection (3).

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1196 e. If urban areas constitute at least 90 percent or more  
 1197 of the district, all governing board members shall be elected by  
 1198 the qualified electors.

1199 2. All members of the board, regardless of how elected,  
 1200 shall be public officers, known as supervisors, and, upon  
 1201 entering into office, shall take and subscribe to the oath of  
 1202 office as prescribed by section 876.05, Florida Statutes. All  
 1203 members of the board, regardless of how elected, and regardless  
 1204 of whether they are qualified electors themselves, shall be  
 1205 public officials and subject to ethics and conflict of interest  
 1206 laws of the state that apply to all public officers. They shall  
 1207 hold office for the terms for which they were elected and until  
 1208 their successors are chosen and qualified.

1209 3. Any elected member of the board may be removed by the  
 1210 Governor for malfeasance, misfeasance, dishonesty, incompetency,  
 1211 or failure to perform the duties imposed upon him or her by this  
 1212 act. Any vacancies which may occur in such office shall be  
 1213 filled by the Governor, as soon as practicable, unless filled by  
 1214 the board as provided in this act.

1215 4. All governing board members elected by qualified  
 1216 electors shall be qualified electors elected at large.  
 1217 Candidates seeking election as qualified electors shall conduct  
 1218 their campaigns in accordance with the provisions of chapter  
 1219 106, Florida Statutes, and shall file petitions as required in  
 1220 section 99.021, Florida Statutes, and take the oath therein  
 1221 prescribed.

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1222       5. All governing board members elected by qualified  
1223 electors shall have a term of 4 years each except for governing  
1224 board members elected at the first election and the first  
1225 landowners' meeting following the referendum prescribed in  
1226 paragraph (b). Governing board members elected at the first  
1227 election and the first landowners' meeting following the  
1228 referendum shall serve as follows:

1229       a. If one governing board member is elected by the  
1230 qualified electors and four are elected on a one-acre, one-vote  
1231 basis, the governing board members elected by the qualified  
1232 electors shall be elected for a term of 4 years each. Governing  
1233 board members elected on a one-acre, one-vote basis shall be  
1234 elected for terms as prescribed by subsection (3).

1235       b. If two governing board members are elected by the  
1236 qualified electors and three are elected on a one-acre, one-vote  
1237 basis, the governing board members elected by the qualified  
1238 electors shall be elected for a term period of 4 years each.  
1239 Governing board members elected on a one-acre, one-vote basis  
1240 shall be elected for terms of 1, 2, and 3 years, respectively,  
1241 as prescribed by subsection (3).

1242       c. If three governing board members are elected by the  
1243 qualified electors and two are elected on a one-acre, one-vote  
1244 basis, two of the governing board members elected by the  
1245 qualified electors shall be elected for a term of 4 years and  
1246 the other governing board member elected by the electors shall  
1247 be elected for a term of 2 years. Governing board members  
1248 elected on a one-acre, one-vote basis shall be elected for

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1249 periods of 1 year and 2 years, respectively, as prescribed by  
 1250 subsection (3).

1251 d. If four governing board members are elected by the  
 1252 qualified electors and one is elected on a one-acre, one-vote  
 1253 basis, two of the governing board members elected by the  
 1254 electors shall be elected for terms of 2 years each and the  
 1255 other two for term of 4 years each. The governing board member  
 1256 elected on a one-acre, one-vote basis shall be elected for a  
 1257 term of 1 year as prescribed by subsection (3).

1258 e. If five governing board members are elected by the  
 1259 qualified electors, three shall be elected for terms of 4 years  
 1260 each and two for terms of 2 years each.

1261 6. If any vacancy occurs in a seat occupied by a governing  
 1262 board member elected by the qualified electors, the remaining  
 1263 members of the governing board shall, within 45 days after the  
 1264 vacancy occurs, appoint a person who would be eligible to hold  
 1265 the office for the unexpired term.

1266 7. Each and every election by qualified electors of  
 1267 members of the board pursuant to this act shall be conducted in  
 1268 the manner and at a time prescribed by law for holding general  
 1269 elections or prescribed by the Supervisor of Elections in and  
 1270 for the Okeechobee County political subdivision.

1271 8.a. An annual landowners' meeting shall be held pursuant  
 1272 to subsection (3) and at least one governing board member shall  
 1273 be elected on a one-acre, one-vote basis pursuant to subsection  
 1274 (3) for so long as 10 percent or more of the district is not  
 1275 contained in an urban area. In the event all district governing



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1276 board members are elected by qualified electors, there shall be  
 1277 no further landowners' meetings.

1278 b. At any landowners' meeting called pursuant to this  
 1279 section, 50 percent of the district acreage shall not be  
 1280 required to constitute a quorum and each governing board member  
 1281 shall be elected by a majority of the acreage represented either  
 1282 by owner or proxy present and voting at said meeting.

1283 c. All landowners' meetings of districts operating  
 1284 pursuant to this section shall be set by the board within the  
 1285 month preceding the month of the election of the governing board  
 1286 members by the electors.

1287 d. Vacancies on the board shall be filled pursuant to  
 1288 subsection (3) and this subsection except as otherwise provided  
 1289 in this section.

1290 9. Three board members shall constitute a quorum for the  
 1291 purpose of conducting its business and exercising its powers and  
 1292 for all other related purposes. Action taken by the board  
 1293 members present shall be upon a vote of the majority of the  
 1294 members present, unless general law or rule of the district  
 1295 subsequently promulgated requires a greater number.

1296 10. As soon as practicable after each election or  
 1297 appointment, the board shall elect one of its members as chair,  
 1298 elect a secretary who need not be a member of the board, and  
 1299 elect such other officers as the board may deem necessary.

1300 11. The board shall keep a permanent record book entitled  
 1301 "Record of Proceedings of Grove Community District," in which  
 1302 shall be recorded minutes of all meetings, resolutions,

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1303 proceedings, certificates, bonds given by all employees, and any  
 1304 and all corporate acts. The record book shall at reasonable  
 1305 times be opened to inspection in the same manner as state,  
 1306 county, and municipal records pursuant to chapter 119, Florida  
 1307 Statutes. The record book shall be kept at the office or other  
 1308 regular place of business maintained by the board within  
 1309 Okeechobee County.

1310 12. Each supervisor shall be entitled to receive for his  
 1311 or her services an amount not to exceed \$200 per meeting of the  
 1312 board, not to exceed \$4,800 per year per supervisor, or an  
 1313 amount established by the electors at referendum. In addition,  
 1314 each supervisor shall receive travel and per diem expenses as  
 1315 set forth in section 112.061, Florida Statutes.

1316 13. All meetings of the board shall be open to the public  
 1317 and governed by the provisions of chapter 286, Florida Statutes.

1318 (o) The members of the board, whether elected on a one-  
 1319 acre, one-vote basis or a qualified-electror basis, shall  
 1320 constitute the members of the governing board of the district  
 1321 subject to the requirements of this act.

1322 (5) BOARD OF SUPERVISORS; GENERAL DUTIES.--

1323 (a) The board shall employ and fix the compensation of a  
 1324 district manager. The district manager shall have charge and  
 1325 supervision of the works of the district and shall be  
 1326 responsible for preserving and maintaining any improvement or  
 1327 facility constructed or erected pursuant to the provisions of  
 1328 this act, for maintaining and operating the equipment owned by  
 1329 the district, and for performing such other duties as may be

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1330 prescribed by the board. It shall not be a conflict of interest  
1331 under chapter 112, Florida Statutes, for a board member or the  
1332 district manager or another employee of the district to be a  
1333 stockholder, officer, or employee of a landowner. The district  
1334 manager may hire or otherwise employ and terminate the  
1335 employment of such other persons, including, without limitation,  
1336 professional, supervisory, and clerical employees, as may be  
1337 necessary and authorized by the board. The compensation and  
1338 other conditions of employment of the officers and employees of  
1339 the district shall be as provided by the board.

1340 (b) The board shall designate a person who is a resident  
1341 of the state as treasurer of the district, who shall have charge  
1342 of the funds of the district. Such funds shall be disbursed only  
1343 upon the order, or pursuant to the resolution, of the board by  
1344 warrant or check countersigned by the treasurer and by such  
1345 other person as may be authorized by the board. The board may  
1346 give the treasurer such other or additional powers and duties as  
1347 the board may deem appropriate and may fix his or her  
1348 compensation. The board may require the treasurer to give a bond  
1349 in such amount, on such terms, and with such sureties as may be  
1350 deemed satisfactory to the board to secure the performance by  
1351 the treasurer of his or her powers and duties. The financial  
1352 records of the board shall be audited by an independent  
1353 certified public accountant at least once a year.

1354 (c) The board is authorized to select as a depository for  
1355 its funds any qualified public depository as defined in section  
1356 280.02, Florida Statutes, which meets all the requirements of

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1357 chapter 280, Florida Statutes, and has been designated by the  
1358 treasurer as a qualified public depository, upon such terms and  
1359 conditions as to the payment of interest by such depository upon  
1360 the funds so deposited as the board may deem just and  
1361 reasonable.

1362 (6) BUDGET; REPORTS AND REVIEWS.--

1363 (a) The district shall provide financial reports in such  
1364 form and such manner as prescribed pursuant to this act and  
1365 chapter 218, Florida Statutes.

1366 (b) On or before each July 15, the district manager shall  
1367 prepare a proposed budget for the ensuing fiscal year to be  
1368 submitted to the board for board approval. The proposed budget  
1369 shall include at the direction of the board an estimate of all  
1370 necessary expenditures of the district for the ensuing fiscal  
1371 year and an estimate of income to the district from the taxes  
1372 and assessments provided in this act. The board shall consider  
1373 the proposed budget item by item and may either approve the  
1374 budget as proposed by the district manager or modify the same in  
1375 part or in whole. The board shall indicate its approval of the  
1376 budget by resolution, which resolution shall provide for a  
1377 hearing on the budget as approved. Notice of the hearing on the  
1378 budget shall be published in a newspaper of general circulation  
1379 in the area of the district once a week for 2 consecutive weeks,  
1380 except that the first publication shall be not fewer than 15  
1381 days prior to the date of the hearing. The notice shall further  
1382 contain a designation of the day, time, and place of the public  
1383 hearing. At the time and place designated in the notice, the

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1384 board shall hear all objections to the budget as proposed and  
1385 may make such changes as the board deems necessary. At the  
1386 conclusion of the budget hearing, the board shall, by  
1387 resolution, adopt the budget as finally approved by the board.  
1388 The budget shall be adopted prior to October 1 of each year.

1389 (c) At least 60 days prior to adoption, the board shall  
1390 submit to the Okeechobee County Board of County Commissioners,  
1391 for purposes of disclosure and information only, the proposed  
1392 annual budget for the ensuing fiscal year, and the board of  
1393 county commissioners may submit written comments to the board  
1394 solely for the assistance and information of the board of the  
1395 district in adopting its annual district budget.

1396 (d) The board shall submit annually, to the Board of  
1397 County Commissioners of Okeechobee County, its district public  
1398 facilities report under section 189.415(2), Florida Statutes,  
1399 addressing specifically short-term and long-term innovative  
1400 systems, facilities, and services consistent with the unique  
1401 nature of the new community. The Board of County Commissioners  
1402 of Okeechobee County shall use and rely on the district public  
1403 facilities report in the preparation or revision of the  
1404 Okeechobee County Comprehensive Plan specifically under section  
1405 189.415(6), Florida Statutes.

1406 (7) DISCLOSURE OF PUBLIC FINANCING.--The district shall  
1407 take affirmative steps to provide for the full disclosure of  
1408 information relating to the public financing and maintenance of  
1409 improvements to real property undertaken by the district. Such  
1410 information shall be made available to all current residents,

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1411 and to all prospective residents, of the district. The district  
 1412 shall furnish each developer of a residential development within  
 1413 the district with sufficient copies of that information to  
 1414 provide each prospective initial purchaser of property in that  
 1415 development with a copy, and any developer of a residential  
 1416 development within the district, when required by law to provide  
 1417 a public offering statement, shall include a copy of such  
 1418 information relating to the public financing and maintenance of  
 1419 improvements in the public offering statement. The Division of  
 1420 Florida Land Sales, Condominiums, and Mobile Homes of the  
 1421 Department of Business and Professional Regulation shall ensure  
 1422 that disclosures are made by developers pursuant to chapter 498,  
 1423 Florida Statutes.

1424 (8) GENERAL POWERS.--The district shall have, and the  
 1425 board may exercise, the following general powers:

1426 (a) To sue and be sued in the name of the district; to  
 1427 adopt and use a seal and authorize the use of a facsimile  
 1428 thereof; to acquire by purchase, gift, devise, or otherwise, and  
 1429 to dispose of, real and personal property or any estate therein;  
 1430 and to make and execute contracts and other instruments  
 1431 necessary or convenient to the exercise of its powers.

1432 (b) To apply for coverage of its employees under the state  
 1433 retirement system in the same manner as if such employees were  
 1434 state employees, subject to necessary action by the district to  
 1435 pay employer contributions into the state retirement fund.

1436 (c) To contract for the services of consultants to perform  
 1437 planning, engineering, legal, or other appropriate services of a

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1438 professional nature. Such contracts shall be subject to public  
1439 bidding or competitive negotiation requirements as set forth in  
1440 section 4(21).

1441 (d) To borrow money and accept gifts; to apply for and use  
1442 grants or loans of money or other property from the United  
1443 States, the state, a unit of local government, or any person for  
1444 any district purposes and enter into agreements required in  
1445 connection therewith; and to hold, use, and dispose of such  
1446 moneys or property for any district purposes in accordance with  
1447 the terms of the gift, grant, loan, or agreement relating  
1448 thereto.

1449 (e) To adopt rules and orders pursuant to the provisions  
1450 of chapter 120, Florida Statutes, prescribing the powers,  
1451 duties, and functions of the officers of the district; the  
1452 conduct of the business of the district; the maintenance of  
1453 records; and the form of certificates evidencing tax liens and  
1454 all other documents and records of the district. The board may  
1455 also adopt administrative rules with respect to any of the  
1456 projects of the district and define the area to be included  
1457 therein. The board may also adopt resolutions which may be  
1458 necessary for the conduct of district business.

1459 (f) To maintain an office at such place or places as the  
1460 board designates in Okeechobee County and within the district  
1461 when facilities are available.

1462 (g) To hold, control, and acquire by donation, purchase,  
1463 or condemnation, and to dispose of, any public easements,  
1464 dedications to public use, platted reservations for public

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1465 purposes, or any reservations for those purposes authorized by  
 1466 this act other than public easements conveyed to or accepted by  
 1467 Okeechobee County and to make use of such easements,  
 1468 dedications, or reservations for the purpose mandated by this  
 1469 act.

1470 (h) To lease as lessor or lessee to or from any person,  
 1471 firm, corporation, association, or body, public or private, any  
 1472 projects of the type that the district is authorized to  
 1473 undertake and facilities or property of any nature for the use  
 1474 of the district to carry out the purposes mandated by this act.

1475 (i) To borrow money and issue bonds, certificates,  
 1476 warrants, notes, or other evidences of indebtedness as  
 1477 hereinafter provided; to levy such tax and assessments as may be  
 1478 authorized; and to charge, collect, and enforce fees and other  
 1479 user charges subject as applicable to section 4(10)-(13).

1480 (j) To raise, by user charges or fees authorized by  
 1481 resolution of the board, amounts of money which are necessary  
 1482 for the conduct of the district activities and services and to  
 1483 enforce their receipt and collection in the manner prescribed by  
 1484 resolution not inconsistent with law.

1485 (k) To exercise within the district, or beyond the  
 1486 district with prior approval by majority vote of a resolution of  
 1487 the governing body of the county if the taking will occur in an  
 1488 unincorporated area, the right and power of eminent domain,  
 1489 pursuant to the provisions of chapters 73 and 74, Florida  
 1490 Statutes, over any property within the state, except municipal,  
 1491 county, state, and federal property, for the uses and purpose of



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1492 the district relating solely to water, sewer, district roads,  
 1493 and water management, specifically including, without  
 1494 limitation, the power for the taking of easements for the  
 1495 drainage of the land of one person over and through the land of  
 1496 another.

1497 (l) To cooperate with, or contract with, other  
 1498 governmental agencies as may be necessary, convenient,  
 1499 incidental, or proper in connection with any of the powers,  
 1500 duties, or purposes authorized by this act.

1501 (m) To assess and impose upon lands in the district ad  
 1502 valorem taxes as provided and limited by this act.

1503 (n) If and when authorized by general law, to determine,  
 1504 order, levy, impose, collect, and enforce maintenance taxes.

1505 (o) To determine, order, levy, impose, collect, and  
 1506 enforce assessments pursuant to this act, which sets forth a  
 1507 detailed uniform procedure to implement chapter 170, Florida  
 1508 Statutes, and as an alternative to determine, order, levy,  
 1509 impose, collect, and enforce assessments under and pursuant to  
 1510 chapter 170, Florida Statutes, pursuant to authority granted in  
 1511 section 197.3631, Florida Statutes, or pursuant to other  
 1512 provisions of general law, now or hereinafter enacted, which  
 1513 provide or authorize a supplemental means to impose, levy, and  
 1514 collect special assessments. Such special assessments, in the  
 1515 discretion of the district, as provided in section 197.3631,  
 1516 Florida Statutes, may be collected and enforced pursuant to the  
 1517 provisions of sections 197.3632 and 197.3635, Florida Statutes,

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1518 and chapters 170 and 173, Florida Statutes, or as provided by  
 1519 this act.

1520 (p) To exercise such special powers and other express  
 1521 powers as may be authorized and granted by this act in the  
 1522 charter of the district, including powers as provided in any  
 1523 interlocal agreement entered into pursuant to chapter 163,  
 1524 Florida Statutes, or which shall be required or permitted to be  
 1525 undertaken by the district pursuant to any development order or  
 1526 development of regional impact, including any interlocal service  
 1527 agreement with Okeechobee County for fair-share capital  
 1528 construction funding for any capital facilities or systems  
 1529 required of the developer pursuant to any applicable development  
 1530 order or agreement.

1531 (q) To exercise all of the powers necessary, convenient,  
 1532 incidental, or proper in connection with any other powers or  
 1533 duties or the single purpose of the district authorized by this  
 1534 act.

1535  
 1536 The provisions of this subsection shall be construed liberally  
 1537 in order to carry out effectively the single specialized purpose  
 1538 of this act and to secure for the district its ability to be  
 1539 innovative.

1540 (9) SPECIAL POWERS.--The district shall have the following  
 1541 special powers to implement its lawful, single, and special  
 1542 purpose and to provide pursuant to that purpose basic systems,  
 1543 facilities, services, improvements, projects, works, and  
 1544 infrastructure in the new community, each of which constitutes a

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1545 lawful public purpose when exercised pursuant to this charter,  
 1546 subject to, and not inconsistent with, the regulatory  
 1547 jurisdiction and permitting authority of all other applicable  
 1548 governmental bodies, agencies, and any special districts having  
 1549 authority with respect to any area included therein, and to  
 1550 plan, establish, acquire, construct or reconstruct, enlarge or  
 1551 extend, equip, operate, finance, fund, and maintain  
 1552 improvements, systems, facilities, services, works, projects,  
 1553 and infrastructure any or all of the following special powers  
 1554 granted by this act in order to implement the special  
 1555 requirements of this new community within the single special  
 1556 purpose of the district:

1557 (a) To provide for water management and control for the  
 1558 lands within the district and to connect some or any of such  
 1559 facilities with roads and bridges. In the event that the board  
 1560 assumes the responsibility for providing water management and  
 1561 control for the district which is to be financed by benefit  
 1562 special assessments, the board shall adapt plans and assessments  
 1563 pursuant to law or may adopt water management and control plans,  
 1564 assess for benefits, and apportion and levy special assessments  
 1565 as follows:

1566 1. The board shall cause to be made by the district's  
 1567 engineer, or such other engineer or engineers as the board may  
 1568 employ for that purpose, complete and comprehensive water  
 1569 management and control plans for the lands located within the  
 1570 district that will be improved in part or in whole by any system  
 1571 of facilities that may be outlined and adopted, and the engineer

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1572 shall make a report in writing to the board with maps and  
1573 profiles of said surveys and an estimate of the cost of carrying  
1574 out and completing the plans.

1575 2. Upon the completion of such plans, the board shall hold  
1576 a hearing thereon to hear objections thereto, shall give notice  
1577 of the time and place fixed for such hearing by publication once  
1578 each week for 2 consecutive weeks in a newspaper of general  
1579 circulation in the general area of the district, and shall  
1580 permit the inspection of the plan at the office of the district  
1581 by all persons interested. All objections to the plan shall be  
1582 filed at or before the time fixed in the notice for the hearing  
1583 and shall be in writing.

1584 3. After the hearing, the board shall consider the  
1585 proposed plan and any objections thereto and may modify, reject,  
1586 or adopt the plan or continue the hearing to a day certain for  
1587 further consideration of the proposed plan or modifications  
1588 thereof.

1589 4. When the board approves a plan, a resolution shall be  
1590 adopted and a certified copy thereof shall be filed in the  
1591 office of the secretary and incorporated by him or her into the  
1592 records of the district.

1593 5. The water management and control plan may be altered in  
1594 detail from time to time until the appraisal record herein  
1595 provided is filed, but not in such manner as to affect  
1596 materially the conditions of its adoption. After the appraisal  
1597 record has been filed, no alteration of the plan shall be made,  
1598 except as provided by this act.

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1599        6. Within 20 days after the final adoption of the plan by  
 1600 the board, the board shall proceed pursuant to section 298.301,  
 1601 Florida Statutes.

1602        (b) To provide for water supply, sewer, and wastewater  
 1603 management, reclamation, and reuse or any combination thereof  
 1604 and any irrigation systems, facilities, and services; to  
 1605 construct and operate connecting intercepting or outlet sewers  
 1606 and sewer mains and pipes and water mains, conduits, or  
 1607 pipelines in, along, and under any street, alley, highway, or  
 1608 other public place or way; and to dispose of any effluent,  
 1609 residue, or other byproducts of such system or sewer system.

1610        1. The district may not purchase or sell a water, sewer,  
 1611 or wastewater reuse utility that provides service to the public  
 1612 for compensation, or enter into a wastewater facility  
 1613 privatization contract for a wastewater facility, until the  
 1614 governing body of the new community district has held a public  
 1615 hearing on the purchase, sale, or wastewater facility  
 1616 privatization contract and made a determination that the  
 1617 purchase, sale, or wastewater facility privatization contract is  
 1618 in the public interest.

1619        2. In determining if the purchase, sale, or wastewater  
 1620 facility privatization contract is in the public interest, the  
 1621 district shall consider, at a minimum, the following:

1622        a. The most recent available income and expense statement  
 1623 for the utility.

1624        b. The most recent available balance sheet for the  
 1625 utility, listing assets and liabilities and clearly showing the

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1626 amount of contributions in aid of construction and the  
1627 accumulated depreciation thereon.

1628 c. A statement of the existing rate base of the utility  
1629 for regulatory purposes.

1630 d. The physical condition of the utility facilities being  
1631 purchased, sold, or subject to a wastewater facility  
1632 privatization contract.

1633 e. The reasonableness of the purchase, sale, or wastewater  
1634 facility privatization contract price and terms.

1635 f. The impacts of the purchase, sale, or wastewater  
1636 facility privatization contract on utility customers, both  
1637 positive and negative.

1638 g. Any additional investment required and the ability and  
1639 willingness of the purchaser or the private firm under a  
1640 wastewater facility privatization contract to make that  
1641 investment, whether the purchaser is the district or the entity  
1642 purchasing the utility from the district.

1643 h. In the case of a wastewater facility privatization  
1644 contract, the terms and conditions on which the private firm  
1645 will provide capital investment and financing or a combination  
1646 thereof for contemplated capital replacements, additions,  
1647 expansions, and repairs. The district shall give significant  
1648 weight to this criterion.

1649 i. The alternatives to the purchase, sale, or wastewater  
1650 facility privatization contract and the potential impact on  
1651 utility customers if the purchase, sale, or wastewater facility  
1652 privatization contract is not made.

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1653        j. The ability of the purchaser or the private firm under  
1654 a wastewater facility privatization contract to provide and  
1655 maintain high-quality and cost-effective utility service,  
1656 whether the purchaser is the district or the entity purchasing  
1657 the utility from the district.

1658        k. In the case of a wastewater facility privatization  
1659 contract, the technical expertise and experience of the private  
1660 firm in carrying out the obligations specified in the wastewater  
1661 facility privatization contract. The district shall give  
1662 significant weight to this criterion.

1663        3. All moneys paid by a private firm to a district  
1664 pursuant to a wastewater facility privatization contract shall  
1665 be used for the purpose of reducing or offsetting property  
1666 taxes, wastewater service rates, or debt reduction or making  
1667 infrastructure improvements or capital asset expenditures or  
1668 other public purpose; however, nothing herein shall preclude the  
1669 district from using all or part of the moneys for the purpose of  
1670 the district's qualification for relief from the repayment of  
1671 federal grant awards associated with the wastewater system as  
1672 may be required by federal law or regulation. The district shall  
1673 prepare a statement showing that the purchase, sale, or  
1674 wastewater facility privatization contract is in the public  
1675 interest, including a summary of the purchaser's or private  
1676 firm's experience in water, sewer, or wastewater reuse utility  
1677 operation and a showing of financial ability to provide the  
1678 service, whether the purchaser or private firm is the district  
1679 or the entity purchasing the utility from the district.

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1680        (c) To provide for bridges or culverts that may be needed  
 1681 across any drain, ditch, canal, floodway, holding basin,  
 1682 excavation, public highway, tract, grade, fill, or cut and  
 1683 roadways over levees and embankments, and to construct any and  
 1684 all of such works and improvements across, through, or over any  
 1685 public right-of-way, highway, grade, fill, or cut.

1686        (d) To provide for district roads equal to or exceeding  
 1687 the specifications of the county in which such district roads  
 1688 are located, and streetlights, including conditions of  
 1689 development approval which sometimes may be different  
 1690 specifications than the normal specifications of the county.  
 1691 This special power includes construction, improvement, pavement,  
 1692 and maintenance of roadways and roads necessary and convenient  
 1693 for the exercise of the powers or duties of the district to:

1694            1. Implement its single purpose.  
 1695            2. Include as a component thereof roads, parkways,  
 1696 bridges, landscaping, irrigation, bicycle and jogging paths,  
 1697 street lighting, traffic signals, road striping, and all other  
 1698 customary elements of a modern road system in general or as tied  
 1699 to the conditions of development approval for the specific  
 1700 district.

1701            3. Plan, implement, construct or reconstruct, enlarge or  
 1702 extend, finance, fund, equip, operate, and maintain parking  
 1703 facilities freestanding or as may be related to any innovative  
 1704 strategic intermodal system of transportation pursuant to  
 1705 applicable federal, state, and local laws and ordinances.



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1706        (e) To provide for buses, trolleys, transit shelters,  
 1707 ride-sharing facilities and services, parking improvements, and  
 1708 related signage.

1709        (f) To cover investigation and remediation costs  
 1710 associated with the cleanup of actual or perceived environmental  
 1711 contamination within the district under the supervision or  
 1712 direction of a competent governmental authority unless the  
 1713 covered costs benefit any person who is a landowner within the  
 1714 district who caused or contributed to the contamination.

1715        (g) To provide for conservation areas, mitigation areas,  
 1716 and wildlife habitat, including the maintenance of any plant or  
 1717 animal species, and any related interest in real or personal  
 1718 property.

1719        (h) Using its general and special powers as set forth in  
 1720 this act, to provide for any other project within or without the  
 1721 boundaries of a district when the project is the subject of an  
 1722 agreement between the district and the Board of County  
 1723 Commissioners of Okeechobee County or with any applicable other  
 1724 public or private entity, including a homeowner association, and  
 1725 is not inconsistent with the Okeechobee County Comprehensive  
 1726 Plan and the Growth Management act which implement the single  
 1727 special purpose of the district.

1728        (i) To provide for parks and facilities for indoor and  
 1729 outdoor recreational, cultural, and educational uses.

1730        (j) To provide for fire prevention and control, including  
 1731 fire stations and buildings, water mains and plugs, fire trucks,  
 1732 and other vehicles and equipment, and for emergency medical

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1733 services, including stations and buildings, vehicles, and  
 1734 equipment.  
 1735 (k) To provide for school buildings and related  
 1736 structures, which may be leased, sold, or donated to the school  
 1737 district, for use in the educational system when authorized by  
 1738 the district school board. The district is granted the special  
 1739 power to contract with the Okeechobee County School Board and,  
 1740 as applicable, the Board of County Commissioners of Okeechobee  
 1741 County, and with the applicable landowner developer of the lands  
 1742 within the jurisdiction of the district, to assess the school  
 1743 district educational facilities plan, and to implement a  
 1744 management and financing plan for timely construction,  
 1745 maintenance, and acquisition, at the option of the district, of  
 1746 school facilities, including facilities identified in the  
 1747 facilities work programs or those proposed by charter schools.  
 1748 The district is granted the special power to determine, order,  
 1749 levy, impose, collect, or arrange for the collection and  
 1750 enforcement of assessments, as defined in and pursuant to this  
 1751 act, for such school facilities. The district is eligible for  
 1752 the financial enhancements available to educational facility  
 1753 benefit districts to provide for financing the construction and  
 1754 maintenance of educational facilities pursuant to section  
 1755 1013.356, Florida Statutes, and, if and when authorized by  
 1756 general law, to acquire such educational facilities. This act,  
 1757 in the place of an educational facilities benefit district,  
 1758 authorizes the Okeechobee County School Board to designate the  
 1759 district. The district is authorized to enter into an interlocal

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1760 agreement with the Okeechobee County School Board and, as  
 1761 applicable, the Board of County Commissioners of Okeechobee  
 1762 County, and applicable private landowners and developers in  
 1763 order to provide for such construction, maintenance, and  
 1764 acquisition and in order to receive the applicable financial  
 1765 enhancements provided by section 1013.356, Florida Statutes. The  
 1766 interlocal agreement shall consider, among other things,  
 1767 absorption rates, sales rates, and related data of existing and  
 1768 projected schools; racial, ethnic, social, and economic balance  
 1769 within the Okeechobee County School District under applicable  
 1770 state and federal law; and the provision of school attendance  
 1771 zones to allow students residing within a reasonable distance of  
 1772 the facilities constructed and financed through the interlocal  
 1773 agreement to attend such facilities. Because these facilities  
 1774 are funded by assessments and not by taxes of any type, the  
 1775 provision of these facilities may be multiuse and, consistent  
 1776 with the provisions of this act, shall be first liens on the  
 1777 property upon a showing of special and peculiar benefits that  
 1778 flow to the property within the jurisdiction of the district as  
 1779 a logical connection from the systems, facilities, and services,  
 1780 resulting in added use, enhanced enjoyment, decreased insurance  
 1781 premiums, or enhanced value in marketability so that the  
 1782 Legislature finds that the provisions of the Florida  
 1783 Constitution for free public schools is implemented and  
 1784 enhanced.

1785 (1) To provide for security, including, but not limited  
 1786 to, guardhouses, fences and gates, electronic intrusion

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1787 detection systems, and patrol cars, when authorized by proper  
1788 governmental agencies, except that the district may not exercise  
1789 any powers of a law enforcement agency but may contract with the  
1790 appropriate local general-purpose government agencies for an  
1791 increased level of such services within the district boundaries.  
1792 The district may operate guardhouses for the limited purpose of  
1793 providing security for the residents of the district and which  
1794 serve a predominate public, as opposed to private, purpose. Such  
1795 guardhouses shall be operated by the district or other unit of  
1796 local government pursuant to procedures designed to serve such  
1797 security purposes as set forth in rules adopted by the board,  
1798 from time to time, following the procedures set forth in chapter  
1799 120, Florida Statutes.

1800 (m) To provide for control and elimination of mosquitoes  
1801 and other arthropods of public health importance.

1802 (n) To provide for waste collection and disposal.

1803 (o) To enter into impact fee credit agreements with  
1804 Okeechobee County and the Okeechobee County School Board. Under  
1805 such agreements, where the district constructs or makes  
1806 contributions for public systems, facilities, services,  
1807 projects, improvements, works, and infrastructures for which  
1808 impact fee credits would be available to the landowner developer  
1809 under the Okeechobee County and Okeechobee County School Board  
1810 applicable impact fee ordinance, the agreement authorized by  
1811 this act shall provide that such impact fee credit shall inure  
1812 to the landowners within the district in portion to assessments  
1813 or other burdens levied and imposed upon the landowners with

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1814 respect to assessable improvements giving rise to such impact  
 1815 fee credits, and the district shall, from time to time, execute  
 1816 such instruments, such as assignments of impact fee credits, as  
 1817 may be necessary, appropriate, or desirable to accomplish or to  
 1818 confirm the foregoing.

1819 (p) To establish and create, at noticed meetings, such  
 1820 government departments of the board of the district, as well as  
 1821 committees, task forces, boards, commissions, or other agencies  
 1822 under the supervision and control of the district, as from time  
 1823 to time the members of the board may deem necessary or desirable  
 1824 in the performance of the acts or other things necessary to  
 1825 exercise its general or special powers to implement an  
 1826 innovative project to carry out the special purpose of the  
 1827 district as provided in this act and to delegate to such  
 1828 departments, boards, task forces, committees, or other agencies  
 1829 such administrative duties and other powers as the board may  
 1830 deem necessary or desirable, but only if there is a set of  
 1831 expressed limitations for accountability, notice, and periodic  
 1832 written reporting to the board, which shall retain its powers.

1833 (q) So long as not inconsistent with the applicable local  
 1834 government comprehensive plan and development entitlements, to  
 1835 coordinate with the landowner developer on the phasing of the  
 1836 delivery of infrastructure and to create phase entities or units  
 1837 for its charter purpose. Toward this end, and so long as it  
 1838 implements the purpose of the district under this act, the board  
 1839 may designate, therefore, units of development and adopt systems  
 1840 of progressive phased development by units with related

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1841 management planning, implementation, construction, maintenance,  
1842 and financing within its phased unit. If the board proceeds to  
1843 designate such phased units of development, it must adopt at a  
1844 noticed meeting pursuant to chapter 120, Florida Statutes, a  
1845 rule setting forth detailed procedures and authorizations for  
1846 such phase unit processes. A committee, department, or agency of  
1847 the board shall be given express duty of oversight with monthly  
1848 written reports to the board. No such phased units can begin or  
1849 operate until or unless the required noticed rule has been  
1850 promulgated. With regard to any phased unit, there shall be no  
1851 bonded indebtedness and no levy of any lienable or nonlienable  
1852 revenue, whether to amortize bonds or not, within the boundary  
1853 of a phased unit other than by the board and pursuant to the  
1854 powers, procedures, and provisions of this act and other  
1855 applicable laws.

1856 (r) To plan, establish, acquire, construct or reconstruct,  
1857 enlarge or extend, equip, operate, maintain, finance, and fund  
1858 buildings and structures for district offices, maintenance  
1859 facilities, meeting facilities, town centers, or any other  
1860 project authorized or granted by this act upon a showing at a  
1861 noticed meeting of its efficacy to the specialized single  
1862 purpose of this district for the new community.

1863 (s) To plan, establish, acquire, construct or reconstruct,  
1864 enlarge or extend, equip, operate, maintain, finance, and fund  
1865 edifices and facilities for the provision of health care when  
1866 authorized by applicable public or private agencies providing

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1867 health care and upon a showing of efficacy to carry out the  
 1868 purpose of the district.

1869 (t) To coordinate, work with, and, as the board deems  
 1870 appropriate, enter into interlocal agreements subject to the  
 1871 provisions of this charter with any public or private  
 1872 institution of higher education, including the Indian River  
 1873 Community College and any public or private university. The  
 1874 purpose of such coordination and agreements is to help sustain  
 1875 high-quality infrastructure in, around, and for the universities  
 1876 as may be appropriate under the law on the basis that the  
 1877 provision of such systems, facilities, and services, including  
 1878 classrooms or other buildings for such institutions, constitutes  
 1879 enhancement of the intrinsic value and marketability of property  
 1880 within the new community and also provides for increased  
 1881 enjoyment and enhanced use of the property. These systems,  
 1882 facilities, and services, including buildings, shall be first  
 1883 liens on the property within the community and serve a lawful  
 1884 public purpose upon a showing by the board in a nonarbitrary and  
 1885 informed manner of special and peculiar benefits that flow to  
 1886 the property within the community as a logical connection from  
 1887 the systems, facilities, and services, resulting in added use,  
 1888 enhanced enjoyment, decreased insurance premiums on, or enhanced  
 1889 value in the marketability of the property.

1890 (u) To adopt and enforce appropriate rules following the  
 1891 procedures of chapter 120, Florida Statutes, in connection with  
 1892 the provisions of one or more its systems, facilities, services,  
 1893 projects, improvements, works, and infrastructure.

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1894  
 1895 The enumeration of special powers in this subsection shall not  
 1896 be deemed exclusive or restrictive but shall be deemed to  
 1897 incorporate all powers, express or implied, necessary or  
 1898 incident to carrying out such enumerated special powers,  
 1899 including also the general powers provided by this special act  
 1900 charter to the district to implement its single purpose. The  
 1901 provisions of this subsection shall be construed liberally in  
 1902 order to carry out effectively the single purpose of this  
 1903 district under this act and to secure for the district its  
 1904 ability to be innovative.

1905 (10) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to  
 1906 the other powers provided for in this act, and not in limitation  
 1907 thereof, the district shall have the power, at any time, and  
 1908 from time to time after the issuance of any bonds of the  
 1909 district shall have been authorized, to borrow money for the  
 1910 purposes for which such bonds are to be issued in anticipation  
 1911 of the receipt of the proceeds of the sale of such bonds and to  
 1912 issue bond anticipation notes in a principal sum not in excess  
 1913 of the authorized maximum amount of such bond issue. Such notes  
 1914 shall be in such denomination or denominations; bear interest at  
 1915 such rate, not to exceed the maximum rate allowed by general  
 1916 law; mature at such time or times not later than 5 years from  
 1917 the date of issuance; and be in such form and executed in such  
 1918 manner as the board shall prescribe. Such notes may be sold at  
 1919 either public or private sale or, if such notes are renewal  
 1920 notes, may be exchanged for notes then outstanding on such terms



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1921 as the board shall determine. Such notes shall be paid from the  
 1922 proceeds of such bonds when issued. The board may, in its  
 1923 discretion, in lieu of retiring the notes by means of bonds,  
 1924 retire them by means of current revenues or from any taxes or  
 1925 assessments levied for the payment of such bonds, but in such  
 1926 event, a like amount of the bonds authorized shall not be  
 1927 issued.

1928 (11) SHORT-TERM BORROWING.--The district may at any time  
 1929 obtain loans, in such amount and on such terms and conditions as  
 1930 the board may approve, for the purpose of paying any of the  
 1931 expenses of the district or any costs incurred or that may be  
 1932 incurred in connection with any of the projects of the district,  
 1933 which loans shall bear interest as the board determines as not  
 1934 to exceed the maximum rate allowed by general law and may be  
 1935 payable from and secured by a pledge of such funds, revenues,  
 1936 taxes, and assessments as the board may determine, subject,  
 1937 however, to the provisions contained in any proceeding under  
 1938 which bonds were theretofore issued and are then outstanding.  
 1939 For the purpose of defraying such costs and expenses, the  
 1940 district may issue negotiable notes, warrants, or other  
 1941 evidences of debt to be payable at such times and to bear such  
 1942 interest, not to exceed the maximum rate allowed by general law,  
 1943 as the board may determine and to be sold or discounted at such  
 1944 price or prices not less than 95 percent of par value and on  
 1945 such terms as the board may deem advisable. The board shall have  
 1946 the right to provide for the payment thereof by pledging the  
 1947 whole or any part of the funds, revenues, taxes, and assessments

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1948 | of the district. The approval of the electors residing in the  
 1949 | district shall not be necessary except when required by the  
 1950 | State Constitution.

1951 | (12) BONDS.--

1952 | (a) Bonds may be sold in blocks or installments at  
 1953 | different times, or an entire issue or series may be sold at one  
 1954 | time. Bonds may be sold at public or private sale after such  
 1955 | advertisement, if any, as the board may deem advisable, but not  
 1956 | in any event at less than 90 percent of the par value thereof,  
 1957 | together with accrued interest thereon. Bonds may be sold or  
 1958 | exchanged for refunding bonds. Special assessment and revenue  
 1959 | bonds may be delivered by the district as payment of the  
 1960 | purchase price of any project or part thereof, or a combination  
 1961 | of projects or parts thereof, or as the purchase price or  
 1962 | exchange for any property, real, personal, or mixed, including  
 1963 | franchises or services rendered by any contractor, engineer, or  
 1964 | other person, all at one time or in blocks from time to time, in  
 1965 | such manner and upon such terms as the board in its discretion  
 1966 | shall determine. The price or prices for any bonds sold,  
 1967 | exchanged, or delivered may be:

1968 | 1. The money paid for the bonds.

1969 | 2. The principal amount, plus accrued interest to the date  
 1970 | of redemption or exchange, or outstanding obligations exchanged  
 1971 | for refunding bonds.

1972 | 3. In the case of special assessment or revenue bonds, the  
 1973 | amount of any indebtedness to contractors or other persons paid

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1974 with such bonds, or the fair value of any properties exchanged  
 1975 for the bonds, as determined by the board.  
 1976 (b) Any general obligation bonds, special assessment  
 1977 bonds, or revenue bonds may be authorized by resolution or  
 1978 resolutions of the board, which shall be adopted by a majority  
 1979 of all the members thereof then in office. Such resolution or  
 1980 resolutions may be adopted at the same meeting at which they are  
 1981 introduced and need not be published or posted. The board may,  
 1982 by resolution, authorize the issuance of bonds and fix the  
 1983 aggregate amount of bonds to be issued; the purpose or purposes  
 1984 for which the moneys derived therefrom shall be expended,  
 1985 including, but not limited to, payment of costs as defined in  
 1986 section 2(6)(h); the rate or rates of interest, not to exceed  
 1987 the maximum rate allowed by general law; the denomination of the  
 1988 bonds; whether or not the bonds are to be issued in one or more  
 1989 series; the date or dates of maturity, which shall not exceed 40  
 1990 years from their respective dates of issuance; the medium of  
 1991 payment; the place or places within or without the state where  
 1992 payment shall be made; registration privileges; redemption terms  
 1993 and privileges, whether with or without premium; the manner of  
 1994 execution; the form of the bonds, including any interest coupons  
 1995 to be attached thereto; the manner of execution of bonds and  
 1996 coupons; and any and all other terms, covenants, and conditions  
 1997 thereof and the establishment of revenue or other funds. Such  
 1998 authorizing resolution or resolutions may further provide for  
 1999 the contracts authorized by section 159.825(1)(f) and (g),  
 2000 Florida Statutes, regardless of the tax treatment of such bonds

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2001 being authorized, subject to the finding by the board of a net  
 2002 savings to the district resulting by reason thereof. Such  
 2003 authorizing resolution may further provide that such bonds may  
 2004 be executed in accordance with the Registered Public Obligations  
 2005 Act, except that bonds not issued in registered form shall be  
 2006 valid if manually countersigned by an officer designated by  
 2007 appropriate resolution of the board. The seal of the district  
 2008 may be affixed, lithographed, engraved, or otherwise reproduced  
 2009 in facsimile on such bonds. In case any officer whose signature  
 2010 appears on any bonds or coupons ceases to be such officer before  
 2011 the delivery of such bonds, such signature or facsimile shall  
 2012 nevertheless be valid and sufficient for all purposes as if he  
 2013 or she had remained in office until such delivery.

2014 (c) Pending the preparation of definitive bonds, the board  
 2015 may issue interim certificates or receipts or temporary bonds,  
 2016 in such form and with such provisions as the board may  
 2017 determine, exchangeable for definitive bonds when such bonds  
 2018 have been executed and are available for delivery. The board may  
 2019 also provide for the replacement of any bonds which become  
 2020 mutilated, lost, or destroyed.

2021 (d) Any bond issued under this act or any temporary bond,  
 2022 in the absence of an express recital on the face thereof that it  
 2023 is nonnegotiable, shall be fully negotiable and shall be and  
 2024 constitute a negotiable instrument within the meaning and for  
 2025 all purposes of the law merchant and the laws of the state.

2026 (e) The board may make such provision with respect to the  
 2027 defeasance of the right, title, and interest of the holders of

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2028 any of the bonds and obligations of the district in any  
 2029 revenues, funds, or other properties by which such bonds are  
 2030 secured as the board deems appropriate and, without limitation  
 2031 on the foregoing, may provide that when such bonds or  
 2032 obligations become due and payable or are called for redemption  
 2033 and the whole amount of the principal and interest and premium,  
 2034 if any, due and payable upon the bonds or obligations then  
 2035 outstanding is held in trust for such purpose and provision is  
 2036 also made for paying all other sums payable in connection with  
 2037 such bonds or other obligations, then the right, title, and  
 2038 interest of the holders of the bonds in any revenues, funds, or  
 2039 other properties by which such bonds are secured shall thereupon  
 2040 cease, terminate, and become void; and the board may apply any  
 2041 surplus in any sinking fund established in connection with such  
 2042 bonds or obligations and all balances remaining in all other  
 2043 funds or accounts other than money held for the redemption or  
 2044 payment of the bonds or other obligations to any lawful purpose  
 2045 of the district as the board shall determine.

2046 (f) If the proceeds of any bonds are less than the cost of  
 2047 completing the project in connection with which such bonds were  
 2048 issued, the board may authorize the issuance of additional bonds  
 2049 upon such terms and conditions as the board may provide in the  
 2050 resolution authorizing the issuance thereof, but only in  
 2051 compliance with the resolution or other proceedings authorizing  
 2052 the issuance of the original bonds.

2053 (g) The district shall have the power to issue bonds to  
 2054 provide for the retirement or refunding of any bonds or

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2055 obligations of the district that, at the time of such issuance,  
2056 are or subsequently thereto become due and payable, or that at  
2057 the time of issuance have been called or are or will be subject  
2058 to call for redemption within 10 years thereafter, or the  
2059 surrender of which can be procured from the holders thereof at  
2060 prices satisfactory to the board. Refunding bonds may be issued  
2061 at any time when, in the judgment of the board, such issuance  
2062 will be advantageous to the district. No approval of the  
2063 qualified electors residing in the district shall be required  
2064 for the issuance of refunding bonds except in cases in which  
2065 such approval is required by the State Constitution. The board  
2066 may by resolution confer upon the holders of such refunding  
2067 bonds all rights, powers, and remedies to which the holders  
2068 would be entitled if they continued to be the owners and had  
2069 possession of the bonds for the refinancing of which such  
2070 refunding bonds are issued, including, but not limited to, the  
2071 preservation of the lien of such bonds on the revenues of any  
2072 project or on pledged funds, without extinguishment, impairment,  
2073 or diminution thereof. The provisions of this act pertaining to  
2074 bonds of the district shall, unless the context otherwise  
2075 requires, govern the issuance of refunding bonds, the form and  
2076 other details thereof, the rights of the holders thereof, and  
2077 the duties of the board with respect thereto.

2078 (h)1. The district shall have the power to issue revenue  
2079 bonds from time to time without limitation as to amount. Such  
2080 revenue bonds may be secured by, or payable from, the gross or  
2081 net pledge of the revenues to be derived from any project or

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2082 combination of projects; from the rates, fees, or other charges  
 2083 to be collected from the users of any project or projects; from  
 2084 any revenue-producing undertaking or activity of the district;  
 2085 from special assessments; from benefit special assessments; or  
 2086 from any other source or pledged security. Such bonds shall not  
 2087 constitute an indebtedness of the district, and the approval of  
 2088 the qualified electors shall not be required unless such bonds  
 2089 are additionally secured by the full faith and credit and taxing  
 2090 power of the district.

2091 2. Any two or more projects may be combined and  
 2092 consolidated into a single project and may be operated and  
 2093 maintained as a single project. The revenue bonds authorized  
 2094 herein may be issued to finance any one or more of such  
 2095 projects, regardless of whether such projects have been combined  
 2096 and consolidated into a single project. If the board deems it  
 2097 advisable, the proceedings authorizing such revenue bonds may  
 2098 provide that the district may combine the projects then being  
 2099 financed or theretofore financed with other projects to be  
 2100 subsequently financed by the district and that revenue bonds to  
 2101 be thereafter issued by the district shall be on parity with the  
 2102 revenue bonds then being issued, all on such terms, conditions,  
 2103 and limitations provided in the proceeding which authorized the  
 2104 original bonds.

2105 (i)1. Subject to the limitations of this charter, the  
 2106 district shall have the power from time to time to issue general  
 2107 obligation bonds to finance or refinance capital projects or to  
 2108 refund outstanding bonds in an aggregate principal amount of

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

2125 | 2. The district may pledge its full faith and credit for  
 2126 | the payment of the principal and interest on such general  
 2127 | obligation bonds and for any reserve funds provided therefor and  
 2128 | may unconditionally and irrevocably pledge itself to levy ad  
 2129 | valorem taxes on all taxable property in the district, to the  
 2130 | extent necessary for the payment thereof, without limitations as  
 2131 | to rate or amount.

2132 | 3. If the board determines to issue general obligation  
 2133 | bonds for more than one capital project, the approval of the  
 2134 | issuance of the bonds for each and all such projects may be  
 2135 | submitted to the electors on one and the same ballot. The



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2136 failure of the electors to approve the issuance of bonds for any  
 2137 one or more capital projects shall not defeat the approval of  
 2138 bonds for any capital project which has been approved by the  
 2139 electors.

2140 4. In arriving at the amount of general obligation bonds  
 2141 permitted to be outstanding at any one time pursuant to  
 2142 subparagraph 1., there shall not be included any general  
 2143 obligation bonds which are additionally secured by the pledge  
 2144 of:

2145 a. Any assessments levied in an amount sufficient to pay  
 2146 the principal and interest on the general obligation bonds so  
 2147 additionally secured, which assessments have been equalized and  
 2148 confirmed by resolution of the board pursuant to this act or  
 2149 section 170.08, Florida Statutes.

2150 b. Water revenues, sewer revenues, or water and sewer  
 2151 revenues of the district to be derived from user fees in an  
 2152 amount sufficient to pay the principal and interest on the  
 2153 general obligation bonds so additionally secured.

2154 c. Any combination of assessments and revenues described  
 2155 in subparagraphs a. and b.

2156 (j)1. All bonds issued under the provisions of this act  
 2157 shall constitute legal investments for savings banks, banks,  
 2158 trust companies, insurance companies, executors, administrators,  
 2159 trustees, guardians, and other fiduciaries and for any board,  
 2160 body, agency, instrumentality, county, municipality, or other  
 2161 political subdivision of the state and shall be and constitute  
 2162 security which may be deposited by banks or trust companies as

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2163 security for deposits of state, county, municipal, or other  
 2164 public funds or by insurance companies as required or voluntary  
 2165 statutory deposits.

2166 2. Any bonds issued by the district shall be incontestable  
 2167 in the hands of bona fide purchasers or holders for value and  
 2168 shall not be invalid because of any irregularity or defect in  
 2169 the proceedings for the issue and sale thereof.

2170 (k) Any resolution authorizing the issuance of bonds may  
 2171 contain such covenants as the board may deem advisable, and all  
 2172 such covenants shall constitute valid and legally binding and  
 2173 enforceable contracts between the district and the bondholders,  
 2174 regardless of the time of issuance thereof. Such covenants may  
 2175 include, without limitation, covenants concerning the  
 2176 disposition of the bond proceeds; the use and disposition of  
 2177 project revenues; the pledging of revenues, taxes, and  
 2178 assessments; the obligations of the district with respect to the  
 2179 operation of the project and the maintenance of adequate project  
 2180 revenues; the issuance of additional bonds; the appointment,  
 2181 powers, and duties of trustees and receivers; the acquisition of  
 2182 outstanding bonds and obligations; restrictions on the  
 2183 establishing of competing projects or facilities; restrictions  
 2184 on the sale or disposal of the assets and property of the  
 2185 district; the priority of assessment liens; the priority of  
 2186 claims by bondholders on the taxing power of the district; the  
 2187 maintenance of deposits to ensure the payment of revenues by  
 2188 users of district facilities and services; the discontinuance of  
 2189 district services by reason of delinquent payments; acceleration

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2190 upon default; the execution of necessary instruments; the  
 2191 procedure for amending or abrogating covenants with the  
 2192 bondholders; and such other covenants as may be deemed necessary  
 2193 or desirable for the security of the bondholders.

2194 (l) The power of the district to issue bonds under the  
 2195 provisions of this act may be determined, and any of the bonds  
 2196 of the district maturing over a period of more than 5 years  
 2197 shall be validated and confirmed, by court decree, under the  
 2198 provisions of chapter 75, Florida Statutes.

2199 (m) To the extent allowed by general law, all bonds issued  
 2200 hereunder and interest paid thereon and all fees, charges, and  
 2201 other revenues derived by the district from the projects  
 2202 provided by this act are exempt from all taxes by the state or  
 2203 by any political subdivision, agency, or instrumentality  
 2204 thereof; however, any interest, income, or profits on debt  
 2205 obligations issued hereunder are not exempt from the tax imposed  
 2206 by chapter 220, Florida Statutes. Further, the district is not  
 2207 exempt from the provisions of chapter 212, Florida Statutes.

2208 (n) Bonds issued by the district shall meet the criteria  
 2209 set forth in section 189.4085, Florida Statutes.

2210 (o) This act constitutes full and complete authority for  
 2211 the issuance of bonds and the exercise of the powers of the  
 2212 district provided herein. No procedures or proceedings,  
 2213 publications, notices, consents, approvals, orders, acts, or  
 2214 things by the board, or any board, officers, commission,  
 2215 department, agency, or instrumentality of the district, other  
 2216 than those required by this act, shall be required to perform

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2217 anything under this act, except that the issuance or sale of  
 2218 bonds pursuant to the provisions of this act shall comply with  
 2219 the general law requirements applicable to the issuance or sale  
 2220 of bonds by the district. Nothing in this act shall be construed  
 2221 to authorize the district to utilize bond proceeds to fund the  
 2222 ongoing operations of the district.

2223 (p) The state pledges to the holders of any bonds issued  
 2224 under this act that it will not limit or alter the rights of the  
 2225 district to own, acquire, construct, reconstruct, improve,  
 2226 maintain, operate, or furnish the projects or to levy and  
 2227 collect the taxes, assessments, rentals, rates, fees, and other  
 2228 charges provided for herein or to fulfill the terms of any  
 2229 agreement made with the holders of such bonds or other  
 2230 obligations and that it will not in any way impair the rights or  
 2231 remedies of such holders.

2232 (q) A default on the bonds or obligations of a district  
 2233 shall not constitute a debt or obligation of the state or any  
 2234 local general-purpose government or the state.

2235 (13) TRUST AGREEMENTS.--Any issue of bonds shall be  
 2236 secured by a trust agreement by and between the district and a  
 2237 corporate trustee or trustees, which may be any trust company or  
 2238 bank having the powers of a trust company within or without the  
 2239 state. The resolution authorizing the issuance of the bonds or  
 2240 such trust agreement may pledge the revenues to be received from  
 2241 any projects of the district and may contain such provisions for  
 2242 protecting and enforcing the rights and remedies of the  
 2243 bondholders as the board may approve, including, without

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2244 limitation, covenants setting forth the duties of the district  
 2245 in relation to the acquisition, construction, reconstruction,  
 2246 improvement, maintenance, repair, operation, and insurance of  
 2247 any projects; the fixing and revising of the rates, fees, and  
 2248 charges; and the custody, safeguarding, and application of all  
 2249 moneys and for the employment of consulting engineers in  
 2250 connection with such acquisition, construction, reconstruction,  
 2251 improvement, maintenance, repair, or operation. It shall be  
 2252 lawful for any bank or trust company within or without the state  
 2253 which may act as a depository of the proceeds of bonds or of  
 2254 revenues to furnish such indemnifying bonds or to pledge such  
 2255 securities as may be required by the district. Such resolution  
 2256 or trust agreement may set forth the rights and remedies of the  
 2257 bondholders and of the trustee, if any, and may restrict the  
 2258 individual right of action by bondholders. The board may provide  
 2259 for the payment of proceeds of the sale of the bonds and the  
 2260 revenues of any project to such officer, board, or depository as  
 2261 it may designate for the custody thereof and may provide for the  
 2262 method of disbursement thereof with such safeguards and  
 2263 restrictions as it may determine. All expenses incurred in  
 2264 carrying out the provisions of such resolution or trust  
 2265 agreement may be treated as part of the cost of operation of the  
 2266 project to which such trust agreement pertains.

2267 (14) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
 2268 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
 2269 ASSESSMENTS; MAINTENANCE TAXES.--

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2270           (a) A board elected by and consisting of qualified  
 2271 electors shall have the power to levy and assess an ad valorem  
 2272 tax on all the taxable property in the district to construct,  
 2273 operate, and maintain assessable improvements; to pay the  
 2274 principal of, and interest on, any general obligation bonds of  
 2275 the district; and to provide for any sinking or other funds  
 2276 established in connection with any such bonds. An ad valorem tax  
 2277 levied by the board for operating purposes, exclusive of debt  
 2278 service on bonds, shall not exceed 3 mills. The ad valorem tax  
 2279 provided for herein shall be in addition to county and all other  
 2280 ad valorem taxes provided for by law. Such tax shall be  
 2281 assessed, levied, and collected in the same manner and at the  
 2282 same time as county taxes. The levy of ad valorem taxes shall be  
 2283 approved by referendum when required by the State Constitution.

2284           (b) The board annually shall determine, order, and levy  
 2285 the annual installment of the total benefit special assessments  
 2286 for bonds issued for and expenses related to financing  
 2287 assessable improvements. These assessments may be due and  
 2288 collected during each year that county taxes are due and  
 2289 collected, in which case such annual installment and levy shall  
 2290 be evidenced and certified to the property appraiser by the  
 2291 board not later than August 31 of each year. Such assessment  
 2292 shall be entered by the property appraiser on the county tax  
 2293 rolls and shall be collected and enforced by the tax collector  
 2294 in the same manner and at the same time as county taxes, and the  
 2295 proceeds thereof shall be paid to the district. However, this  
 2296 subsection shall not prohibit the district in its discretion

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2297 from using the method prescribed in either section 197.3632,  
2298 Florida Statutes, or chapter 173, Florida Statutes, for  
2299 collecting and enforcing these assessments. Each annual  
2300 installment of benefit special assessments shall be a lien on  
2301 the property against which assessed until paid and shall be  
2302 enforceable in a like manner as county taxes. The amount of the  
2303 assessment for the exercise of the district's powers under  
2304 subsections (8) and (9) shall be determined by the board based  
2305 upon a report by the district's engineer and assessed by the  
2306 board upon such lands, which may be part or all of the lands  
2307 within the district benefited by the improvement, apportioned  
2308 between benefited lands in proportion to the benefits received  
2309 by each tract of land. The board may, if it determines it is in  
2310 the best interests of the district, set forth in the proceedings  
2311 initially levying such benefit special assessments or in  
2312 subsequent proceedings a formula for the determination of an  
2313 amount, which, when paid by a taxpayer with respect to any tax  
2314 parcel, shall constitute a prepayment of all future annual  
2315 installments of such benefit special assessments and the payment  
2316 of which amount with respect to such tax parcel shall relieve  
2317 and discharge such tax parcel of the lien of such benefit  
2318 special assessments and any subsequent annual installment  
2319 thereof. The board may provide further that upon delinquency in  
2320 the payment of any annual installment of benefit special  
2321 assessments, the prepayment amount of all future annual  
2322 installments of benefit special assessments as determined in

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2323 this paragraph shall be and become immediately due and payable  
 2324 together with such delinquent annual installment.

2325 (c) If and when authorized by general law, to maintain and  
 2326 preserve the physical facilities and services constituting the  
 2327 works, improvements, or infrastructure provided by the district  
 2328 pursuant to this act, and to repair and restore any one or more  
 2329 of them, when needed, and for the purpose of defraying the  
 2330 current expenses of the district, including any sum which may be  
 2331 required to pay state and county ad valorem taxes on any lands  
 2332 which may have been purchased and which are held by the district  
 2333 under the provisions of this act, the board may, upon the  
 2334 completion of said systems, facilities, services, works,  
 2335 improvements, or infrastructure, in whole or in part, as may be  
 2336 certified to the board by the engineer of the board, levy  
 2337 annually a non-ad valorem and nonmillage tax upon each tract or  
 2338 parcel of land within the district, to be known as a  
 2339 "maintenance tax." This non-ad valorem maintenance tax shall be  
 2340 apportioned upon the basis of the net assessments of benefits  
 2341 assessed as accruing from the original construction and shall be  
 2342 evidenced and certified to the property appraiser by the board  
 2343 not later than June 1 of each year and shall be entered by the  
 2344 property appraiser on the tax roll of the property appraiser, as  
 2345 certified by the property appraiser to the tax collector, and  
 2346 collected by the tax collector on the merged collection roll of  
 2347 the tax collector in the same manner and at the same time as  
 2348 county ad valorem taxes, and the proceeds therefrom shall be  
 2349 paid to the district. This non-ad valorem maintenance tax shall



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2350 be a lien until paid on the property against which assessed and  
 2351 enforceable in like manner and of the same dignity as county ad  
 2352 valorem taxes.

2353 (d) To maintain and preserve the facilities and projects  
 2354 of the district, the board may levy a maintenance special  
 2355 assessment. This assessment may be evidenced to and certified to  
 2356 the property appraiser by the board not later than August 31 of  
 2357 each year and shall be entered by the property appraiser on the  
 2358 county tax rolls and shall be collected and enforced by the tax  
 2359 collector in the same manner and at the same time as county  
 2360 taxes, and the proceeds therefrom shall be paid to the district.  
 2361 However, this subsection shall not prohibit the district in its  
 2362 discretion from using the method prescribed in section 197.363,  
 2363 section 197.3631, or section 197.3632, Florida Statutes, for  
 2364 collecting and enforcing these assessments. These maintenance  
 2365 special assessments shall be a lien on the property against  
 2366 which assessed until paid and shall be enforceable in like  
 2367 manner as county taxes. The amount of the maintenance special  
 2368 assessment for the exercise of the district's powers under this  
 2369 section shall be determined by the board based upon a report by  
 2370 the district's engineer and assessed by the board upon such  
 2371 lands, which may be all of the lands within the district  
 2372 benefited by the maintenance thereof, apportioned between the  
 2373 benefited lands in proportion to the benefits received by each  
 2374 tract of land.

2375 (e) The board shall have the power to levy and impose any  
 2376 special assessments pursuant to subsection (15).

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2377       (f) The collection and enforcement of all taxes levied by  
 2378 the district shall be at the same time and in like manner as  
 2379 county taxes, and the provisions of the Florida Statutes  
 2380 relating to the sale of lands for unpaid and delinquent county  
 2381 taxes; the issuance, sale, and delivery of tax certificates for  
 2382 such unpaid and delinquent county taxes; the redemption thereof;  
 2383 the issuance to individuals of tax deeds based thereon; and all  
 2384 other procedures in connection therewith shall be applicable to  
 2385 the district to the same extent as if such statutory provisions  
 2386 were expressly set forth herein. All taxes shall be subject to  
 2387 the same discounts as county taxes.

2388       (g) All taxes provided for in this act shall become  
 2389 delinquent and bear penalties on the amount of such taxes in the  
 2390 same manner as county taxes.

2391       (h) Benefit special assessments, maintenance special  
 2392 assessments, and special assessments are hereby found and  
 2393 determined to be non-ad valorem assessments as defined by  
 2394 section 197.3632, Florida Statutes. Maintenance taxes are non-ad  
 2395 valorem taxes and are not special assessments.

2396       (i) Any and all assessments, including special  
 2397 assessments, benefit special assessments, and maintenance  
 2398 special assessments authorized by this section; special  
 2399 assessments as defined by section 2(6)(z) and granted and  
 2400 authorized by this subsection; and maintenance taxes if  
 2401 authorized by general law, shall constitute a lien on the  
 2402 property against which assessed from the date of levy and  
 2403 imposition thereof until paid, coequal with the lien of state,

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2404 county, municipal, and school board taxes. These assessments may  
 2405 be collected, at the district's discretion, under authority of  
 2406 section 197.3631, Florida Statutes, by the tax collector  
 2407 pursuant to the provisions of sections 197.3632 and 197.3635,  
 2408 Florida Statutes, or in accordance with other collection  
 2409 measures provided by law. In addition to, and not in limitation  
 2410 of, any powers otherwise set forth herein or in general law,  
 2411 these assessments may also be enforced pursuant to the  
 2412 provisions of chapter 173, Florida Statutes.

2413 (j) Except as otherwise provided by law, no levy of ad  
 2414 valorem taxes or non-ad valorem assessments under this act or  
 2415 chapter 170 or chapter 197, Florida Statutes, or otherwise by a  
 2416 board of a district on property of a governmental entity that is  
 2417 subject to a ground lease as described in section 190.003(13),  
 2418 Florida Statutes, shall constitute a lien or encumbrance on the  
 2419 underlying fee interest of such governmental entity.

2420 (15) SPECIAL ASSESSMENTS.--

2421 (a) As an alternative method to the levy and imposition of  
 2422 special assessments pursuant to chapter 170, Florida Statutes,  
 2423 pursuant to the authority of section 197.3631, Florida Statutes,  
 2424 or pursuant to other provisions of general law that provide a  
 2425 supplemental means or authority to impose, levy, and collect  
 2426 special assessments as otherwise authorized under this act, the  
 2427 board may levy and impose special assessments to finance the  
 2428 exercise of any its powers permitted under this act using the  
 2429 following uniform procedures:

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2430           1. At a noticed meeting, the board shall consider and  
 2431 review an engineer's report on the costs of the systems,  
 2432 facilities, and services to be provided, a preliminary  
 2433 assessment methodology, and a preliminary roll based on acreage  
 2434 or platted lands, depending upon whether platting has occurred.

2435           2. The assessment methodology shall address and discuss,  
 2436 and the board shall consider, whether the systems, facilities,  
 2437 and services being contemplated will result in special benefits  
 2438 peculiar to the property, different in kind and degree than  
 2439 general benefits, as a logical connection between the property  
 2440 and the systems, facilities, and services themselves, and  
 2441 whether the duty to pay the assessments by the property owners  
 2442 is apportioned in a manner that is fair and equitable and not in  
 2443 excess of the special benefit received. It shall be fair and  
 2444 equitable to designate a fixed proportion of the annual debt  
 2445 service, together with interest thereon, on the aggregate  
 2446 principal amount of bonds issued to finance such systems,  
 2447 facilities, and services which give rise to unique, special, and  
 2448 peculiar benefits to property of the same or similar  
 2449 characteristics under the assessment methodology so long as such  
 2450 fixed proportion does not exceed the unique, special, and  
 2451 peculiar benefits enjoyed by such property from such systems,  
 2452 facilities, and services.

2453           3. The engineer's cost report shall identify the nature of  
 2454 the proposed systems, facilities, and services, their location,  
 2455 and a cost breakdown plus a total estimated cost, including cost  
 2456 of construction or reconstruction, labor and materials, lands,

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2457 property, rights, easements, franchises or systems, facilities  
 2458 and services to be acquired, cost of plans and specifications,  
 2459 surveys of estimates of costs and of revenues, cost of  
 2460 engineering, legal, and other professional consultation  
 2461 services, and other expenses or costs necessary or incident to  
 2462 determining the feasibility or practicability of such  
 2463 construction, reconstruction, or acquisition, administrative  
 2464 expenses, relationship to the authority and power of the  
 2465 district in its charter, and such other expense or costs as may  
 2466 be necessary or incident to the financing to be authorized by  
 2467 the board.

2468 4. The preliminary assessment roll will be prepared in  
 2469 accordance with the method of assessment provided for in the  
 2470 assessment methodology and as may be adopted by the board. The  
 2471 assessment roll shall be completed as promptly as possible and  
 2472 shall show the acreage, lots, lands, or plats assessed and the  
 2473 amount of the fairly and reasonably apportioned assessment based  
 2474 on special and peculiar benefit to the property, lot, parcel, or  
 2475 acreage of land, and if the assessment against each such lot,  
 2476 parcel, acreage, or portion of land is to be paid in  
 2477 installments, the number of annual installments in which the  
 2478 assessment is divided shall be entered into and shown upon the  
 2479 assessment roll.

2480 5. The board may determine and declare by an initial  
 2481 assessment resolution to levy and assess the assessments with  
 2482 respect to assessable improvements stating the nature of the  
 2483 systems, facilities, and services; improvements, projects, or

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2484 infrastructure constituting such assessable improvements; the  
2485 information in the engineer's cost report; and the information  
2486 in the assessment methodology as determined by the board at the  
2487 noticed meeting and referencing and incorporating as part of the  
2488 resolution the engineer's cost report, the preliminary  
2489 assessment methodology, and the preliminary assessment roll as  
2490 referenced exhibits to the resolution by reference. If the board  
2491 determines to declare and levy the special assessments by the  
2492 initial assessment resolution, the board shall also adopt and  
2493 declare a notice resolution, which shall provide and cause the  
2494 initial assessment resolution to be published once a week for a  
2495 period of 2 weeks in a newspaper of general circulation  
2496 published in Okeechobee County. The board shall, by the notice  
2497 resolution, fix a time and place at which the owner or owners of  
2498 the property to be assessed or any other persons interested  
2499 therein may appear before the board and be heard as to the  
2500 propriety and advisability of making such improvements, as to  
2501 the costs thereof, as to the manner of payment therefor, and as  
2502 to the amount thereof to be assessed against each property so  
2503 improved. Thirty days' notice in writing of such time and place  
2504 shall be given to such property owners. The notice shall include  
2505 the amount of the assessment and shall be served by mailing a  
2506 copy to each assessed property owner at his or her last known  
2507 address, the names and addresses of such property owners to be  
2508 obtained from the record of the property appraiser of the county  
2509 political subdivision where the land is located or from such  
2510 other sources as the district manager or engineer deems

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2511 reliable. Proof of such mailing shall be made by the affidavit  
2512 of the manager of the district or by the engineer, said proof to  
2513 be filed with the manager of the district, provided that failure  
2514 to mail said notice or notices shall not invalidate any of the  
2515 proceedings hereunder. It is provided further that the last  
2516 publication shall be at least 1 week prior to the date of the  
2517 hearing on the final assessment resolution. Said notice shall  
2518 describe the general areas to be improved and advise all persons  
2519 interested that the description of each property to be assessed  
2520 and the amount to be assessed to each piece, parcel, lot, or  
2521 acre of property may be ascertained at the office of the manager  
2522 of the district. Such service by publication shall be verified  
2523 by the affidavit of the publisher and filed with the manager of  
2524 the district. Moreover, the initial assessment resolution with  
2525 its attached, referenced, and incorporated engineer's cost  
2526 report, preliminary assessment methodology, and preliminary  
2527 assessment roll, along with the notice resolution, shall be  
2528 available for public inspection at the office of the manager and  
2529 the office of the engineer or any other office designated by the  
2530 board in the notice resolution. Notwithstanding the foregoing,  
2531 the landowners of all of the property which is proposed to be  
2532 assessed may give the district written notice of waiver of any  
2533 notice and publication provided for in this subparagraph, and  
2534 such notice and publication shall not be required; however, any  
2535 meeting of the board to consider such resolution shall be a  
2536 publicly noticed meeting.

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2537           6. At the time and place named in the noticed resolution  
 2538 as provided for in subparagraph 5., the board shall meet and  
 2539 hear testimony from affected property owners as to the propriety  
 2540 and advisability of providing the systems, facilities, services,  
 2541 projects, works, improvements, or infrastructure and funding  
 2542 them with assessments referenced in the initial assessment  
 2543 resolution on the property. Following the testimony and  
 2544 questions from the members of the board or any professional  
 2545 advisors to the district or the preparers of the engineer's cost  
 2546 report, the assessment methodology, and the assessment roll, the  
 2547 board shall make a final decision on whether to levy and assess  
 2548 the particular assessments. Thereafter, the board shall meet as  
 2549 an equalizing board to hear and consider any and all complaints  
 2550 as to the particular assessments and shall adjust and equalize  
 2551 the assessments on the basis of justice and right.

2552           7. When so equalized and approved by resolution or  
 2553 ordinance by the board, to be called the final assessment  
 2554 resolution, a final assessment roll shall be filed with the  
 2555 manager of the board, and such assessment shall stand confirmed  
 2556 and remain legal, valid, and binding first liens on the property  
 2557 against which such assessments are made until paid, equal in  
 2558 dignity to the first liens of ad valorem taxation of county  
 2559 governments and school boards; however, upon completion of the  
 2560 systems, facilities, services, projects, improvements, works, or  
 2561 infrastructure, the district shall credit to each assessment the  
 2562 difference in the assessment as originally made, approved,  
 2563 levied, assessed, and confirmed and the proportionate part of



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2564 the actual cost of the improvement to be paid by the particular  
2565 special assessments as finally determined upon the completion of  
2566 the improvement, but in no event shall the final assessment  
2567 exceed the amount of the special and peculiar benefits as  
2568 apportioned fairly and reasonably to the property from the  
2569 system, facility, or service being provided as originally  
2570 assessed. Promptly after such confirmation, the assessment shall  
2571 be recorded by the manager of the board in the minutes of the  
2572 proceedings of the district, and the record of the lien in this  
2573 set of minutes shall constitute prima facie evidence of its  
2574 validity. The board, in its sole discretion, may by resolution  
2575 grant a discount equal to all or a part of the payee's  
2576 proportionate share of the cost of the project consisting of  
2577 bond financing cost, such as capitalized interest, funded  
2578 reserves, and bond discounts included in the estimated cost of  
2579 the project, upon payment in full of any assessments during such  
2580 period prior to the time such financing costs are incurred as  
2581 may be specified by the board in such resolution.

2582 8. District assessments may be made payable in  
2583 installments over no more than 30 years from the date of the  
2584 payment of the first installment thereof and may bear interest  
2585 at fixed or variable rates.

2586 (b) Notwithstanding any provision of this act or of  
2587 chapter 170 or section 170.09, Florida Statutes, which provide  
2588 that assessments may be paid without interest at any time within  
2589 30 days after the improvement is completed and a resolution  
2590 accepting the same has been adopted by the governing authority,

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2591 such provision shall not be applicable to any district  
 2592 assessments, whether imposed, levied, and collected pursuant to  
 2593 the provisions of this act or other provisions of Florida law,  
 2594 including, but not limited to, chapter 170, Florida Statutes.

2595 (c) In addition, the district is authorized expressly in  
 2596 the exercise of its rulemaking power to promulgate a rule or  
 2597 rules providing for notice, levy, imposition, equalization, and  
 2598 collection of assessments.

2599 (16) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON  
 2600 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

2601 (a) The board may, after any special assessments or  
 2602 benefit special assessments for assessable improvements are  
 2603 made, determined, and confirmed as provided in this act, issue  
 2604 certificates of indebtedness for the amount so assessed against  
 2605 the abutting property or property otherwise benefited within the  
 2606 external boundaries of the district, as the case may be.  
 2607 Separate certificates shall be issued against each part or  
 2608 parcel of land or property assessed, which certificates shall  
 2609 state the general nature of the improvement for which the  
 2610 assessment is made. The certificates shall be payable in annual  
 2611 installments in accordance with the installments of the special  
 2612 assessment for which they are issued. The board may determine  
 2613 the interest to be borne by such certificates, not to exceed the  
 2614 maximum rate allowed by general law, and may sell such  
 2615 certificates at either private or public sale and determine the  
 2616 form, manner of execution, and other details of such  
 2617 certificates. The certificates shall recite that they are

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2618 payable only from the special assessments levied and collected  
2619 from the part or parcel of land or property against which they  
2620 are issued. The proceeds of such certificates may be pledged for  
2621 the payment of principal of and interest on any revenue bonds or  
2622 general obligation bonds issued to finance in whole or in part  
2623 such assessable improvements, or, if not so pledged, may be used  
2624 to pay the cost or part of the cost of such assessable  
2625 improvements.

2626 (b) The district may also issue assessment bonds, revenue  
2627 bonds, or other obligations payable from a special fund into  
2628 which such certificates of indebtedness referred to in the  
2629 preceding paragraph may be deposited; or, if such certificates  
2630 of indebtedness have not been issued, the district may assign to  
2631 such special fund for the benefit of the holders of such  
2632 assessment bonds or other obligations, or to a trustee for such  
2633 bondholders, the assessment liens provided for in this act  
2634 unless such certificates of indebtedness or assessment liens  
2635 have been theretofore pledged for any bonds or other obligations  
2636 authorized hereunder. In the event of the creation of such  
2637 special fund and the issuance of such assessment bonds or other  
2638 obligations, the proceeds of such certificates of indebtedness  
2639 or assessment liens deposited therein shall be used only for the  
2640 payment of the assessment bonds or other obligations issued as  
2641 provided in this section. The district is authorized to covenant  
2642 with the holders of such assessment bonds, revenue bonds, or  
2643 other obligations that it will diligently and faithfully enforce  
2644 and collect all the special assessments and interest and

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2645 penalties thereon for which such certificates of indebtedness or  
 2646 assessment liens have been deposited in or assigned to such  
 2647 fund; to foreclose such assessment liens so assigned to such  
 2648 special fund or represented by the certificates of indebtedness  
 2649 deposited in the special fund, after such assessment liens have  
 2650 become delinquent, and deposit the proceeds derived from such  
 2651 foreclosure, including interest and penalties, in such special  
 2652 fund; and to make any other covenants deemed necessary or  
 2653 advisable in order to properly secure the holders of such  
 2654 assessment bonds or other obligations.

2655 (c) The assessment bonds, revenue bonds, or other  
 2656 obligations issued pursuant to this section shall have such  
 2657 dates of issue and maturity as shall be deemed advisable by the  
 2658 board; however, the maturities of such assessment bonds or other  
 2659 obligations shall not be more than 2 years after the due date of  
 2660 the last installment which will be payable on any of the special  
 2661 assessments for which such assessment liens, or the certificates  
 2662 of indebtedness representing such assessment liens, are assigned  
 2663 to or deposited in such special fund.

2664 (d) Such assessment bonds, revenue bonds, or other  
 2665 obligations issued under this section shall bear such interest  
 2666 as the board may determine, not to exceed the maximum rate  
 2667 allowed by general law, and shall be executed, shall have such  
 2668 provisions for redemption prior to maturity, and shall be sold  
 2669 in the manner of and be subject to all of the applicable  
 2670 provisions contained in this act for revenue bonds, except as

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2671 the same may be inconsistent with the provisions of this  
2672 section.

2673 (e) All assessment bonds, revenue bonds, or other  
2674 obligations issued under the provisions of this section shall be  
2675 and constitute and shall have all the qualities and incidents of  
2676 negotiable instruments under the law merchant and the laws of  
2677 the state.

2678 (17) TAX LIENS.--All taxes of the district provided for in  
2679 this act, except together with all penalties for default in the  
2680 payment of the same and all costs in collecting the same,  
2681 including a reasonable attorney's fee fixed by the court and  
2682 taxed as a cost in the action brought to enforce payment, shall,  
2683 from January 1 for each year the property is liable to  
2684 assessment and until paid, constitute a lien of equal dignity  
2685 with the liens for state and county taxes and other taxes of  
2686 equal dignity with state and county taxes upon all the lands  
2687 against which such taxes shall be levied. A sale of any of the  
2688 real property within the district for state and county or other  
2689 taxes shall not operate to relieve or release the property so  
2690 sold from the lien for subsequent district taxes or installments  
2691 of district taxes, which lien may be enforced against such  
2692 property as though no such sale thereof had been made. In  
2693 addition to, and not in limitation of, the preceding sentence,  
2694 for purposes of section 197.552, Florida Statutes, the lien of  
2695 all special assessments levied by the district shall constitute  
2696 a lien of record held by a municipal or county governmental  
2697 unit. The provisions of sections 194.171, 197.122, 197.333, and

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2698 | 197.432, Florida Statutes, as each may be amended from time to  
 2699 | time, shall be applicable to district taxes with the same force  
 2700 | and effect as if such provisions were expressly set forth in  
 2701 | this act.

2702 | (18) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE  
 2703 | DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2704 | (a) The district shall have the power and right to:

2705 | 1. Pay any delinquent state, county, district, municipal,  
 2706 | or other tax or assessment upon lands located wholly or  
 2707 | partially within the boundaries of the district; and

2708 | 2. Redeem or purchase any tax sales certificates issued or  
 2709 | sold on account of any state, county, district, municipal, or  
 2710 | other taxes or assessments upon lands located wholly or  
 2711 | partially within the boundaries of the district.

2712 | (b) Delinquent taxes paid, or tax sales certificates  
 2713 | redeemed or purchased, by the district, together with all  
 2714 | penalties for the default in payment of the same, all costs in  
 2715 | collecting the same, and a reasonable attorney's fee, shall  
 2716 | constitute a lien in favor of the district of equal dignity with  
 2717 | the liens of state and county taxes and other taxes of equal  
 2718 | dignity with state and county taxes upon all the real property  
 2719 | against which the taxes were levied. The lien of the district  
 2720 | may be foreclosed in the manner provided in this act.

2721 | (c) In any sale of land pursuant to section 197.542,  
 2722 | Florida Statutes, as may be amended from time to time, the  
 2723 | district may certify to the clerk of the circuit court of the  
 2724 | county holding such sale the amount of taxes due to the district

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2725 upon the lands sought to be sold, and the district shall share  
 2726 in the disbursement of the sales proceeds in accordance with the  
 2727 provisions of this act and under the laws of the state.

2728 (19) FORECLOSURE OF LIENS.--Any lien in favor of the  
 2729 district arising under this act may be foreclosed by the  
 2730 district by foreclosure proceedings in the name of the district  
 2731 in a court of competent jurisdiction as provided by general law  
 2732 in like manner as is provided in chapter 173, Florida Statutes,  
 2733 and amendments thereto; the provisions of that chapter shall be  
 2734 applicable to such proceedings with the same force and effect as  
 2735 if those provisions were expressly set forth in this act. Any  
 2736 act required or authorized to be done by or on behalf of a  
 2737 municipality in foreclosure proceedings under chapter 173,  
 2738 Florida Statutes, may be performed by such officer or agent of  
 2739 the district as the board may designate. Such foreclosure  
 2740 proceedings may be brought at any time after the expiration of 1  
 2741 year from the date any tax, or installment thereof, becomes  
 2742 delinquent; however, no lien shall be foreclosed against any  
 2743 political subdivision or agency of the state. Other legal  
 2744 remedies shall remain available.

2745 (20) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,  
 2746 FACILITIES, AND SERVICES.--To the full extent permitted by law,  
 2747 the district shall require all lands, buildings, premises,  
 2748 persons, firms, and corporations within the district to use the  
 2749 water management and control facilities and water and sewer  
 2750 facilities of the district.

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2751           (21) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED  
 2752 PROVISIONS REQUIRED.--  
 2753           (a) No contract shall be let by the board for any goods,  
 2754 supplies, or materials to be purchased when the amount thereof  
 2755 to be paid by the district shall exceed the amount provided in  
 2756 section 287.017, Florida Statutes, for category four unless  
 2757 notice of bids shall be advertised once in a newspaper of  
 2758 general circulation in Okeechobee County. Any board seeking to  
 2759 construct or improve a public building or structure or other  
 2760 public works shall comply with the bidding procedures of section  
 2761 255.20, Florida Statutes, and other applicable general law. In  
 2762 each case, the bid of the lowest responsive and responsible  
 2763 bidder shall be accepted unless all bids are rejected because  
 2764 the bids are too high or because the board determines it is in  
 2765 the best interests of the district to reject all bids. The board  
 2766 may require the bidders to furnish bond with a responsible  
 2767 surety to be approved by the board. Nothing in this section  
 2768 shall prevent the board from undertaking and performing the  
 2769 construction, operation, and maintenance of any project or  
 2770 facility authorized by this act by the employment of labor,  
 2771 material, and machinery.  
 2772           (b) The provisions of the Consultants' Competitive  
 2773 Negotiation Act, section 287.055, Florida Statutes, apply to  
 2774 contracts for engineering, architecture, landscape architecture,  
 2775 or registered surveying and mapping services let by the board.  
 2776           (c) Contracts for maintenance services for any district  
 2777 facility or project shall be subject to competitive bidding



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2778 requirements when the amount thereof to be paid by the district  
 2779 exceeds the amount provided in section 287.017, Florida  
 2780 Statutes, for category four. The district shall adopt rules,  
 2781 policies, or procedures establishing competitive bidding  
 2782 procedures for maintenance services. Contracts for other  
 2783 services shall not be subject to competitive bidding unless the  
 2784 district adopts a rule, policy, or procedure applying  
 2785 competitive bidding procedures to said contracts.

2786 (22) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION  
 2787 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

2788 (a) The district is authorized to prescribe, fix,  
 2789 establish, and collect rates, fees, rentals, or other charges,  
 2790 hereinafter sometimes referred to as "revenues," and to revise  
 2791 the same from time to time, for the systems, facilities, and  
 2792 services furnished by the district within the limits of the  
 2793 district, including, but not limited to, recreational  
 2794 facilities, water management and control facilities, and water  
 2795 and sewer systems; to recover the costs of making connection  
 2796 with any district service, facility, or system; and to provide  
 2797 for reasonable penalties against any user or property for any  
 2798 such rates, fees, rentals, or other charges that are delinquent.

2799 (b) No such rates, fees, rentals, or other charges for any  
 2800 of the facilities or services of the district shall be fixed  
 2801 until after a public hearing at which all the users of the  
 2802 proposed facility or service or owners, tenants, or occupants  
 2803 served or to be served thereby and all other interested persons  
 2804 shall have an opportunity to be heard concerning the proposed

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2805 rates, fees, rentals, or other charges. Rates, fees, rentals,  
2806 and other charges shall be adopted under the administrative  
2807 rulemaking authority of the district but shall not apply to  
2808 district leases. Notice of such public hearing setting forth the  
2809 proposed schedule or schedules of rates, fees, rentals, and  
2810 other charges shall have been published in a newspaper of  
2811 general circulation in Okeechobee County at least once and at  
2812 least 10 days prior to such public hearing. The rulemaking  
2813 hearing may be adjourned from time to time. After such hearing,  
2814 such schedule or schedules, either as initially proposed or as  
2815 modified or amended, may be finally adopted. A copy of the  
2816 schedule or schedules of such rates, fees, rentals, or charges  
2817 as finally adopted shall be kept on file in an office designated  
2818 by the board and shall be open at all reasonable times to public  
2819 inspection. The rates, fees, rentals, or charges so fixed for  
2820 any class of users or property served shall be extended to cover  
2821 any additional users or properties thereafter served which shall  
2822 fall in the same class, without the necessity of any notice or  
2823 hearing.

2824 (c) Such rates, fees, rentals, and charges shall be just,  
2825 equitable, and uniform for users of the same class and, when  
2826 appropriate, may be based or computed either upon the amount of  
2827 service furnished, upon the number of average number of persons  
2828 residing or working in or otherwise occupying the premises  
2829 served, upon any other factor affecting the use of the  
2830 facilities furnished, or upon any combination of the foregoing

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2831 factors, as may be determined by the board on an equitable  
 2832 basis.

2833 (d) The rates, fees, rentals, or other charges prescribed  
 2834 shall be such as will produce revenues, together with any other  
 2835 assessments, taxes, revenues, or funds available or pledged for  
 2836 such purpose, at least sufficient to provide for the following  
 2837 items, but not necessarily in the order stated:

2838 1. All expenses of operation and maintenance of such  
 2839 facility or service;

2840 2. Payment, when due, of all bonds and interest thereon  
 2841 for the payment of which such revenues are, or shall have been,  
 2842 pledged or encumbered, including reserves for such purpose; and

2843 3. Any other funds which may be required under the  
 2844 resolution or resolutions authorizing the issuance of bonds  
 2845 pursuant to this act.

2846 (e) The board shall have the power to enter into contracts  
 2847 for the use of the projects of the district and with respect to  
 2848 the services, systems, and facilities furnished or to be  
 2849 furnished by the district.

2850 (23) RECOVERY OF DELINQUENT CHARGES.--In the event that  
 2851 any rates, fees, rentals, charges, or delinquent penalties are  
 2852 not paid as and when due and are in default for 60 days or more,  
 2853 the unpaid balance thereof and all interest accrued thereon,  
 2854 together with reasonable attorney's fees and costs, may be  
 2855 recovered by the district in a civil action.

2856 (24) DISCONTINUANCE OF SERVICE.--In the event the fees,  
 2857 rentals, or other charges for water and sewer services, or

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2858 either of them, are not paid when due, the board shall have the  
 2859 power, under such reasonable rules and regulations as the board  
 2860 may adopt, to discontinue and shut off both water and sewer  
 2861 services until such fees, rentals, or other charges, including  
 2862 interest, penalties, and charges for the shutting off and  
 2863 discontinuance of or restoration of such water and sewer  
 2864 services, or both, are fully paid; for such purposes, the board  
 2865 may enter on any lands, waters, or premises of any person, firm,  
 2866 corporation, or body, public or private, within the district  
 2867 limits. Such delinquent fees, rentals, or other charges,  
 2868 together with interest, penalties, and charges for the shutting  
 2869 off and discontinuance of or restoration of such services and  
 2870 facilities, reasonable attorney's fees, and other expenses, may  
 2871 be recovered by the district, which may also enforce payment of  
 2872 such delinquent fees, rentals, or other charges by any other  
 2873 lawful method of enforcement.

2874 (25) ENFORCEMENT AND PENALTIES.--The board or any  
 2875 aggrieved person may have recourse to such remedies in law and  
 2876 at equity as may be necessary to ensure compliance with the  
 2877 provisions of this act, including injunctive relief to enjoin or  
 2878 restrain any person violating the provisions of this act or any  
 2879 bylaws, resolutions, regulations, rules, codes, or orders  
 2880 adopted under this act. In case any building or structure is  
 2881 erected, constructed, reconstructed, altered, repaired,  
 2882 converted, or maintained, or any building, structure, land, or  
 2883 water is used, in violation of this act or of any code, order,  
 2884 resolution, or other regulation made under authority conferred

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2885 by this act or under law, the board or any citizen residing in  
 2886 the district may institute any appropriate action or proceeding  
 2887 to prevent such unlawful erection, construction, reconstruction,  
 2888 alteration, repair, conversion, maintenance, or use; to  
 2889 restrain, correct, or avoid such violation; to prevent the  
 2890 occupancy of such building, structure, land, or water; and to  
 2891 prevent any illegal act, conduct, business, or use in or about  
 2892 such premises, land, or water.

2893 (26) SUITS AGAINST THE DISTRICT.--Any suit or action  
 2894 brought or maintained against the district for damages arising  
 2895 out of tort, including, without limitation, any claim arising  
 2896 upon account of an act causing an injury or loss of property,  
 2897 personal injury, or death, shall be subject to the limitations  
 2898 provided in section 768.28, Florida Statutes.

2899 (27) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All  
 2900 district property shall be exempt from levy and sale by virtue  
 2901 of an execution, and no execution or other judicial process  
 2902 shall issue against such property, nor shall any judgment  
 2903 against the district be a charge or lien on its property or  
 2904 revenues; however, nothing contained herein shall apply to or  
 2905 limit the rights of bondholders to pursue any remedy for the  
 2906 enforcement of any lien or pledge given by the district in  
 2907 connection with any of the bonds or obligations of the district.

2908 (28) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

2909 (a) The board may ask the Legislature through its local  
 2910 legislative delegation in and for Okeechobee County to amend

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2911 this act to contract or expand the boundaries of the district by  
 2912 amendment of subsection (2).

2913 (b) The district shall remain in existence until:

2914 1. The district is terminated and dissolved pursuant to  
 2915 amendment to this act by the Legislature; or

2916 2. The district has become inactive pursuant to section  
 2917 189.4044, Florida Statutes.

2918 (29) INCLUSION OF TERRITORY.--The inclusion of any or all  
 2919 territory of the district within a municipality does not change,  
 2920 alter, or affect the boundary, territory, existence, or  
 2921 jurisdiction of the district.

2922 (30) SALE OF REAL ESTATE WITHIN A DISTRICT; REQUIRED  
 2923 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this  
 2924 district under this act, each contract for the initial sale of a  
 2925 parcel of real property and each contract for the initial sale  
 2926 of a residential unit within the district shall include,  
 2927 immediately prior to the space reserved in the contract for the  
 2928 signature of the purchaser, the following disclosure statement  
 2929 in boldfaced and conspicuous type which is larger than the type  
 2930 in the remaining text of the contract: "THE GROVE COMMUNITY  
 2931 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES  
 2932 AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS  
 2933 PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF  
 2934 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT  
 2935 AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT.  
 2936 THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER

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2937 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND  
 2938 ASSESSMENTS PROVIDED FOR BY LAW."

2939 (31) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days  
 2940 after the election of the first board members, the district  
 2941 shall cause to be recorded in the property records in the county  
 2942 in which it is located a "Notice of Creation and Establishment  
 2943 of the Grove Community District." The notice shall, at a  
 2944 minimum, include the legal description of the property of the  
 2945 landowners who have consented to establishment of this district  
 2946 and a copy of the disclosure statement specified in subsection  
 2947 (30).

2948 (32) PUBLIC ACCESS.--Any system, facility, service, works,  
 2949 improvement, project, or other infrastructure owned by the  
 2950 district or funded by federal tax-exempt bonding issued by the  
 2951 district is public; the district by rule may regulate, and may  
 2952 impose reasonable charges or fees for, the use thereof but not  
 2953 to the extent that such regulation or imposition of such charges  
 2954 or fees constitutes denial of reasonable access.

2955 Section 5. Incorporation committee.--

2956 (1) At the next general election following a finding by  
 2957 the supervisor of elections that 5,000 qualified electors reside  
 2958 in the district, the supervisor of elections shall conduct an  
 2959 election in accordance with election laws currently in force at  
 2960 which the qualified electors voting in the election elect five  
 2961 persons who are qualified electors of the district to serve on  
 2962 an incorporation committee created for the purpose of reviewing  
 2963 the feasibility of incorporating the district as a municipality.

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2964 The five candidates receiving the highest number of votes shall  
 2965 serve as members of the incorporation committee. A member of the  
 2966 district board may not serve as a member of the incorporation  
 2967 committee.

2968 (2) The incorporation committee shall, by September 1 of  
 2969 the year following its creation, submit a feasibility study and  
 2970 proposed municipal charter, prepared in accordance with chapter  
 2971 165, Florida Statutes, to the board and the legislative  
 2972 delegation of Okeechobee County. The incorporation committee  
 2973 shall also submit to the board and the legislative delegation of  
 2974 Okeechobee County a report indicating whether the district  
 2975 should remain in existence or be dissolved and all services  
 2976 provided by the district assumed by, and all revenue, property,  
 2977 assets, and liabilities of the district transferred to and  
 2978 assumed by, the municipality upon final incorporation.

2979 (3) The incorporation committee is subject to the public  
 2980 records requirements in chapter 119, Florida Statutes, and all  
 2981 meetings of the incorporation committee shall be open to the  
 2982 public and governed by the provisions of chapter 286, Florida  
 2983 Statutes.

2984 (4) The district shall fund expenses of the incorporation  
 2985 committee, including the costs of preparing the feasibility  
 2986 study and proposed municipal charter. Members of the  
 2987 incorporation committee shall serve without compensation but are  
 2988 entitled to reimbursement for travel and per diem expenses from  
 2989 the district in accordance with section 112.061, Florida  
 2990 Statutes. The district shall also reimburse the supervisor of



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2991 elections for the cost of conducting the election of the  
 2992 incorporation committee.

2993 (5) The incorporation committee shall be dissolved upon  
 2994 submission of the final feasibility study and proposed municipal  
 2995 charter to the board and the legislative delegation of  
 2996 Okeechobee County.

2997 Section 6. Severability.--If any provision of this act is  
 2998 determined unconstitutional or otherwise determined invalid by a  
 2999 court of law, all the rest and remainder of the act shall remain  
 3000 in full force and effect as the law of Florida.

3001 Section 7. This act shall take effect upon becoming a law,  
 3002 except that the provisions of paragraph (a) of subsection (14)  
 3003 of section 4 which authorize the levy of ad valorem assessments  
 3004 shall only take effect upon express approval by a majority vote  
 3005 of those qualified electors of the district, as required by  
 3006 Section 9 of Article VII of the State Constitution, voting in a  
 3007 referendum to be called by the Supervisor of Elections of  
 3008 Okeechobee County and held by the Board of Supervisors of the  
 3009 Grove Community District. Such election shall be held in  
 3010 accordance with the provisions of law relating to elections in  
 3011 force at the time the referendum is held.