

By Senator Alexander

17-1692-06

See HB

1 A bill to be entitled

2 An act relating to the Grove Community

3 District, Okeechobee County; providing a short

4 title; creating the Grove Community District;

5 providing for findings, determinations,

6 ascertainments, intent, purpose, definitions,

7 and policy; providing a charter; providing

8 jurisdiction; providing boundaries; providing

9 powers of the district; creating the district

10 as a special, limited, and single-purpose

11 independent district, an independent local

12 government, and corporate body politic, to

13 provide community development infrastructure;

14 providing for authority, boundaries,

15 jurisdiction, and charter amendment; providing

16 for a governing board and terms of office and

17 duties thereof; providing for elections;

18 providing for a district manager; providing for

19 bonds; providing for borrowing; providing for

20 future transition to ad valorem taxation;

21 providing for special assessments; providing

22 for issuance of certificates of indebtedness;

23 providing for tax liens; providing minimum

24 charter requirements; providing for the

25 applicability of and compliance with provisions

26 of chapter 189, Florida Statutes, and other

27 general laws; providing for severability;

28 providing for a referendum; providing an

29 effective date.

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

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

3 Section 2. Legislative findings, ascertainments,
4 determinations, intent, purpose, definitions, and policy.--

5 (1) LEGISLATIVE FINDINGS.--

6 (a) The northeastern area of Okeechobee County is
7 unique and special.

8 (b) The land area of Okeechobee County is relatively
9 untouched and is predominantly used for agriculture or is
10 undeveloped.

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

13 1. Okeechobee County is beginning to experience the
14 economic growth that substantially large parts of the
15 remainder of the state have already experienced.

16 2. While the influence of the farming industry
17 continues to decline, the retirement industry is a major and
18 growing industry.

19 3. Okeechobee County will experience rapid growth in
20 population over the next 20 years, as more retirees move to
21 the state and find coastal housing too expensive and as more
22 residents from coastal Florida counties move inland to
23 Okeechobee County, including northeastern Okeechobee County.

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

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

1 (f) Within and subject to the comprehensive plan and
2 land development regulations, such a community requires
3 appropriate compact, balanced, self-sustaining, and mixed-use
4 development on a human scale with the required innovative
5 balance of such importance to the northeastern Okeechobee
6 County area.

7 (g) In particular:

8 1. Creating a new community in northeastern Okeechobee
9 County requires a critical coinciding of existing and future
10 land use with provision of capital facilities and related
11 systems and services, based upon timely, flexible, and
12 specialized management of critical factors and sequential
13 events, balancing among the interests of private enterprise,
14 agriculture, private citizens, taxpayers, consumers, the
15 environment, the economy, the initial landowners, and all
16 applicable levels of government.

17 2. All the applicable public and private persons and
18 entities have invested and expended substantial time and
19 moneys to generate the county comprehensive plan and the
20 existing and future consistent specific regulatory and
21 comprehensive planning entitlements and consistent land
22 development regulations for the identification, preparation,
23 and development of a new community.

24 3. Creating such a new community using a
25 single-purpose special independent district to provide
26 infrastructure constitutes innovative planning and flexible
27 development strategies pursuant to section 163.3177(11),
28 Florida Statutes, and Rule 9J-5.006(5)(1), Florida
29 Administrative Code, to minimize the conversion of
30 agricultural lands to other uses, to discourage urban sprawl,
31 and to protect environmentally sensitive areas while

1 maintaining the economic viability of agricultural and other
2 predominately rural land uses and providing for the efficient
3 use of public facilities and services as provided expressly in
4 objective L7 of the Okeechobee County Comprehensive Plan,
5 Future Land Use Element.

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

9 1. To prevent urban sprawl by providing
10 self-sustaining and freestanding infrastructure and by
11 preventing needless and counterproductive community
12 development when the existing urban area is not yet developed.

13 2. To prevent the needless duplication, fragmentation,
14 and proliferation of local government services in a proposed
15 land use area.

16 (i) Management of public health, safety, welfare,
17 economic, natural, and historic resources in this area of
18 northeastern Okeechobee County transcends the boundaries and
19 responsibilities of both private landowners and individual
20 units of government, so that no one single public or private
21 entity or person can plan or implement policies to deal with
22 the many issues which attend the provision of basic systems,
23 facilities, and services to the area to be managed in
24 northeastern Okeechobee County in order to provide for a new
25 community in the area.

26 (j) It is the expressed set of findings of the
27 Legislature further that:

28 1. There is a considerably long period of time during
29 which there is an inordinate infrastructure burden on the
30 initial landowners of the agricultural land area for the new
31 community because of the innovative, special, and unique

1 requirements in the Okeechobee County Comprehensive Plan for
2 the northeastern Okeechobee County area, dealing specifically
3 with flexible management and related sequencing, timing, and
4 financing of the various systems, facilities, and services to
5 be provided to the new community, taking into consideration
6 absorption rates, commercial viability, and related factors.

7 2. Even as the community matures, there is continuing
8 need for landowners, both initial and subsequent, to bear
9 burdens to provide important infrastructure that remain
10 relatively inordinate in order to preserve such inordinate
11 benefits for northeastern Okeechobee County as the unique
12 environmental and economic purpose of the new community.

13 3. Longer involvement of the initial landowner with
14 regard to the provision of basic systems, facilities, and
15 services in the new community area, coupled with a severely
16 limited and highly specialized single purpose of the district,
17 is in the public interest.

18 4. Any public or private system to provide basic
19 infrastructure improvements, systems, facilities, and services
20 to this new community in northeastern Okeechobee County must
21 be focused on an unfettered, highly specialized, innovative,
22 responsive, accountable mechanism to provide the components of
23 infrastructure at sustained levels of high quality over the
24 long term only when and as needed for such a unique community
25 in such a unique area.

26 5. There is a critical need to maintain such provision
27 of such systems, facilities, and services to the new community
28 because of the unique location and attributes of the
29 northeastern Okeechobee County area, coupled with the unique
30 purpose and location of this new community, subject to,
31 complying with, and not inconsistent with the state, regional,

1 and local requirements which attend implementation of the
2 state plan and the county comprehensive plan.

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

7 a. The public policy and related implementing zoning,
8 permitting, and planning expertise, interests, and
9 capabilities of state and regional government and of the
10 Okeechobee County general-purpose local government;

11 b. The flexible, limited, focused, and locally
12 accountable management and related financing capabilities of
13 independent special-purpose local government; and

14 c. The innovative development and marketing
15 private-sector expertise of the initial landowners,
16 developers, and other components of private enterprise.

17 7. The specialized financing and revenue procedures
18 for the levy and imposition of first-lien assessments, by a
19 variety of names, must be disclosed, followed, noticed, fair,
20 nonarbitrary, informed, reasonable, and accountable and must
21 be set forth dispositively.

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

26 1. To prevent urban sprawl, to protect and preserve
27 environmental, conservation, and agricultural uses and assets,
28 and to enhance the high-quality use of the applicable area of
29 northeastern Okeechobee County;

30 2. To enhance the market value for both present and
31 future landowners of the property consistent with the need to

1 protect private property rights in the northeastern Okeechobee
2 area;

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

7 4. To share the costs for providing such basic
8 systems, facilities, and services in an innovative,
9 sequential, and flexible manner within the new community to be
10 serviced by the Grove Community District.

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

13 (a) There are two public or governmental alternatives
14 and one private alternative available to plan, construct,
15 maintain, and finance the provision of systems, facilities,
16 and services in the intended new community area of
17 northeastern Okeechobee County:

18 1. One of the public or governmental alternatives for
19 such infrastructure provision is by the board of county
20 commissioners within the Okeechobee County political
21 subdivision which can provide certain basic systems,
22 facilities, and services directly or with management by its
23 staff with financing through either a municipal service taxing
24 unit for ad valorem taxes or municipal service benefit for
25 assessments, or indirectly by nonemergency ordinance use of a
26 dependent district.

27 2. The second public alternative is use of an
28 independent special district.

29 3. The private alternative is the private landowner, a
30 private homeowner association, a private utility, a private
31

1 business corporation, or a partnership or combination of these
2 various private alternatives.

3 (b) Planning, permitting, and creating the new
4 community and using the independent specialized single-purpose
5 Grove Community District created by this act are consistent
6 with and implement both the Okeechobee County Comprehensive
7 Plan and Land Development Regulations and also the following
8 long-standing and expressed policies of the state:

9 1. To allow the creation of independent special taxing
10 districts which have uniform general law standards and
11 procedures and which do not overburden other local governments
12 and their taxpayers while preventing the proliferation of
13 independent special taxing districts which do not meet the
14 standards set forth in section 187.201(20), Florida Statutes.

15 a. There are two alternatives for the use of
16 independent special districts. One alternative is
17 establishment on the approximately 5,683 acres by rule of the
18 Governor and Cabinet of a uniform community development
19 district; the other is a special independent district meeting
20 the minimum requirements of chapter 189, Florida Statutes, the
21 applicable district accountability general law.

22 b. Use of this special act, creating and establishing
23 the district on the approximately 5,683 acres in northeastern
24 Okeechobee County, is the better of the two independent
25 district alternatives because it updates the charter of a
26 community development district under chapter 190, Florida
27 Statutes, eliminates potential for its abuse, clarifies and
28 sets forth certain uniform procedures for liens on property
29 and for access by the public to the property, and makes other
30 substantial reforms to the benefit of the people of Okeechobee
31 County and future landowners, residents, and visitors.

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

4 3. To recognize the existence of legitimate and often
5 competing public and private interests and land use
6 regulations and other government action, pursuant to section
7 187.201(14)(a), Florida Statutes.

8 4. Consistent with the Okeechobee County Comprehensive
9 Plan, to recognize the importance of preserving natural
10 resources and enhancing quality of life by development in
11 those areas where land and water resources, fiscal abilities,
12 and service capacity can accommodate the land use and growth
13 in a manner that is environmentally acceptable, pursuant to
14 section 187.201(15)(a), Florida Statutes.

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

21 6. To encourage local government financial
22 self-sufficiency in providing public facilities and to
23 identify and implement fiscally sound, innovative, and
24 cost-effective techniques to provide and finance public
25 facilities while encouraging development, use, and
26 coordination of capital improvement plans by all levels of
27 government, pursuant to section 187.201(17)(b)5., 6., and 7.,
28 Florida Statutes, as provided also in the Okeechobee County
29 Comprehensive Plan.

30 7. To increase, promote, and provide access to
31 cultural, historical, and educational resources and

1 opportunities, pursuant to section 187.201(18)(a) and (b)1.,
2 Florida Statutes.

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

11 9. To encourage and enhance cooperation among
12 communities that have unique assets, irrespective of political
13 boundaries, to bring the private and public sectors together
14 for establishing an orderly, environmentally sound, and
15 economically sound plan for current and future needs and
16 growth, pursuant to section 187.201(25)(b)8., Florida
17 Statutes.

18 10. To create independent special districts by or
19 pursuant to general law to ensure long-term management and
20 related financing, to meet the need in the state for timely,
21 efficient, effective, responsive, innovative, accountable,
22 focused, and economic ways to deliver basic services to new
23 communities to solve the state's planning, management, and
24 financing needs for delivery of capital infrastructure in
25 order in turn to provide for projected growth only and to do
26 so without overburdening other governments and their
27 taxpayers, pursuant to section 189.402, Florida Statutes, so
28 that providing to the new community basic systems, facilities,
29 and services by independent special districts remains pursuant
30 to uniform general law and section 189.402(3)(a) and (c),
31 Florida Statutes.

1 11. To ensure that those independent districts and the
2 exercise of their powers are consistent and comply with
3 applicable due process, disclosure, accountability, ethics,
4 and government-in-the-sunshine requirements of law, both to
5 the independent districts and to their elected and appointed
6 officials, pursuant to section 189.402(3)(b), Florida
7 Statutes, because independent special districts are a
8 legitimate alternative method available for use by both the
9 public and private sectors to manage, own, operate, construct,
10 and finance basic capital infrastructure systems, facilities,
11 and services, pursuant to section 189.402(4)(a), Florida
12 Statutes.

13 12. To ensure that an independent special district is
14 created to serve a special purpose to cooperate and to
15 coordinate its activities with the applicable general-purpose
16 local government because aspects of growth and development
17 transcend boundaries and responsibilities of individual units
18 of government so that no single unit of government can plan or
19 implement policies to deal with these issues unilaterally as
20 effectively, pursuant to section 189.402(7) and (8), Florida
21 Statutes.

22 (c) Construction, operation, and development of the
23 new community and the use of the special and single-purpose
24 independent district are not inconsistent with the Okeechobee
25 County Comprehensive Plan.

26 (d) This land area for the new community requires an
27 independent, special, and single-purpose local government, in
28 the form of an independent special district as defined in
29 section 189.403(3), Florida Statutes, subject to all
30 substantive and procedural limitations under state law,
31 including this act, in order to constitute itself a highly

1 specialized alternative and viable growth management
2 concurrency mechanism appropriate for this unique area,
3 available to both the private and public sectors.

4 (e) Such a district requires timely, flexible,
5 limited, and specialized management and related financing
6 capabilities under its uniform state charter, created by this
7 act pursuant to general law, in order to produce those
8 flexible, innovative, and highly specialized benefits to the
9 new community property in northeastern Okeechobee County.

10 (f) Such a district must have management capabilities
11 to provide pinpointed, focused, accountable, responsive,
12 limited, specialized, and low-overhead-based capability,
13 authority, and power to provide basic systems, facilities, and
14 services to the new community development with economies of
15 scale but at sustained high levels of quality over the long
16 term.

17 (g) In order to be responsive to the critical timing
18 required through the exercise of its special management
19 functions, an independent district requires financing of those
20 functions, including bondable lienable and nonlienable
21 revenue, with full and continuing public disclosure and
22 accountability, funded by landowners, both present and future,
23 and funded also by users of the systems, facilities, and
24 services provided to the land area by the district, without
25 burdening the taxpayers and citizens of the state or of
26 Okeechobee County or any municipality in Okeechobee County.

27 (h) The provision of services by this independent
28 district must implement, be subject to, and function not
29 inconsistent with any related permitting and planning
30 requirements of Okeechobee County and of the Okeechobee County
31 Comprehensive Plan and Land Development Regulations.

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

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

7 2. Constitute a disincentive for premature or
8 inappropriate municipal incorporation consistent with state
9 law.

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

12 4. Provide a mechanism for full and continuing
13 disclosure of how basic systems, facilities, and services are
14 both managed and financed, including full and continuing
15 disclosure to both prospective purchasers and all residents of
16 public financing related to any burdens of land ownership and
17 any related burdens on existing or future residents.

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

23 (j) The district is also a mechanism to implement the
24 Okeechobee County Concurrency Management System designed to
25 coincide with, and to implement, both the Okeechobee County
26 future land use element and the capital improvements element
27 for basic systems, facilities, and services consistent with
28 the best interests of the new community.

29 (k) By serving its single specialized purpose and in
30 preventing urban sprawl, the district will not result in
31 needless proliferation, duplication, and fragmentation of

1 local government systems, facilities, and services in this
2 area of northeastern Okeechobee County.

3 (l) Subject to its substantive and procedural
4 limitations, the district will assist directly in public and
5 combined public and private planning and coordination in order
6 to achieve innovative solutions to the needs and requirements
7 in this unique new community located in northeastern
8 Okeechobee County.

9 (m) Management of the timing and phasing of critical
10 sequential events, coordinated by the initial private
11 landowner and the Board of County Commissioners of Okeechobee
12 County, is of fundamental importance and is the basis of the
13 inordinate burden on the initial landowner developer and to
14 enhance the provision of sustained high-quality infrastructure
15 over the long term to enhance the intrinsic value of the new
16 community in order to implement its requirements.

17 (n) The critical single purpose of the district to
18 provide basic infrastructure systems, facilities, services,
19 works, infrastructure, and improvements to the private new
20 community is in the public interest because it:

21 1. Does not pass on taxes or profits to purchasers of
22 property or to landowners and residents within their
23 jurisdictions.

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

27 3. Is not influenced, guided, or limited by quarterly
28 and annual profit statements.

29 4. Does not have police or regulatory powers.

30 5. Does not have larger general-purpose overhead
31 responsibilities.

1 6. Is not subject to legitimate but counterveiling
2 fiscal, economic, policy, and political considerations to
3 which large general-purpose local governments and large
4 landowners and developers would be subject in the natural
5 course of events.

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

9 8. Shall operate and function subject to and not
10 inconsistent with the county comprehensive plan with least
11 overhead cost and with the highest amount of the public
12 disclosure, accountability, responsiveness, and productivity.

13 9. Coincides its functions with the authority and best
14 interests of local general-purpose government, the private
15 landowners, both present and future, the taxpayers, the future
16 residents, and the state in the provision of needed
17 infrastructure to the community at sustained levels of quality
18 over the long term.

19 10. Provides highly accountable innovative systems,
20 facilities, and services close to the land and close to the
21 people.

22 11. Serves a land area that is amenable to separate
23 special district government.

24 12. Serves a land area that is sufficiently compact
25 and of size sufficient for the functionally interrelated new
26 community development.

27 13. Serves a land area in which there is no existing
28 local or regional system, facility, or service with which
29 creation and operation of this district and the provision of
30 its systems, facilities, improvements, and infrastructure
31 would be incompatible.

1 14. Will enhance the intrinsic value of the property
2 and the new community development and be a sustaining source
3 of public revenue.

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

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

11 (3) DETERMINATIONS.--Based upon its findings and
12 ascertainties, the Legislature states expressly and
13 determines that:

14 (a) This act represents the findings, ascertainments,
15 and determinations of the Legislature that creating the Grove
16 Community District by special act pursuant to general law is
17 the best alternative as required by section 189.404(2)(e)3.,
18 Florida Statutes, because it meets affirmatively the findings
19 and ascertainments of this Legislature set forth hereinabove.

20 (b) The creation by this act of the district in the
21 area of northeastern Okeechobee County is consistent
22 affirmatively with the Okeechobee County Comprehensive Plan.

23 (c) The authority for this act is pursuant to section
24 189.404, Florida Statutes, and the State Comprehensive Plan
25 pursuant to section 187.201, Florida Statutes.

26 (d) The Board of County Commissioners of Okeechobee
27 County, on January 12, 2006, adopted Resolution 2006-1,
28 expressing no objection to the creation and establishment of
29 the Grove Community District and finding it consistent with
30 the Okeechobee County Comprehensive Plan as provided in
31 section 189.404(2)(e)4., Florida Statutes.

1 (4) INTENT.--Based upon its findings, ascertainties,
2 and determinations, the Legislature expresses its intent:

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

13 (b) That the district operate and function subject to,
14 and not inconsistent with, the Okeechobee County Comprehensive
15 Plan and Land Development Regulations and any applicable
16 development orders, zoning regulations, or other land
17 development regulations.

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

24 (d) That the Grove Community District created by this
25 act constitute an innovative mechanism for long-term,
26 sustained quality public stewardship through the planning,
27 implementation, construction, management, and related
28 financing of basic systems, facilities, services, and
29 infrastructure projects for the self-contained and
30 self-sustained mixed-use new community.

31

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

6 (f) That the exercise by this Grove Community District
7 of its powers to carry out its single purpose under its
8 charter as created by this act is consistent with applicable
9 due process, disclosure, accountability, ethics, conflict of
10 interest, government-in-the-sunshine, competitive procurement,
11 including its employees or consultants, competitive
12 negotiation, and competitive bidding requirements, both as to
13 the government entity itself and as to its appointed or
14 elected officials as required in this act.

15 (5) PURPOSE.--The limited, single, and specialized
16 purpose of the Grove Community District is to provide
17 community development systems, facilities, services, projects,
18 improvements, and infrastructure to the new community by
19 exercising its various management powers, with related
20 financing powers, both general and special, as set forth by
21 and limited by this act.

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

23 (a) "Ad valorem bonds" means bonds which are payable
24 from the proceeds of ad valorem taxes levied on real and
25 tangible personal property and which are generally referred to
26 as general obligation bonds.

27 (b) "Assessable improvements" means, without
28 limitation, any and all public improvements and community
29 facilities that the district is empowered to provide in
30 accordance with this act, which provide a special benefit to
31 property within the district.

1 (c) "Assessment bonds" means special obligations of
2 the district which are payable solely from proceeds of the
3 special assessments or benefit special assessments levied for
4 assessable improvements; however, in lieu of issuing
5 assessment bonds to fund the costs of assessable improvements,
6 the district may issue revenue bonds for such purposes payable
7 from special assessments.

8 (d) "Assessments" means those nonmillage district
9 assessments which include special assessments, benefit special
10 assessments, and maintenance special assessments and a
11 nonmillage, non-ad valorem maintenance tax if authorized by
12 general law.

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

16 (f) "Board" means the governing board of the district
17 or, if such board has been abolished, the board, body, or
18 commission succeeding to the principal functions thereof or to
19 whom the powers given to the board by this act have been given
20 by law.

21 (g) "Bond" includes "certificate," and the provisions
22 which are applicable to bonds are equally applicable to
23 certificates. The term "bond" includes any general obligation
24 bond, assessment bond, refunding bond, revenue bond, and other
25 such obligation in the nature of a bond as is provided for in
26 this act, as the case may be.

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

29 1. The expense of determining the feasibility or
30 practicability of acquisition, construction, or
31 reconstruction.

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

1 16. Payments, contributions, dedications, and any
2 other exactions required as a condition to receive any
3 government approval or permit necessary to accomplish any
4 district purpose.

5 (i) "Developed urban area" means any reasonably
6 compact urban area.

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

16 (k) "District manager" means the manager of the
17 district.

18 (l) "District roads" means highways, streets, roads,
19 alleys, sidewalks, landscaping, storm drains, bridges, and
20 thoroughfares of all kinds of descriptions.

21 (m) "General obligation bonds" means bonds which are
22 secured by, or provide for their payment by, the pledge, in
23 addition to those special taxes levied for their discharge and
24 such other sources as may be provided for their payment or
25 pledged as security under the resolution authorizing their
26 issuance, of the full faith and credit and taxing power of the
27 district and for payment of which recourse may be had against
28 the general fund of the district.

29 (n) "Governing board member" means any member of the
30 board.

31

1 (o) "Land development regulations" means those
2 regulations of general-purpose local government, adopted under
3 the Local Government Comprehensive Planning and Land
4 Development Regulations Act, the Growth Management Act, and
5 chapter 163, Florida Statutes, to which the district is
6 subject and as to which the district may not doing anything
7 that is inconsistent; but this term does not mean specific
8 management engineering, planning, and other criteria and
9 standards needed in the daily management and implementation by
10 the district of its provision of basic systems, facilities,
11 services, works, improvements, projects, or infrastructure,
12 including design criteria and standards, so long as they
13 remain subject to and are not inconsistent with the Okeechobee
14 County Comprehensive Plan and the applicable land development
15 regulations.

16 (p) "Landowner" means the owner of a freehold estate
17 as appears by the deed record, including a trustee, a private
18 corporation, and an owner of a condominium unit; it does not
19 include a reversioner, remainderman, mortgagee, or any
20 governmental entity, who shall not be counted and need not be
21 notified of proceedings under this act. "Landowner" also means
22 the owner of a ground lease from a governmental entity, which
23 leasehold interest has a remaining term, excluding all renewal
24 options, in excess of 50 years.

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

27 (r) "Maintenance special assessments" means
28 assessments imposed, levied, and collected pursuant to the
29 provisions of section 4(14)(d).

30 (s) "Non-ad valorem assessments" means those
31 assessments levied and imposed by the board which are not

1 based upon millage and which constitute, pursuant to the
2 provisions hereof, first liens on the properties subject
3 thereto, coequal with the liens of state, county, municipal,
4 and school board taxes:

5 1. If and when pursuant to general law, those
6 nonmillage and non-ad valorem taxes, limited expressly and
7 only to those certain maintenance taxes provided for expressly
8 in the district charter in this act which are not ad valorem
9 taxes and are not special assessments.

10 2. Assessments which are not taxes and are special
11 assessments levied and imposed by the board pursuant to an
12 informed and nonarbitrary determination by the board that the
13 systems, facilities, and services will provide, as a logical
14 connection to the applicable parcels of property, special
15 benefits peculiar to the property, different in kind and
16 degree than general benefits and that the duty to pay per
17 parcel will be apportioned in a manner that is fair and
18 reasonable; and which may be known and referred to as
19 "assessments," "special assessments," "maintenance
20 assessments," or "benefit assessments" as defined by and as
21 may be applicable in the context of this charter. The levy of
22 maintenance assessments to maintain a system or facility
23 constructed and financed by special assessments levied by the
24 district may be based on the assessment methodology by which
25 the construction special assessments are levied but upon a
26 determination that the maintenance special assessments also
27 provide a special and peculiar benefit to the property and are
28 apportioned in a manner that is fair and reasonable.

29 3. Any assessments which may be levied, imposed, and
30 equalized by the board by rule of the district.
31

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

4 1. "General powers," as provided in the act for the
5 district charter, which means those organizational and
6 administrative powers of the district as provided in this act
7 in its charter in order to carry out its single special
8 purpose as a local government public corporate body politic.

9 2. "Special powers," means those powers enumerated by
10 the act in the charter of the district to carry out its
11 specialized systems, facilities, services, projects,
12 improvements, and infrastructure and related functions in
13 order to carry out its single specialized purpose.

14 3. Any other powers, authority, and functions set
15 forth in this act.

16 (u) "Project" means any development, improvement,
17 property, power, utility, facility enterprise, service,
18 system, facility, works, or infrastructure now existing or
19 hereafter undertaken or established under the provisions of
20 this act.

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

26 (w) "Refunding bonds" means bonds issued to refinance
27 outstanding bonds of any type of the interest and redemption
28 premium thereon. Refunding bonds shall be issuable and payable
29 in the same manner as the refinanced bonds except that no
30 approval by the electorate shall be required unless required
31 by the State Constitution.

1 (x) "Revenue bonds" means obligations of the district
2 which are payable from revenues, including, but not limited
3 to, special assessments and benefit special assessments,
4 derived from sources other than ad valorem taxes on real or
5 tangible personal property and which do not pledge the
6 property, credit, or general tax revenue of the district.

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

26 (z) "Special assessments" means assessments as
27 imposed, levied, and collected by the district for the costs
28 of assessable improvements pursuant to the provisions of this
29 act, chapter 170, Florida Statutes, the additional authority
30 under section 197.3631, Florida Statutes, or other provisions
31 of general law now or hereinafter enacted which provide or

1 authorize a supplemental means to impose, levy, and collect
2 special assessments.

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

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

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

12 (bb) "Urban area" means a developed and inhabited
13 urban area within the district within a minimum acreage
14 resident population density of least 1.5 persons per acre as
15 defined by the latest official census, special census, or
16 population estimate or a minimum density of one single-family
17 home per 2.5 acres with access to improved roads or a minimum
18 density of one single-family home per 5 acres within a
19 recorded plat subdivision. Urban areas shall be designated by
20 the board of the district with the assistance of all local
21 general-purpose governments having jurisdiction over the area
22 within the jurisdiction of the district.

23 (cc) "Water system" means any plant, system, facility,
24 or property and additions, extensions, and improvements
25 thereto at any future time constructed or acquired as part
26 thereof useful or necessary or having the present capacity for
27 future use in connection with the development of sources,
28 treatment, or purification and distribution of water. Without
29 limiting the generality of the foregoing, the term "water
30 system" includes dams, reservoirs, storage, tanks, mains,
31 lines, valves, pumping stations, laterals, and pipes for the

1 purpose of carrying water to the premises connected with such
2 system and all rights, easements, and franchises of any nature
3 relating to any such system and necessary or convenient for
4 the operation thereof.

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

8 (a) The district and district charter, with its
9 general and special powers, created in this act are essential
10 and the best alternative for the unique location and nature of
11 the new community for residential, commercial, academic, and
12 other community uses, projects, or functions in northeastern
13 Okeechobee County consistent with and designed to enhance the
14 Okeechobee County Comprehensive Plan and to serve a lawful
15 public purpose.

16 (b) This district, a local government and corporate
17 body politic, is limited to its single, narrow, and special
18 legislative purpose herein expressed, with the power to
19 provide, plan, implement, construct, maintain, and finance as
20 a local government management entity its basic systems,
21 facilities, services, improvements, infrastructure, and
22 projects and possessing financing powers to fund its
23 management purpose over the long term.

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

26 Section 3. Minimum general law requirements; creation
27 and establishment; boundaries; jurisdiction; construction;
28 charter with legal description.--

29 (1) MINIMUM CHARTER REQUIREMENTS.--Pursuant to section
30 189.404(3), Florida Statutes, the Legislature sets forth that
31

1 the minimum requirements in paragraphs (a) through (o) have
2 been met in the identified provisions of the act as follows:

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

5 (b) The powers, functions, and duties of the district
6 are set forth generally in section 4, subsection (3),
7 paragraphs (g) and (h) and subsections (5)-(16), (18), (19),
8 (21), (25), and (32) as to which:

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

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

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

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

25 5. Provisions regarding budget preparation and
26 approval are set forth in section 4, subsections (5), (6), and
27 (9).

28 6. Provisions regarding liens and foreclosures of
29 liens are set forth in section 4, subsection (14), paragraphs
30 (f), (g), (h), and (i); and subsections (15), (17), (18), and
31 (19).

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

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

10 (c) Provisions for methods for establishing the
11 district are set forth in section 2, subsection (6), paragraph
12 (j) and this section and are effective as provided in section
13 6.

14 (d) Provisions regarding methods for amending the
15 charter of the district are set forth in section 2 of
16 subsection (7), paragraph (c); subsection (4) of this section;
17 and section 4 of subsection (28).

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

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

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

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

29 4. Provisions regarding the quorum of the governing
30 board are set forth in section 4, subsection (3), paragraph
31

1 (b) and subsection (4), paragraph (c), subparagraph 1.,
2 sub-subparagraph e.

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

7 (g) Provisions regarding the administrative duties of
8 the governing board are set forth in section 4, subsections
9 (5)-(8).

10 (h) Provisions applicable to financial disclosure,
11 noticing, and reporting requirements for:

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

14 2. Voting are set forth in section 4, subsections (3)
15 and (4).

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

18 (i) Provisions regarding procedures and requirements
19 for issuing bonds are set forth in section 4, subsection (12),
20 paragraphs (a)-(g), and subsection (13).

21 (j) Provisions regarding elections or referenda are:

22 1. For procedures for elections, set forth in section
23 4, subsections (3) and (4), and regarding referenda, set forth
24 in section 4, subsection (14), paragraph (a).

25 2. For qualifications of an elector of the district, a
26 qualified elector, set forth in section 2, subsection (6),
27 paragraph (v) and section 4, subsection (3), paragraphs (b)
28 and (c).

29 3. For referenda, set forth in section 4, subsection
30 (4), paragraph (b).

31

1 (k) Provisions regarding methods for financing the
2 district are set forth generally in section 4, subsections
3 (10), (11), (14), (15), (16), (17), (18), and (19).

4 (l) Other than taxes levied for the payment of bonds
5 and taxes levied for periods not longer than 2 years when
6 authorized by vote of the electors of the district, provisions
7 for:

8 1. The authority to levy ad valorem taxes are set
9 forth in section 4, subsection (3), paragraph (h) and
10 subsection (14), paragraph (a); and section 2, subsection (6),
11 paragraph (aa), subparagraph 1.

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

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

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

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

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

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

27 (2) CREATION AND ESTABLISHMENT.--The Grove Community
28 District is created and incorporated hereby as a public body,
29 corporate and politic, a political subdivision, an
30 independent, limited, special, and single-purpose local
31 government, and an independent special district under section

1 189.404, Florida Statutes, and as defined in this act and in
2 section 189.403(3), Florida Statutes, in and for northeastern
3 Okeechobee County. Any amendments to chapter 190, Florida
4 Statutes, after January 1, 2006, which grant additional
5 general powers, special powers, authorities, or projects to a
6 community development district by amendment to its uniform
7 charter, sections 190.006-190.041, Florida Statutes, shall
8 constitute a general power, special power, authority, or
9 function of the Grove Community District, except that as to
10 any such additional powers, authorities, or projects, this act
11 shall control if there are any related provisions in such
12 additional powers, authorities, or projects inconsistent with
13 the provisions of this act. Because all notices for the
14 enactment by the Legislature of this special act have been
15 provided pursuant to the State Constitution, the laws of
16 Florida, and the rules of the House of Representatives and the
17 Senate, and because Okeechobee County is not a charter county,
18 no referendum subsequent to the effective date of this act is
19 required. The district, as created by this act, is established
20 on the property pursuant to sections 4(2) and 6.

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

25 (4) JURISDICTION.--The jurisdiction of this district,
26 in the exercise of its general and special powers and in the
27 carrying out of its single, narrow, and special purpose, is
28 both within the external boundaries of the legal description
29 of this district and extraterritorially, when limited to, and
30 as authorized expressly elsewhere in, the charter of the
31 district in this act or applicable general law. This

1 single-purpose district is created for all public body
2 corporate, politic, and local government authority and power
3 limited by the charter and subject to the provisions of other
4 general laws, including expressly chapter 189, Florida
5 Statutes, except that an inconsistent provision in this act
6 shall control and the district has jurisdiction to perform
7 such acts and exercise such projects, functions, and powers as
8 shall be necessary, convenient, incidental, proper, or
9 reasonable for the implementation of its limited, single, and
10 specialized purpose regarding the sound planning, provision,
11 acquisition, development, operation, maintenance, and related
12 financing of those public systems, facilities, services,
13 improvements, projects, and infrastructure works as authorized
14 herein including those necessary and incidental thereto.

15 (5) EXCLUSIVE CHARTER.--The charter of the Grove
16 Community District is this act and may be amended, terminated,
17 or repealed only by special act of the Legislature amending or
18 repealing this act.

19 Section 4. Disposition of sections 2 and 3; legal
20 description; exclusive charter of the Grove Community
21 District.--

22 (1) INCORPORATION AND DISPOSITION OF SECTIONS 2 AND
23 3.--Sections 2 and 3 of this act are true and correct and are
24 incorporated herein and made a part of this section as
25 dispositive provisions of law. This act constitutes the
26 exclusive charter of the Grove Community District.

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

1 METES AND BOUNDS DESCRIPTION

2 Grove Community District

3
4 LEGAL DESCRIPTION:

5 (OFFICIAL RECORDS BOOK 230, PAGE 571, PUBLIC
6 RECORDS, OKEECHOBEE COUNTY, FLORIDA)

7
8 ALL OF SECTIONS 1, 2, 3, 10, 11, 12, 13, 14,
9 AND 15, IN TOWNSHIP 34 SOUTH, RANGE 36 EAST,
10 OKEECHOBEE COUNTY, FLORIDA, LESS AND EXCEPT THE
11 FOLLOWING DESCRIBED LANDS:

12
13 BEGINNING AT A CONCRETE MONUMENT MARKING THE
14 SOUTHEAST CORNER OF SAID SECTION 13, RUN NORTH
15 89°26'05" WEST A DISTANCE OF 5284.42 FEET TO AN
16 IRON PIPE MARKING THE SOUHWEST CORNER OF SAID
17 SECTION 13; THENCE RUN SOUTH 89°42'28" WEST A
18 DISTANCE OF 5114.05 FEET ALONG THE SOUTH LINE
19 OF SECTION 14 TO AN IRON PIPE AT THE SW CORNER
20 THEREOF; THENCE RUN NORTH 89°31'14" WEST ALONG
21 THE SOUTH LINE OF SECTION 15 A DISTANCE OF
22 5302.02 FEET TO A CONCRETE MONUMENT MARKING THE
23 SOUTHWEST CORNER OF SAID SECTION 15; THENCE RUN
24 NORTH 00°00'14" EAST ALONG THE WEST LINE OF
25 SECTION 15 A DISTANCE OF 174.49 FEET; THENCE
26 RUN SOUTH 89°12'07" EAST ALONG A FENCE LINE A
27 DISTANCE OF 5302.87 FEET TO A POINT WHICH IS
28 145 FEET NORTH OF THE SOUTHWEST CORNER OF SAID
29 SECTION 14; THENCE RUN SOUTH 00°12'46" WEST A
30 DISTANCE OF 20.0 FEET; THENCE RUN NORTH
31 89°42'28" EAST ALONG A LINE LYING PARALLEL TO

1 AND 125 FEET NORTH OF THE SOUTH LINE OF SECTION
2 14 A DISTANCE OF 5113.88 FEET TO A POINT WHICH
3 IS 125 FEET NORTH OF THE SOUTHWEST CORNER OF
4 SECTION 13; THENCE RUN SOUTH 89°26'05" EAST
5 ALONG A LINE PARALLEL TO AND 125 FEET NORTH OF
6 THE SOUTH LINE OF SECTION 13 A DISTANCE OF
7 5149.10 FEET TO A POINT WHICH IS 135 FEET WEST
8 AND 125 FEET NORTH OF THE SOUTHEAST CORNER OF
9 SECTION 13; THENCE RUN NORTH 00°00'22" WEST A
10 DISTANCE OF 100 FEET; THENCE RUN SOUTH
11 89°26'05" EAST A DISTANCE OF 135 FEET TO THE
12 EAST LINE OF SAID SECTION 13; THENCE RUN SOUTH
13 00°00'22" EAST A DISTANCE OF 225 FEET TO THE
14 POINT OF BEGINNING AT THE SOUTHEAST CORNER OF
15 SECTION 13, TOWNSHIP 34 SOUTH, RANGE 36 EAST,
16 OKEECHOBEE COUNTY, FLORIDA, CONTAINING 5683.29
17 ACRES, MORE OR LESS.

18
19 (3) BOARD; MEMBERS AND MEETINGS; ORGANIZATION; POWERS;
20 DUTIES; TERMS OF OFFICE; RELATED ELECTION REQUIREMENTS.--

21 (a) The board shall exercise the powers granted to the
22 district pursuant to this act in order to implement its
23 specialized single purpose.

24 (b) There is created the Board of Supervisors of the
25 Grove Community District, which is the governing board and
26 body of the district. Except as otherwise provided herein,
27 each member shall hold office for a term of 4 years and until
28 his or her successor is chosen and qualifies. There shall be
29 five members of the board who shall, in order to be eligible,
30 be residents of the state and citizens of the United States.
31 Three members shall constitute a quorum.

1 (c) Within 45 days after the effective date of this
2 act, a specially noticed meeting of the landowners of the
3 district shall be held for the purpose of electing the members
4 to the first board as herein provided. Notice of such special
5 meeting of the landowners shall be given by causing
6 publication thereof to be made once a week for 2 consecutive
7 weeks prior to such meeting in a newspaper of general paid
8 subscription and circulation in Okeechobee County, the last
9 day of such publication not to be fewer than 14 or more than
10 28 days before the day of the election. Such special meeting
11 of the landowners shall be held in a public place in
12 Okeechobee County, and the place, date, and hour of holding
13 such meeting and the purpose thereof shall be stated expressly
14 in the notice. The landowners, when assembled, shall organize
15 by electing a chair who shall preside at the meeting of the
16 landowners and a secretary who shall record the proceedings.
17 At such meeting, for the election of each person to be
18 elected, each and every acre of land, or any fraction thereof,
19 within the boundary of the district shall represent one vote
20 and each owner of that acre or fraction thereof shall be
21 entitled to one vote for every such acre or fraction thereof.
22 Persons who qualify to serve as board members shall be
23 nominated at the noticed meeting and prior to the initial
24 election at the noticed meeting. A landowner may vote in
25 person or by proxy in writing. A landowner who sells land to a
26 bona fide purchaser may by written lawful instrument retain
27 the voting rights for that acreage.

28 (d) At the landowners' meeting for the election of the
29 members of the board on a one-acre, one-vote basis, the two
30 candidates receiving the highest number of votes shall be
31 elected for terms expiring November 30, 2008, and the three

1 candidates receiving the next highest number of votes shall be
2 elected for terms expiring November 30, 2010. The members of
3 the first board elected by the landowners shall serve their
4 respective 4-year or 2-year terms; however, the next election
5 by the landowners shall be held on the first Tuesday in
6 November 2008 to elect members to fill those vacancies to
7 4-year terms. Thereafter, there shall be an election of
8 supervisors for the district every 2 years in November on a
9 date established by the board and noticed pursuant to
10 paragraph (c).

11 (e) The landowners present at the meeting shall
12 constitute a quorum.

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

15 (g) In case of a vacancy in the office of any member
16 of the board, the remaining members of the board shall by
17 majority vote elect a person to serve as a member of the board
18 for the unexpired portion of the term.

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

22 (4) ELECTION; POPULAR ELECTIONS, REFERENDUM;
23 DESIGNATION OF URBAN AREAS.--

24 (a) Elections of the members of the board shall be
25 conducted on a one-acre, one-vote basis as provided in
26 paragraph (3)(c), until and unless the provisions of paragraph
27 (b) apply. When applicable and required, the appropriate
28 provisions of section 189.405, Florida Statutes, apply.

29 (b) A referendum shall be called by the board, each
30 member elected on a one-acre, one-vote basis, on the question
31 of whether certain members of the board should be elected by

1 qualified electors, providing each of the following conditions
2 has been satisfied at least 60 days prior to the general or
3 special election at which the referendum is to be held:

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

6 2. A petition signed by 10 percent of the qualified
7 electors of the district has been filed with the board. The
8 petition shall be submitted to the Supervisor of Elections of
9 Okeechobee County who shall, within 30 days after receipt of
10 the petition, certify to the board the percentage of
11 signatures of qualified electors contained in the petition.

12 (c) Upon verification by the supervisor of elections
13 that 10 percent of the qualified electors of the district have
14 petitioned the board, a referendum election shall be called by
15 the board at the next regularly scheduled election of
16 governing board members occurring at least 60 days after
17 verification.

18 (d) If the qualified electors approve the election
19 procedure described in this section, the governing board of
20 the district shall remain five members and elections shall be
21 held pursuant to the criteria described in this paragraph,
22 beginning with the next regularly scheduled election of
23 governing board members or at a special election called within
24 6 months after the referendum and final unappealed approval of
25 district urban area maps as provided in this section,
26 whichever is earlier.

27 (e) If the qualified electors of the district reject
28 the election procedure described in this section, elections of
29 the members of the board shall continue as described in this
30 act on a one-acre, one-vote basis. No further referendum on
31

1 the question shall be held for a minimum period of 2 years
2 after the referendum.

3 (f) Within 30 days after approval of the election
4 process described in this section by qualified electors of the
5 district, the board shall direct the district staff to prepare
6 and to present maps of the district describing the extent and
7 location of all urban areas within the district. Such
8 determination shall be based upon the criteria contained in
9 the definition of urban area in this act.

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

14 (h) Any district landowner or elector may contest the
15 accuracy of the urban area maps prepared by the staff of the
16 district within 30 days after submission to the board. Upon
17 notice of objection to the maps, the governing board shall
18 request the county engineer to prepare and present maps of the
19 district describing the extent and location of all urban areas
20 within the district. Such determination shall be based
21 limitedly and exclusively upon the criteria contained in the
22 definition in this act of urban area. Within 30 days after the
23 governing board requests, the county engineer shall present
24 the maps to the governing board.

25 (i) Upon presentation of the maps by the county
26 engineer, the governing board shall compare the maps submitted
27 by both the district staff and the county engineer and make a
28 determination as to which set of maps to adopt. Within 60 days
29 after presentation of all such maps, the governing board may
30 amend and shall adopt the official maps at a regularly
31 scheduled board meeting.

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

7 (k) Upon adoption by the board or certification by the
8 court, the district urban area maps shall serve as the
9 official maps for determination of the extent of urban area
10 within the district and the number of members of the board to
11 be elected by qualified electors and by one-acre, one-vote at
12 the next regularly scheduled election of governing board
13 members.

14 (l) Upon a determination of the percentage of urban
15 area within the district as compared with total area within
16 the district, the governing board shall determine the number
17 of electors in accordance with the percentages pursuant to
18 this paragraph. The landowners' meeting date shall be
19 designated by the board.

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

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

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

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

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

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

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

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

17 2. All members of the board, regardless of how
18 elected, shall be public officers, known as supervisors, and,
19 upon entering into office, shall take and subscribe to the
20 oath of office as prescribed by section 876.05, Florida
21 Statutes. All members of the board, regardless of how elected,
22 and regardless of whether they are qualified electors
23 themselves, shall be public officials and subject to ethics
24 and conflict of interest laws of the state that apply to all
25 public officers. They shall hold office for the terms for
26 which they were elected and until their successors are chosen
27 and qualified.

28 3. Any elected member of the board may be removed by
29 the Governor for malfeasance, misfeasance, dishonesty,
30 incompetency, or failure to perform the duties imposed upon
31 him or her by this act. Any vacancies which may occur in such

1 office shall be filled by the Governor, as soon as
2 practicable, unless filled by the board as provided in this
3 act.

4 4. All governing board members elected by qualified
5 electors shall be qualified electors elected at large.
6 Candidates seeking election as qualified electors shall
7 conduct their campaigns in accordance with the provisions of
8 chapter 106, Florida Statutes, and shall file petitions as
9 required in section 99.021, Florida Statutes, and take the
10 oath therein prescribed.

11 5. All governing board members elected by qualified
12 electors shall have a term of 4 years each except for
13 governing board members elected at the first election and the
14 first landowners' meeting following the referendum prescribed
15 in paragraph (b). Governing board members elected at the first
16 election and the first landowners' meeting following the
17 referendum shall serve as follows:

18 a. If one governing board member is elected by the
19 qualified electors and four are elected on a one-acre,
20 one-vote basis, the governing board members elected by the
21 qualified electors shall be elected for a term of 4 years
22 each. Governing board members elected on a one-acre, one-vote
23 basis shall be elected for terms as prescribed by subsection
24 (3).

25 b. If two governing board members are elected by the
26 qualified electors and three are elected on a one-acre,
27 one-vote basis, the governing board members elected by the
28 qualified electors shall be elected for a term period of 4
29 years each. Governing board members elected on a one-acre,
30 one-vote basis shall be elected for terms of 1, 2, and 3
31 years, respectively, as prescribed by subsection (3).

1 c. If three governing board members are elected by the
2 qualified electors and two are elected on a one-acre, one-vote
3 basis, two of the governing board members elected by the
4 qualified electors shall be elected for a term of 4 years and
5 the other governing board member elected by the electors shall
6 be elected for a term of 2 years. Governing board members
7 elected on a one-acre, one-vote basis shall be elected for
8 periods of 1 year and 2 years, respectively, as prescribed by
9 subsection (3).

10 d. If four governing board members are elected by the
11 qualified electors and one is elected on a one-acre, one-vote
12 basis, two of the governing board members elected by the
13 electors shall be elected for terms of 2 years each and the
14 other two for term of 4 years each. The governing board member
15 elected on a one-acre, one-vote basis shall be elected for a
16 term of 1 year as prescribed by subsection (3).

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

20 6. If any vacancy occurs in a seat occupied by a
21 governing board member elected by the qualified electors, the
22 remaining members of the governing board shall, within 45 days
23 after the vacancy occurs, appoint a person who would be
24 eligible to hold the office for the unexpired term.

25 7. Each and every election by qualified electors of
26 members of the board pursuant to this act shall be conducted
27 in the manner and at a time prescribed by law for holding
28 general elections or prescribed by the Supervisor of Elections
29 in and for the Okeechobee County political subdivision.

30 8.a. An annual landowners' meeting shall be held
31 pursuant to subsection (3) and at least one governing board

1 member shall be elected on a one-acre, one-vote basis pursuant
2 to subsection (3) for so long as 10 percent or more of the
3 district is not contained in an urban area. In the event all
4 district governing board members are elected by qualified
5 electors, there shall be no further landowners' meetings.

6 b. At any landowners' meeting called pursuant to this
7 section, 50 percent of the district acreage shall not be
8 required to constitute a quorum and each governing board
9 member shall be elected by a majority of the acreage
10 represented either by owner or proxy present and voting at
11 said meeting.

12 c. All landowners' meetings of districts operating
13 pursuant to this section shall be set by the board within the
14 month preceding the month of the election of the governing
15 board members by the electors.

16 d. Vacancies on the board shall be filled pursuant to
17 subsection (3) and this subsection except as otherwise
18 provided in this section.

19 9. Three board members shall constitute a quorum for
20 the purpose of conducting its business and exercising its
21 powers and for all other related purposes. Action taken by the
22 board members present shall be upon a vote of the majority of
23 the members present, unless general law or rule of the
24 district subsequently promulgated requires a greater number.

25 10. As soon as practicable after each election or
26 appointment, the board shall elect one of its members as
27 chair, elect a secretary who need not be a member of the
28 board, and elect such other officers as the board may deem
29 necessary.

30 11. The board shall keep a permanent record book
31 entitled "Record of Proceedings of Grove Community District,"

1 in which shall be recorded minutes of all meetings,
2 resolutions, proceedings, certificates, bonds given by all
3 employees, and any and all corporate acts. The record book
4 shall at reasonable times be opened to inspection in the same
5 manner as state, county, and municipal records pursuant to
6 chapter 119, Florida Statutes. The record book shall be kept
7 at the office or other regular place of business maintained by
8 the board within Okeechobee County.

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

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

18 (o) The members of the board, whether elected on a
19 one-acre, one-vote basis or a qualified-electors basis, shall
20 constitute the members of the governing board of the district
21 subject to the requirements of this act.

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

23 (a) The board shall employ and fix the compensation of
24 a district manager. The district manager shall have charge and
25 supervision of the works of the district and shall be
26 responsible for preserving and maintaining any improvement or
27 facility constructed or erected pursuant to the provisions of
28 this act, for maintaining and operating the equipment owned by
29 the district, and for performing such other duties as may be
30 prescribed by the board. It shall not be a conflict of
31 interest under chapter 112, Florida Statutes, for a board

1 member or the district manager or another employee of the
2 district to be a stockholder, officer, or employee of a
3 landowner. The district manager may hire or otherwise employ
4 and terminate the employment of such other persons, including,
5 without limitation, professional, supervisory, and clerical
6 employees, as may be necessary and authorized by the board.
7 The compensation and other conditions of employment of the
8 officers and employees of the district shall be as provided by
9 the board.

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

25 (c) The board is authorized to select as a depository
26 for its funds any qualified public depository as defined in
27 section 280.02, Florida Statutes, which meets all the
28 requirements of chapter 280, Florida Statutes, and has been
29 designated by the treasurer as a qualified public depository,
30 upon such terms and conditions as to the payment of interest
31

1 by such depository upon the funds so deposited as the board
2 may deem just and reasonable.

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

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

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

31

1 (c) At least 60 days prior to adoption, the board
2 shall submit to the Okeechobee County Board of County
3 Commissioners, for purposes of disclosure and information
4 only, the proposed annual budget for the ensuing fiscal year,
5 and the board of county commissioners may submit written
6 comments to the board solely for the assistance and
7 information of the board of the district in adopting its
8 annual district budget.

9 (d) The board shall submit annually, to the Board of
10 County Commissioners of Okeechobee County, its district public
11 facilities report under section 189.415(2), Florida Statutes,
12 addressing specifically short-term and long-term innovative
13 systems, facilities, and services consistent with the unique
14 nature of the new community. The Board of County Commissioners
15 of Okeechobee County shall use and rely on the district public
16 facilities report in the preparation or revision of the
17 Okeechobee County Comprehensive Plan specifically under
18 section 189.415(6), Florida Statutes.

19 (7) DISCLOSURE OF PUBLIC FINANCING.--The district
20 shall take affirmative steps to provide for the full
21 disclosure of information relating to the public financing and
22 maintenance of improvements to real property undertaken by the
23 district. Such information shall be made available to all
24 current residents, and to all prospective residents, of the
25 district. The district shall furnish each developer of a
26 residential development within the district with sufficient
27 copies of that information to provide each prospective initial
28 purchaser of property in that development with a copy, and any
29 developer of a residential development within the district,
30 when required by law to provide a public offering statement,
31 shall include a copy of such information relating to the

1 public financing and maintenance of improvements in the public
2 offering statement. The Division of Florida Land Sales,
3 Condominiums, and Mobile Homes of the Department of Business
4 and Professional Regulation shall ensure that disclosures are
5 made by developers pursuant to chapter 498, Florida Statutes.

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

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

15 (b) To apply for coverage of its employees under the
16 state retirement system in the same manner as if such
17 employees were state employees, subject to necessary action by
18 the district to pay employer contributions into the state
19 retirement fund.

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

25 (d) To borrow money and accept gifts; to apply for and
26 use grants or loans of money or other property from the United
27 States, the state, a unit of local government, or any person
28 for any district purposes and enter into agreements required
29 in connection therewith; and to hold, use, and dispose of such
30 moneys or property for any district purposes in accordance
31

1 with the terms of the gift, grant, loan, or agreement relating
2 thereto.

3 (e) To adopt rules and orders pursuant to the
4 provisions of chapter 120, Florida Statutes, prescribing the
5 powers, duties, and functions of the officers of the district;
6 the conduct of the business of the district; the maintenance
7 of records; and the form of certificates evidencing tax liens
8 and all other documents and records of the district. The board
9 may also adopt administrative rules with respect to any of the
10 projects of the district and define the area to be included
11 therein. The board may also adopt resolutions which may be
12 necessary for the conduct of district business.

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

16 (g) To hold, control, and acquire by donation,
17 purchase, or condemnation, and to dispose of, any public
18 easements, dedications to public use, platted reservations for
19 public purposes, or any reservations for those purposes
20 authorized by this act other than public easements conveyed to
21 or accepted by Okeechobee County and to make use of such
22 easements, dedications, or reservations for the purpose
23 mandated by this act.

24 (h) To lease as lessor or lessee to or from any
25 person, firm, corporation, association, or body, public or
26 private, any projects of the type that the district is
27 authorized to undertake and facilities or property of any
28 nature for the use of the district to carry out the purposes
29 mandated by this act.

30 (i) To borrow money and issue bonds, certificates,
31 warrants, notes, or other evidences of indebtedness as

1 hereinafter provided; to levy such tax and assessments as may
2 be authorized; and to charge, collect, and enforce fees and
3 other user charges subject as applicable to section
4 4(10)-(13).

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

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

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

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

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

31

1 (o) To determine, order, levy, impose, collect, and
2 enforce assessments pursuant to this act, which sets forth a
3 detailed uniform procedure to implement chapter 170, Florida
4 Statutes, and as an alternative to determine, order, levy,
5 impose, collect, and enforce assessments under and pursuant to
6 chapter 170, Florida Statutes, pursuant to authority granted
7 in section 197.3631, Florida Statutes, or pursuant to other
8 provisions of general law, now or hereinafter enacted, which
9 provide or authorize a supplemental means to impose, levy, and
10 collect special assessments. Such special assessments, in the
11 discretion of the district, as provided in section 197.3631,
12 Florida Statutes, may be collected and enforced pursuant to
13 the provisions of sections 197.3632 and 197.3635, Florida
14 Statutes, and chapters 170 and 173, Florida Statutes, or as
15 provided by this act.

16 (p) To exercise such special powers and other express
17 powers as may be authorized and granted by this act in the
18 charter of the district, including powers as provided in any
19 interlocal agreement entered into pursuant to chapter 163,
20 Florida Statutes, or which shall be required or permitted to
21 be undertaken by the district pursuant to any development
22 order or development of regional impact, including any
23 interlocal service agreement with Okeechobee County for
24 fair-share capital construction funding for any capital
25 facilities or systems required of the developer pursuant to
26 any applicable development order or agreement.

27 (q) To exercise all of the powers necessary,
28 convenient, incidental, or proper in connection with any other
29 powers or duties or the single purpose of the district
30 authorized by this act.
31

1 The provisions of this subsection shall be construed liberally
2 in order to carry out effectively the single specialized
3 purpose of this act and to secure for the district its ability
4 to be innovative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 h. In the case of a wastewater facility privatization
17 contract, the terms and conditions on which the private firm
18 will provide capital investment and financing or a combination
19 thereof for contemplated capital replacements, additions,
20 expansions, and repairs. The district shall give significant
21 weight to this criterion.

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

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

31

1 k. In the case of a wastewater facility privatization
2 contract, the technical expertise and experience of the
3 private firm in carrying out the obligations specified in the
4 wastewater facility privatization contract. The district shall
5 give significant weight to this criterion.

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

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

30 (d) To provide for district roads equal to or
31 exceeding the specifications of the county in which such

1 district roads are located, and streetlights, including
2 conditions of development approval which sometimes may be
3 different specifications than the normal specifications of the
4 county. This special power includes construction, improvement,
5 pavement, and maintenance of roadways and roads necessary and
6 convenient for the exercise of the powers or duties of the
7 district to:

8 1. Implement its single purpose.
9 2. Include as a component thereof roads, parkways,
10 bridges, landscaping, irrigation, bicycle and jogging paths,
11 street lighting, traffic signals, road striping, and all other
12 customary elements of a modern road system in general or as
13 tied to the conditions of development approval for the
14 specific district.

15 3. Plan, implement, construct or reconstruct, enlarge
16 or extend, finance, fund, equip, operate, and maintain parking
17 facilities freestanding or as may be related to any innovative
18 strategic intermodal system of transportation pursuant to
19 applicable federal, state, and local laws and ordinances.

20 (e) To provide for buses, trolleys, transit shelters,
21 ride-sharing facilities and services, parking improvements,
22 and related signage.

23 (f) To cover investigation and remediation costs
24 associated with the cleanup of actual or perceived
25 environmental contamination within the district under the
26 supervision or direction of a competent governmental authority
27 unless the covered costs benefit any person who is a landowner
28 within the district who caused or contributed to the
29 contamination.

30 (g) To provide for conservation areas, mitigation
31 areas, and wildlife habitat, including the maintenance of any

1 plant or animal species, and any related interest in real or
2 personal property.

3 (h) Using its general and special powers as set forth
4 in this act, to provide for any other project within or
5 without the boundaries of a district when the project is the
6 subject of an agreement between the district and the Board of
7 County Commissioners of Okeechobee County or with any
8 applicable other public or private entity, including a
9 homeowner association, and is not inconsistent with the
10 Okeechobee County Comprehensive Plan and the Growth Management
11 act which implement the single special purpose of the
12 district.

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

15 (j) To provide for fire prevention and control,
16 including fire stations and buildings, water mains and plugs,
17 fire trucks, and other vehicles and equipment, and for
18 emergency medical services, including stations and buildings,
19 vehicles, and equipment.

20 (k) To provide for school buildings and related
21 structures, which may be leased, sold, or donated to the
22 school district, for use in the educational system when
23 authorized by the district school board. The district is
24 granted the special power to contract with the Okeechobee
25 County School Board and, as applicable, the Board of County
26 Commissioners of Okeechobee County, and with the applicable
27 landowner developer of the lands within the jurisdiction of
28 the district, to assess the school district educational
29 facilities plan, and to implement a management and financing
30 plan for timely construction, maintenance, and acquisition, at
31 the option of the district, of school facilities, including

1 facilities identified in the facilities work programs or those
2 proposed by charter schools. The district is granted the
3 special power to determine, order, levy, impose, collect, or
4 arrange for the collection and enforcement of assessments, as
5 defined in and pursuant to this act, for such school
6 facilities. The district is eligible for the financial
7 enhancements available to educational facility benefit
8 districts to provide for financing the construction and
9 maintenance of educational facilities pursuant to section
10 1013.356, Florida Statutes, and, if and when authorized by
11 general law, to acquire such educational facilities. This act,
12 in the place of an educational facilities benefit district,
13 authorizes the Okeechobee County School Board to designate the
14 district. The district is authorized to enter into an
15 interlocal agreement with the Okeechobee County School Board
16 and, as applicable, the Board of County Commissioners of
17 Okeechobee County, and applicable private landowners and
18 developers in order to provide for such construction,
19 maintenance, and acquisition and in order to receive the
20 applicable financial enhancements provided by section
21 1013.356, Florida Statutes. The interlocal agreement shall
22 consider, among other things, absorption rates, sales rates,
23 and related data of existing and projected schools; racial,
24 ethnic, social, and economic balance within the Okeechobee
25 County School District under applicable state and federal law;
26 and the provision of school attendance zones to allow students
27 residing within a reasonable distance of the facilities
28 constructed and financed through the interlocal agreement to
29 attend such facilities. Because these facilities are funded by
30 assessments and not by taxes of any type, the provision of
31 these facilities may be multiuse and, consistent with the

1 provisions of this act, shall be first liens on the property
2 upon a showing of special and peculiar benefits that flow to
3 the property within the jurisdiction of the district as a
4 logical connection from the systems, facilities, and services,
5 resulting in added use, enhanced enjoyment, decreased
6 insurance premiums, or enhanced value in marketability so that
7 the Legislature finds that the provisions of the Florida
8 Constitution for free public schools is implemented and
9 enhanced.

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

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

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

30 (o) To enter into impact fee credit agreements with
31 Okeechobee County and the Okeechobee County School Board.

1 Under such agreements, where the district constructs or makes
2 contributions for public systems, facilities, services,
3 projects, improvements, works, and infrastructures for which
4 impact fee credits would be available to the landowner
5 developer under the Okeechobee County and Okeechobee County
6 School Board applicable impact fee ordinance, the agreement
7 authorized by this act shall provide that such impact fee
8 credit shall inure to the landowners within the district in
9 portion to assessments or other burdens levied and imposed
10 upon the landowners with respect to assessable improvements
11 giving rise to such impact fee credits, and the district
12 shall, from time to time, execute such instruments, such as
13 assignments of impact fee credits, as may be necessary,
14 appropriate, or desirable to accomplish or to confirm the
15 foregoing.

16 (p) To establish and create, at noticed meetings, such
17 government departments of the board of the district, as well
18 as committees, task forces, boards, commissions, or other
19 agencies under the supervision and control of the district, as
20 from time to time the members of the board may deem necessary
21 or desirable in the performance of the acts or other things
22 necessary to exercise its general or special powers to
23 implement an innovative project to carry out the special
24 purpose of the district as provided in this act and to
25 delegate to such departments, boards, task forces, committees,
26 or other agencies such administrative duties and other powers
27 as the board may deem necessary or desirable, but only if
28 there is a set of expressed limitations for accountability,
29 notice, and periodic written reporting to the board, which
30 shall retain its powers.

31

1 (q) So long as not inconsistent with the applicable
2 local government comprehensive plan and development
3 entitlements, to coordinate with the landowner developer on
4 the phasing of the delivery of infrastructure and to create
5 phase entities or units for its charter purpose. Toward this
6 end, and so long as it implements the purpose of the district
7 under this act, the board may designate, therefore, units of
8 development and adopt systems of progressive phased
9 development by units with related management planning,
10 implementation, construction, maintenance, and financing
11 within its phased unit. If the board proceeds to designate
12 such phased units of development, it must adopt at a noticed
13 meeting pursuant to chapter 120, Florida Statutes, a rule
14 setting forth detailed procedures and authorizations for such
15 phase unit processes. A committee, department, or agency of
16 the board shall be given express duty of oversight with
17 monthly written reports to the board. No such phased units can
18 begin or operate until or unless the required noticed rule has
19 been promulgated. With regard to any phased unit, there shall
20 be no bonded indebtedness and no levy of any lienable or
21 nonlienable revenue, whether to amortize bonds or not, within
22 the boundary of a phased unit other than by the board and
23 pursuant to the powers, procedures, and provisions of this act
24 and other applicable laws.

25 (r) To plan, establish, acquire, construct or
26 reconstruct, enlarge or extend, equip, operate, maintain,
27 finance, and fund buildings and structures for district
28 offices, maintenance facilities, meeting facilities, town
29 centers, or any other project authorized or granted by this
30 act upon a showing at a noticed meeting of its efficacy to the
31

1 specialized single purpose of this district for the new
2 community.

3 (s) To plan, establish, acquire, construct or
4 reconstruct, enlarge or extend, equip, operate, maintain,
5 finance, and fund edifices and facilities for the provision of
6 health care when authorized by applicable public or private
7 agencies providing health care and upon a showing of efficacy
8 to carry out the purpose of the district.

9 (t) To coordinate, work with, and, as the board deems
10 appropriate, enter into interlocal agreements subject to the
11 provisions of this charter with any public or private
12 institution of higher education, including the Indian River
13 Community College and any public or private university. The
14 purpose of such coordination and agreements is to help sustain
15 high-quality infrastructure in, around, and for the
16 universities as may be appropriate under the law on the basis
17 that the provision of such systems, facilities, and services,
18 including classrooms or other buildings for such institutions,
19 constitutes enhancement of the intrinsic value and
20 marketability of property within the new community and also
21 provides for increased enjoyment and enhanced use of the
22 property. These systems, facilities, and services, including
23 buildings, shall be first liens on the property within the
24 community and serve a lawful public purpose upon a showing by
25 the board in a nonarbitrary and informed manner of special and
26 peculiar benefits that flow to the property within the
27 community as a logical connection from the systems,
28 facilities, and services, resulting in added use, enhanced
29 enjoyment, decreased insurance premiums on, or enhanced value
30 in the marketability of the property.

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

5
6 The enumeration of special powers in this subsection shall not
7 be deemed exclusive or restrictive but shall be deemed to
8 incorporate all powers, express or implied, necessary or
9 incident to carrying out such enumerated special powers,
10 including also the general powers provided by this special act
11 charter to the district to implement its single purpose. The
12 provisions of this subsection shall be construed liberally in
13 order to carry out effectively the single purpose of this
14 district under this act and to secure for the district its
15 ability to be innovative.

16 (10) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition
17 to the other powers provided for in this act, and not in
18 limitation thereof, the district shall have the power, at any
19 time, and from time to time after the issuance of any bonds of
20 the district shall have been authorized, to borrow money for
21 the purposes for which such bonds are to be issued in
22 anticipation of the receipt of the proceeds of the sale of
23 such bonds and to issue bond anticipation notes in a principal
24 sum not in excess of the authorized maximum amount of such
25 bond issue. Such notes shall be in such denomination or
26 denominations; bear interest at such rate, not to exceed the
27 maximum rate allowed by general law; mature at such time or
28 times not later than 5 years from the date of issuance; and be
29 in such form and executed in such manner as the board shall
30 prescribe. Such notes may be sold at either public or private
31 sale or, if such notes are renewal notes, may be exchanged for

1 notes then outstanding on such terms as the board shall
2 determine. Such notes shall be paid from the proceeds of such
3 bonds when issued. The board may, in its discretion, in lieu
4 of retiring the notes by means of bonds, retire them by means
5 of current revenues or from any taxes or assessments levied
6 for the payment of such bonds, but in such event, a like
7 amount of the bonds authorized shall not be issued.

8 (11) SHORT-TERM BORROWING.--The district may at any
9 time obtain loans, in such amount and on such terms and
10 conditions as the board may approve, for the purpose of paying
11 any of the expenses of the district or any costs incurred or
12 that may be incurred in connection with any of the projects of
13 the district, which loans shall bear interest as the board
14 determines as not to exceed the maximum rate allowed by
15 general law and may be payable from and secured by a pledge of
16 such funds, revenues, taxes, and assessments as the board may
17 determine, subject, however, to the provisions contained in
18 any proceeding under which bonds were theretofore issued and
19 are then outstanding. For the purpose of defraying such costs
20 and expenses, the district may issue negotiable notes,
21 warrants, or other evidences of debt to be payable at such
22 times and to bear such interest, not to exceed the maximum
23 rate allowed by general law, as the board may determine and to
24 be sold or discounted at such price or prices not less than 95
25 percent of par value and on such terms as the board may deem
26 advisable. The board shall have the right to provide for the
27 payment thereof by pledging the whole or any part of the
28 funds, revenues, taxes, and assessments of the district. The
29 approval of the electors residing in the district shall not be
30 necessary except when required by the State Constitution.

31 (12) BONDS.--

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

- 17 1. The money paid for the bonds.
18 2. The principal amount, plus accrued interest to the
19 date of redemption or exchange, or outstanding obligations
20 exchanged for refunding bonds.
21 3. In the case of special assessment or revenue bonds,
22 the amount of any indebtedness to contractors or other persons
23 paid with such bonds, or the fair value of any properties
24 exchanged for the bonds, as determined by the board.

25 (b) Any general obligation bonds, special assessment
26 bonds, or revenue bonds may be authorized by resolution or
27 resolutions of the board, which shall be adopted by a majority
28 of all the members thereof then in office. Such resolution or
29 resolutions may be adopted at the same meeting at which they
30 are introduced and need not be published or posted. The board
31 may, by resolution, authorize the issuance of bonds and fix

1 the aggregate amount of bonds to be issued; the purpose or
2 purposes for which the moneys derived therefrom shall be
3 expended, including, but not limited to, payment of costs as
4 defined in section 2(6)(h); the rate or rates of interest, not
5 to exceed the maximum rate allowed by general law; the
6 denomination of the bonds; whether or not the bonds are to be
7 issued in one or more series; the date or dates of maturity,
8 which shall not exceed 40 years from their respective dates of
9 issuance; the medium of payment; the place or places within or
10 without the state where payment shall be made; registration
11 privileges; redemption terms and privileges, whether with or
12 without premium; the manner of execution; the form of the
13 bonds, including any interest coupons to be attached thereto;
14 the manner of execution of bonds and coupons; and any and all
15 other terms, covenants, and conditions thereof and the
16 establishment of revenue or other funds. Such authorizing
17 resolution or resolutions may further provide for the
18 contracts authorized by section 159.825(1)(f) and (g), Florida
19 Statutes, regardless of the tax treatment of such bonds being
20 authorized, subject to the finding by the board of a net
21 savings to the district resulting by reason thereof. Such
22 authorizing resolution may further provide that such bonds may
23 be executed in accordance with the Registered Public
24 Obligations Act, except that bonds not issued in registered
25 form shall be valid if manually countersigned by an officer
26 designated by appropriate resolution of the board. The seal of
27 the district may be affixed, lithographed, engraved, or
28 otherwise reproduced in facsimile on such bonds. In case any
29 officer whose signature appears on any bonds or coupons ceases
30 to be such officer before the delivery of such bonds, such
31 signature or facsimile shall nevertheless be valid and

1 sufficient for all purposes as if he or she had remained in
2 office until such delivery.

3 (c) Pending the preparation of definitive bonds, the
4 board may issue interim certificates or receipts or temporary
5 bonds, in such form and with such provisions as the board may
6 determine, exchangeable for definitive bonds when such bonds
7 have been executed and are available for delivery. The board
8 may also provide for the replacement of any bonds which become
9 mutilated, lost, or destroyed.

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

16 (e) The board may make such provision with respect to
17 the defeasance of the right, title, and interest of the
18 holders of any of the bonds and obligations of the district in
19 any revenues, funds, or other properties by which such bonds
20 are secured as the board deems appropriate and, without
21 limitation on the foregoing, may provide that when such bonds
22 or obligations become due and payable or are called for
23 redemption and the whole amount of the principal and interest
24 and premium, if any, due and payable upon the bonds or
25 obligations then outstanding is held in trust for such purpose
26 and provision is also made for paying all other sums payable
27 in connection with such bonds or other obligations, then the
28 right, title, and interest of the holders of the bonds in any
29 revenues, funds, or other properties by which such bonds are
30 secured shall thereupon cease, terminate, and become void; and
31 the board may apply any surplus in any sinking fund

1 established in connection with such bonds or obligations and
2 all balances remaining in all other funds or accounts other
3 than money held for the redemption or payment of the bonds or
4 other obligations to any lawful purpose of the district as the
5 board shall determine.

6 (f) If the proceeds of any bonds are less than the
7 cost of completing the project in connection with which such
8 bonds were issued, the board may authorize the issuance of
9 additional bonds upon such terms and conditions as the board
10 may provide in the resolution authorizing the issuance
11 thereof, but only in compliance with the resolution or other
12 proceedings authorizing the issuance of the original bonds.

13 (g) The district shall have the power to issue bonds
14 to provide for the retirement or refunding of any bonds or
15 obligations of the district that, at the time of such
16 issuance, are or subsequently thereto become due and payable,
17 or that at the time of issuance have been called or are or
18 will be subject to call for redemption within 10 years
19 thereafter, or the surrender of which can be procured from the
20 holders thereof at prices satisfactory to the board. Refunding
21 bonds may be issued at any time when, in the judgment of the
22 board, such issuance will be advantageous to the district. No
23 approval of the qualified electors residing in the district
24 shall be required for the issuance of refunding bonds except
25 in cases in which such approval is required by the State
26 Constitution. The board may by resolution confer upon the
27 holders of such refunding bonds all rights, powers, and
28 remedies to which the holders would be entitled if they
29 continued to be the owners and had possession of the bonds for
30 the refinancing of which such refunding bonds are issued,
31 including, but not limited to, the preservation of the lien of

1 such bonds on the revenues of any project or on pledged funds,
2 without extinguishment, impairment, or diminution thereof. The
3 provisions of this act pertaining to bonds of the district
4 shall, unless the context otherwise requires, govern the
5 issuance of refunding bonds, the form and other details
6 thereof, the rights of the holders thereof, and the duties of
7 the board with respect thereto.

8 (h)1. The district shall have the power to issue
9 revenue bonds from time to time without limitation as to
10 amount. Such revenue bonds may be secured by, or payable from,
11 the gross or net pledge of the revenues to be derived from any
12 project or combination of projects; from the rates, fees, or
13 other charges to be collected from the users of any project or
14 projects; from any revenue-producing undertaking or activity
15 of the district; from special assessments; from benefit
16 special assessments; or from any other source or pledged
17 security. Such bonds shall not constitute an indebtedness of
18 the district, and the approval of the qualified electors shall
19 not be required unless such bonds are additionally secured by
20 the full faith and credit and taxing power of the district.

21 2. Any two or more projects may be combined and
22 consolidated into a single project and may be operated and
23 maintained as a single project. The revenue bonds authorized
24 herein may be issued to finance any one or more of such
25 projects, regardless of whether such projects have been
26 combined and consolidated into a single project. If the board
27 deems it advisable, the proceedings authorizing such revenue
28 bonds may provide that the district may combine the projects
29 then being financed or theretofore financed with other
30 projects to be subsequently financed by the district and that
31 revenue bonds to be thereafter issued by the district shall be

1 on parity with the revenue bonds then being issued, all on
2 such terms, conditions, and limitations provided in the
3 proceeding which authorized the original bonds.

4 (i)1. Subject to the limitations of this charter, the
5 district shall have the power from time to time to issue
6 general obligation bonds to finance or refinance capital
7 projects or to refund outstanding bonds in an aggregate
8 principal amount of bonds outstanding at any one time not in
9 excess of 35 percent of the assessed value of the taxable
10 property within the district as shown on the pertinent tax
11 records at the time of the authorization of the general
12 obligation bonds for which the full faith and credit of the
13 district is pledged. Except for refunding bonds, no general
14 obligation bonds shall be issued unless the bonds are issued
15 to finance or refinance a capital project and the issuance has
16 been approved at an election held in accordance with the
17 requirements for such election as prescribed by the State
18 Constitution. Such elections shall be called to be held in the
19 district by the board of county commissioners of the county
20 upon the request of the board of the district. The expenses of
21 calling and holding an election shall be at the expense of the
22 district, and the district shall reimburse the county for any
23 expenses incurred in calling or holding such election.

24 2. The district may pledge its full faith and credit
25 for the payment of the principal and interest on such general
26 obligation bonds and for any reserve funds provided therefor
27 and may unconditionally and irrevocably pledge itself to levy
28 ad valorem taxes on all taxable property in the district, to
29 the extent necessary for the payment thereof, without
30 limitations as to rate or amount.

31

1 3. If the board determines to issue general obligation
2 bonds for more than one capital project, the approval of the
3 issuance of the bonds for each and all such projects may be
4 submitted to the electors on one and the same ballot. The
5 failure of the electors to approve the issuance of bonds for
6 any one or more capital projects shall not defeat the approval
7 of bonds for any capital project which has been approved by
8 the electors.

9 4. In arriving at the amount of general obligation
10 bonds permitted to be outstanding at any one time pursuant to
11 subparagraph 1., there shall not be included any general
12 obligation bonds which are additionally secured by the pledge
13 of:

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

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

23 c. Any combination of assessments and revenues
24 described in subparagraphs a. and b.

25 (j)1. Notwithstanding the provisions of any other law
26 to the contrary, all bonds issued under the provisions of this
27 act shall constitute legal investments for savings banks,
28 banks, trust companies, insurance companies, executors,
29 administrators, trustees, guardians, and other fiduciaries and
30 for any board, body, agency, instrumentality, county,
31 municipality, or other political subdivision of the state and

1 shall be and constitute security which may be deposited by
2 banks or trust companies as security for deposits of state,
3 county, municipal, or other public funds or by insurance
4 companies as required or voluntary statutory deposits.

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

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

1 covenants as may be deemed necessary or desirable for the
2 security of the bondholders.

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

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

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

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

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

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

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

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

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

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

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

1 shall be assessed, levied, and collected in the same manner
2 and at the same time as county taxes. The levy of ad valorem
3 taxes shall be approved by referendum when required by the
4 State Constitution.

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

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

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

1 tax shall be apportioned upon the basis of the net assessments
2 of benefits assessed as accruing from the original
3 construction and shall be evidenced and certified to the
4 property appraiser by the board not later than June 1 of each
5 year and shall be entered by the property appraiser on the tax
6 roll of the property appraiser, as certified by the property
7 appraiser to the tax collector, and collected by the tax
8 collector on the merged collection roll of the tax collector
9 in the same manner and at the same time as county ad valorem
10 taxes, and the proceeds therefrom shall be paid to the
11 district. This non-ad valorem maintenance tax shall be a lien
12 until paid on the property against which assessed and
13 enforceable in like manner and of the same dignity as county
14 ad valorem taxes.

15 (d) To maintain and preserve the facilities and
16 projects of the district, the board may levy a maintenance
17 special assessment. This assessment may be evidenced to and
18 certified to the property appraiser by the board not later
19 than August 31 of each year and shall be entered by the
20 property appraiser on the county tax rolls and shall be
21 collected and enforced by the tax collector in the same manner
22 and at the same time as county taxes, and the proceeds
23 therefrom shall be paid to the district. However, this
24 subsection shall not prohibit the district in its discretion
25 from using the method prescribed in section 197.363, section
26 197.3631, or section 197.3632, Florida Statutes, for
27 collecting and enforcing these assessments. These maintenance
28 special assessments shall be a lien on the property against
29 which assessed until paid and shall be enforceable in like
30 manner as county taxes. The amount of the maintenance special
31 assessment for the exercise of the district's powers under

1 this section shall be determined by the board based upon a
2 report by the district's engineer and assessed by the board
3 upon such lands, which may be all of the lands within the
4 district benefited by the maintenance thereof, apportioned
5 between the benefited lands in proportion to the benefits
6 received by each tract of land.

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

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

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

23 (h) Benefit special assessments, maintenance special
24 assessments, and special assessments are hereby found and
25 determined to be non-ad valorem assessments as defined by
26 section 197.3632, Florida Statutes. Maintenance taxes are
27 non-ad valorem taxes and are not special assessments.

28 (i) Any and all assessments, including special
29 assessments, benefit special assessments, and maintenance
30 special assessments authorized by this section; special
31 assessments as defined by section 2(6)(z) and granted and

1 authorized by this subsection; and maintenance taxes if
2 authorized by general law, shall constitute a lien on the
3 property against which assessed from the date of levy and
4 imposition thereof until paid, coequal with the lien of state,
5 county, municipal, and school board taxes. These assessments
6 may be collected, at the district's discretion, under
7 authority of section 197.3631, Florida Statutes, by the tax
8 collector pursuant to the provisions of sections 197.3632 and
9 197.3635, Florida Statutes, or in accordance with other
10 collection measures provided by law. In addition to, and not
11 in limitation of, any powers otherwise set forth herein or in
12 general law, these assessments may also be enforced pursuant
13 to the provisions of chapter 173, Florida Statutes.

14 (j) Except as otherwise provided by law, no levy of ad
15 valorem taxes or non-ad valorem assessments under this act or
16 chapter 170 or chapter 197, Florida Statutes, or otherwise by
17 a board of a district on property of a governmental entity
18 that is subject to a ground lease as described in section
19 190.003(13), Florida Statutes, shall constitute a lien or
20 encumbrance on the underlying fee interest of such
21 governmental entity.

22 (15) SPECIAL ASSESSMENTS.--

23 (a) As an alternative method to the levy and
24 imposition of special assessments pursuant to chapter 170,
25 Florida Statutes, pursuant to the authority of section
26 197.3631, Florida Statutes, or pursuant to other provisions of
27 general law that provide a supplemental means or authority to
28 impose, levy, and collect special assessments as otherwise
29 authorized under this act, the board may levy and impose
30 special assessments to finance the exercise of any its powers
31

1 permitted under this act using the following uniform
2 procedures:

3 1. At a noticed meeting, the board shall consider and
4 review an engineer's report on the costs of the systems,
5 facilities, and services to be provided, a preliminary
6 assessment methodology, and a preliminary roll based on
7 acreage or platted lands, depending upon whether platting has
8 occurred.

9 2. The assessment methodology shall address and
10 discuss, and the board shall consider, whether the systems,
11 facilities, and services being contemplated will result in
12 special benefits peculiar to the property, different in kind
13 and degree than general benefits, as a logical connection
14 between the property and the systems, facilities, and services
15 themselves, and whether the duty to pay the assessments by the
16 property owners is apportioned in a manner that is fair and
17 equitable and not in excess of the special benefit received.
18 It shall be fair and equitable to designate a fixed proportion
19 of the annual debt service, together with interest thereon, on
20 the aggregate principal amount of bonds issued to finance such
21 systems, facilities, and services which give rise to unique,
22 special, and peculiar benefits to property of the same or
23 similar characteristics under the assessment methodology so
24 long as such fixed proportion does not exceed the unique,
25 special, and peculiar benefits enjoyed by such property from
26 such systems, facilities, and services.

27 3. The engineer's cost report shall identify the
28 nature of the proposed systems, facilities, and services,
29 their location, and a cost breakdown plus a total estimated
30 cost, including cost of construction or reconstruction, labor
31 and materials, lands, property, rights, easements, franchises

1 or systems, facilities and services to be acquired, cost of
2 plans and specifications, surveys of estimates of costs and of
3 revenues, cost of engineering, legal, and other professional
4 consultation services, and other expenses or costs necessary
5 or incident to determining the feasibility or practicability
6 of such construction, reconstruction, or acquisition,
7 administrative expenses, relationship to the authority and
8 power of the district in its charter, and such other expense
9 or costs as may be necessary or incident to the financing to
10 be authorized by the board.

11 4. The preliminary assessment roll will be prepared in
12 accordance with the method of assessment provided for in the
13 assessment methodology and as may be adopted by the board. The
14 assessment roll shall be completed as promptly as possible and
15 shall show the acreage, lots, lands, or plats assessed and the
16 amount of the fairly and reasonably apportioned assessment
17 based on special and peculiar benefit to the property, lot,
18 parcel, or acreage of land, and if the assessment against each
19 such lot, parcel, acreage, or portion of land is to be paid in
20 installments, the number of annual installments in which the
21 assessment is divided shall be entered into and shown upon the
22 assessment roll.

23 5. The board may determine and declare by an initial
24 assessment resolution to levy and assess the assessments with
25 respect to assessable improvements stating the nature of the
26 systems, facilities, and services; improvements, projects, or
27 infrastructure constituting such assessable improvements; the
28 information in the engineer's cost report; and the information
29 in the assessment methodology as determined by the board at
30 the noticed meeting and referencing and incorporating as part
31 of the resolution the engineer's cost report, the preliminary

1 assessment methodology, and the preliminary assessment roll as
2 referenced exhibits to the resolution by reference. If the
3 board determines to declare and levy the special assessments
4 by the initial assessment resolution, the board shall also
5 adopt and declare a notice resolution, which shall provide and
6 cause the initial assessment resolution to be published once a
7 week for a period of 2 weeks in a newspaper of general
8 circulation published in Okeechobee County. The board shall,
9 by the notice resolution, fix a time and place at which the
10 owner or owners of the property to be assessed or any other
11 persons interested therein may appear before the board and be
12 heard as to the propriety and advisability of making such
13 improvements, as to the costs thereof, as to the manner of
14 payment therefor, and as to the amount thereof to be assessed
15 against each property so improved. Thirty days' notice in
16 writing of such time and place shall be given to such property
17 owners. The notice shall include the amount of the assessment
18 and shall be served by mailing a copy to each assessed
19 property owner at his or her last known address, the names and
20 addresses of such property owners to be obtained from the
21 record of the property appraiser of the county political
22 subdivision where the land is located or from such other
23 sources as the district manager or engineer deems reliable.
24 Proof of such mailing shall be made by the affidavit of the
25 manager of the district or by the engineer, said proof to be
26 filed with the manager of the district, provided that failure
27 to mail said notice or notices shall not invalidate any of the
28 proceedings hereunder. It is provided further that the last
29 publication shall be at least 1 week prior to the date of the
30 hearing on the final assessment resolution. Said notice shall
31 describe the general areas to be improved and advise all

1 persons interested that the description of each property to be
2 assessed and the amount to be assessed to each piece, parcel,
3 lot, or acre of property may be ascertained at the office of
4 the manager of the district. Such service by publication shall
5 be verified by the affidavit of the publisher and filed with
6 the manager of the district. Moreover, the initial assessment
7 resolution with its attached, referenced, and incorporated
8 engineer's cost report, preliminary assessment methodology,
9 and preliminary assessment roll, along with the notice
10 resolution, shall be available for public inspection at the
11 office of the manager and the office of the engineer or any
12 other office designated by the board in the notice resolution.
13 Notwithstanding the foregoing, the landowners of all of the
14 property which is proposed to be assessed may give the
15 district written notice of waiver of any notice and
16 publication provided for in this subparagraph, and such notice
17 and publication shall not be required; however, any meeting of
18 the board to consider such resolution shall be a publicly
19 noticed meeting.

20 6. At the time and place named in the noticed
21 resolution as provided for in subparagraph 5., the board shall
22 meet and hear testimony from affected property owners as to
23 the propriety and advisability of providing the systems,
24 facilities, services, projects, works, improvements, or
25 infrastructure and funding them with assessments referenced in
26 the initial assessment resolution on the property. Following
27 the testimony and questions from the members of the board or
28 any professional advisors to the district or the preparers of
29 the engineer's cost report, the assessment methodology, and
30 the assessment roll, the board shall make a final decision on
31 whether to levy and assess the particular assessments.

1 Thereafter, the board shall meet as an equalizing board to
2 hear and consider any and all complaints as to the particular
3 assessments and shall adjust and equalize the assessments on
4 the basis of justice and right.

5 7. When so equalized and approved by resolution or
6 ordinance by the board, to be called the final assessment
7 resolution, a final assessment roll shall be filed with the
8 manager of the board, and such assessment shall stand
9 confirmed and remain legal, valid, and binding first liens on
10 the property against which such assessments are made until
11 paid, equal in dignity to the first liens of ad valorem
12 taxation of county governments and school boards; however,
13 upon completion of the systems, facilities, services,
14 projects, improvements, works, or infrastructure, the district
15 shall credit to each assessment the difference in the
16 assessment as originally made, approved, levied, assessed, and
17 confirmed and the proportionate part of the actual cost of the
18 improvement to be paid by the particular special assessments
19 as finally determined upon the completion of the improvement,
20 but in no event shall the final assessment exceed the amount
21 of the special and peculiar benefits as apportioned fairly and
22 reasonably to the property from the system, facility, or
23 service being provided as originally assessed. Promptly after
24 such confirmation, the assessment shall be recorded by the
25 manager of the board in the minutes of the proceedings of the
26 district, and the record of the lien in this set of minutes
27 shall constitute prima facie evidence of its validity. The
28 board, in its sole discretion, may by resolution grant a
29 discount equal to all or a part of the payee's proportionate
30 share of the cost of the project consisting of bond financing
31 cost, such as capitalized interest, funded reserves, and bond

1 discounts included in the estimated cost of the project, upon
2 payment in full of any assessments during such period prior to
3 the time such financing costs are incurred as may be specified
4 by the board in such resolution.

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

9 (b) Notwithstanding any provision of this act or of
10 chapter 170 or section 170.09, Florida Statutes, which provide
11 that assessments may be paid without interest at any time
12 within 30 days after the improvement is completed and a
13 resolution accepting the same has been adopted by the
14 governing authority, such provision shall not be applicable to
15 any district assessments, whether imposed, levied, and
16 collected pursuant to the provisions of this act or other
17 provisions of Florida law, including, but not limited to,
18 chapter 170, Florida Statutes.

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

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

25 (a) The board may, after any special assessments or
26 benefit special assessments for assessable improvements are
27 made, determined, and confirmed as provided in this act, issue
28 certificates of indebtedness for the amount so assessed
29 against the abutting property or property otherwise benefited,
30 as the case may be. Separate certificates shall be issued
31 against each part or parcel of land or property assessed,

1 which certificates shall state the general nature of the
2 improvement for which the assessment is made. The certificates
3 shall be payable in annual installments in accordance with the
4 installments of the special assessment for which they are
5 issued. The board may determine the interest to be borne by
6 such certificates, not to exceed the maximum rate allowed by
7 general law, and may sell such certificates at either private
8 or public sale and determine the form, manner of execution,
9 and other details of such certificates. The certificates shall
10 recite that they are payable only from the special assessments
11 levied and collected from the part or parcel of land or
12 property against which they are issued. The proceeds of such
13 certificates may be pledged for the payment of principal of
14 and interest on any revenue bonds or general obligation bonds
15 issued to finance in whole or in part such assessable
16 improvements, or, if not so pledged, may be used to pay the
17 cost or part of the cost of such assessable improvements.

18 (b) The district may also issue assessment bonds,
19 revenue bonds, or other obligations payable from a special
20 fund into which such certificates of indebtedness referred to
21 in the preceding paragraph may be deposited; or, if such
22 certificates of indebtedness have not been issued, the
23 district may assign to such special fund for the benefit of
24 the holders of such assessment bonds or other obligations, or
25 to a trustee for such bondholders, the assessment liens
26 provided for in this act unless such certificates of
27 indebtedness or assessment liens have been theretofore pledged
28 for any bonds or other obligations authorized hereunder. In
29 the event of the creation of such special fund and the
30 issuance of such assessment bonds or other obligations, the
31 proceeds of such certificates of indebtedness or assessment

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

18 (c) The assessment bonds, revenue bonds, or other
19 obligations issued pursuant to this section shall have such
20 dates of issue and maturity as shall be deemed advisable by
21 the board; however, the maturities of such assessment bonds or
22 other obligations shall not be more than 2 years after the due
23 date of the last installment which will be payable on any of
24 the special assessments for which such assessment liens, or
25 the certificates of indebtedness representing such assessment
26 liens, are assigned to or deposited in such special fund.

27 (d) Such assessment bonds, revenue bonds, or other
28 obligations issued under this section shall bear such interest
29 as the board may determine, not to exceed the maximum rate
30 allowed by general law, and shall be executed, shall have such
31 provisions for redemption prior to maturity, and shall be sold

1 in the manner of and be subject to all of the applicable
2 provisions contained in this act for revenue bonds, except as
3 the same may be inconsistent with the provisions of this
4 section.

5 (e) All assessment bonds, revenue bonds, or other
6 obligations issued under the provisions of this section shall
7 be and constitute and shall have all the qualities and
8 incidents of negotiable instruments under the law merchant and
9 the laws of the state.

10 (17) TAX LIENS.--All taxes of the district provided
11 for in this act, except together with all penalties for
12 default in the payment of the same and all costs in collecting
13 the same, including a reasonable attorney's fee fixed by the
14 court and taxed as a cost in the action brought to enforce
15 payment, shall, from January 1 for each year the property is
16 liable to assessment and until paid, constitute a lien of
17 equal dignity with the liens for state and county taxes and
18 other taxes of equal dignity with state and county taxes upon
19 all the lands against which such taxes shall be levied. A sale
20 of any of the real property within the district for state and
21 county or other taxes shall not operate to relieve or release
22 the property so sold from the lien for subsequent district
23 taxes or installments of district taxes, which lien may be
24 enforced against such property as though no such sale thereof
25 had been made. In addition to, and not in limitation of, the
26 preceding sentence, for purposes of section 197.552, Florida
27 Statutes, the lien of all special assessments levied by the
28 district shall constitute a lien of record held by a municipal
29 or county governmental unit. The provisions of sections
30 194.171, 197.122, 197.333, and 197.432, Florida Statutes, as
31 each may be amended from time to time, shall be applicable to

1 district taxes with the same force and effect as if such
2 provisions were expressly set forth in this act.

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

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

6 1. Pay any delinquent state, county, district,
7 municipal, or other tax or assessment upon lands located
8 wholly or partially within the boundaries of the district; and

9 2. Redeem or purchase any tax sales certificates
10 issued or sold on account of any state, county, district,
11 municipal, or other taxes or assessments upon lands located
12 wholly or partially within the boundaries of the district.

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

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

30 (19) FORECLOSURE OF LIENS.--Any lien in favor of the
31 district arising under this act may be foreclosed by the

1 district by foreclosure proceedings in the name of the
2 district in a court of competent jurisdiction as provided by
3 general law in like manner as is provided in chapter 173,
4 Florida Statutes, and amendments thereto; the provisions of
5 that chapter shall be applicable to such proceedings with the
6 same force and effect as if those provisions were expressly
7 set forth in this act. Any act required or authorized to be
8 done by or on behalf of a municipality in foreclosure
9 proceedings under chapter 173, Florida Statutes, may be
10 performed by such officer or agent of the district as the
11 board may designate. Such foreclosure proceedings may be
12 brought at any time after the expiration of 1 year from the
13 date any tax, or installment thereof, becomes delinquent;
14 however, no lien shall be foreclosed against any political
15 subdivision or agency of the state. Other legal remedies shall
16 remain available.

17 (20) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
18 FACILITIES, AND SERVICES.--To the full extent permitted by
19 law, the district shall require all lands, buildings,
20 premises, persons, firms, and corporations within the district
21 to use the water management and control facilities and water
22 and sewer facilities of the district.

23 (21) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS;
24 RELATED PROVISIONS REQUIRED.--

25 (a) No contract shall be let by the board for any
26 goods, supplies, or materials to be purchased when the amount
27 thereof to be paid by the district shall exceed the amount
28 provided in section 287.017, Florida Statutes, for category
29 four unless notice of bids shall be advertised once in a
30 newspaper of general circulation in Okeechobee County. Any
31 board seeking to construct or improve a public building or

1 structure or other public works shall comply with the bidding
2 procedures of section 255.20, Florida Statutes, and other
3 applicable general law. In each case, the bid of the lowest
4 responsive and responsible bidder shall be accepted unless all
5 bids are rejected because the bids are too high or because the
6 board determines it is in the best interests of the district
7 to reject all bids. The board may require the bidders to
8 furnish bond with a responsible surety to be approved by the
9 board. Nothing in this section shall prevent the board from
10 undertaking and performing the construction, operation, and
11 maintenance of any project or facility authorized by this act
12 by the employment of labor, material, and machinery.

13 (b) The provisions of the Consultants' Competitive
14 Negotiation Act, section 287.055, Florida Statutes, apply to
15 contracts for engineering, architecture, landscape
16 architecture, or registered surveying and mapping services let
17 by the board.

18 (c) Contracts for maintenance services for any
19 district facility or project shall be subject to competitive
20 bidding requirements when the amount thereof to be paid by the
21 district exceeds the amount provided in section 287.017,
22 Florida Statutes, for category four. The district shall adopt
23 rules, policies, or procedures establishing competitive
24 bidding procedures for maintenance services. Contracts for
25 other services shall not be subject to competitive bidding
26 unless the district adopts a rule, policy, or procedure
27 applying competitive bidding procedures to said contracts.

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

30 (a) The district is authorized to prescribe, fix,
31 establish, and collect rates, fees, rentals, or other charges,

1 hereinafter sometimes referred to as "revenues," and to revise
2 the same from time to time, for the systems, facilities, and
3 services furnished by the district within the limits of the
4 district, including, but not limited to, recreational
5 facilities, water management and control facilities, and water
6 and sewer systems; to recover the costs of making connection
7 with any district service, facility, or system; and to provide
8 for reasonable penalties against any user or property for any
9 such rates, fees, rentals, or other charges that are
10 delinquent.

11 (b) No such rates, fees, rentals, or other charges for
12 any of the facilities or services of the district shall be
13 fixed until after a public hearing at which all the users of
14 the proposed facility or service or owners, tenants, or
15 occupants served or to be served thereby and all other
16 interested persons shall have an opportunity to be heard
17 concerning the proposed rates, fees, rentals, or other
18 charges. Rates, fees, rentals, and other charges shall be
19 adopted under the administrative rulemaking authority of the
20 district but shall not apply to district leases. Notice of
21 such public hearing setting forth the proposed schedule or
22 schedules of rates, fees, rentals, and other charges shall
23 have been published in a newspaper of general circulation in
24 Okeechobee County at least once and at least 10 days prior to
25 such public hearing. The rulemaking hearing may be adjourned
26 from time to time. After such hearing, such schedule or
27 schedules, either as initially proposed or as modified or
28 amended, may be finally adopted. A copy of the schedule or
29 schedules of such rates, fees, rentals, or charges as finally
30 adopted shall be kept on file in an office designated by the
31 board and shall be open at all reasonable times to public

1 inspection. The rates, fees, rentals, or charges so fixed for
2 any class of users or property served shall be extended to
3 cover any additional users or properties thereafter served
4 which shall fall in the same class, without the necessity of
5 any notice or hearing.

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

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

21 1. All expenses of operation and maintenance of such
22 facility or service;

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

27 3. Any other funds which may be required under the
28 resolution or resolutions authorizing the issuance of bonds
29 pursuant to this act.

30 (e) The board shall have the power to enter into
31 contracts for the use of the projects of the district and with

1 respect to the services, systems, and facilities furnished or
2 to be furnished by the district.

3 (23) RECOVERY OF DELINQUENT CHARGES.--In the event
4 that any rates, fees, rentals, charges, or delinquent
5 penalties are not paid as and when due and are in default for
6 60 days or more, the unpaid balance thereof and all interest
7 accrued thereon, together with reasonable attorney's fees and
8 costs, may be recovered by the district in a civil action.

9 (24) DISCONTINUANCE OF SERVICE.--In the event the
10 fees, rentals, or other charges for water and sewer services,
11 or either of them, are not paid when due, the board shall have
12 the power, under such reasonable rules and regulations as the
13 board may adopt, to discontinue and shut off both water and
14 sewer services until such fees, rentals, or other charges,
15 including interest, penalties, and charges for the shutting
16 off and discontinuance of or restoration of such water and
17 sewer services, or both, are fully paid; for such purposes,
18 the board may enter on any lands, waters, or premises of any
19 person, firm, corporation, or body, public or private, within
20 the district limits. Such delinquent fees, rentals, or other
21 charges, together with interest, penalties, and charges for
22 the shutting off and discontinuance of or restoration of such
23 services and facilities, reasonable attorney's fees, and other
24 expenses, may be recovered by the district, which may also
25 enforce payment of such delinquent fees, rentals, or other
26 charges by any other lawful method of enforcement.

27 (25) ENFORCEMENT AND PENALTIES.--The board or any
28 aggrieved person may have recourse to such remedies in law and
29 at equity as may be necessary to ensure compliance with the
30 provisions of this act, including injunctive relief to enjoin
31 or restrain any person violating the provisions of this act or

1 any bylaws, resolutions, regulations, rules, codes, or orders
2 adopted under this act. In case any building or structure is
3 erected, constructed, reconstructed, altered, repaired,
4 converted, or maintained, or any building, structure, land, or
5 water is used, in violation of this act or of any code, order,
6 resolution, or other regulation made under authority conferred
7 by this act or under law, the board or any citizen residing in
8 the district may institute any appropriate action or
9 proceeding to prevent such unlawful erection, construction,
10 reconstruction, alteration, repair, conversion, maintenance,
11 or use; to restrain, correct, or avoid such violation; to
12 prevent the occupancy of such building, structure, land, or
13 water; and to prevent any illegal act, conduct, business, or
14 use in or about such premises, land, or water.

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

21 (27) EXEMPTION OF DISTRICT PROPERTY FROM
22 EXECUTION.--All district property shall be exempt from levy
23 and sale by virtue of an execution, and no execution or other
24 judicial process shall issue against such property, nor shall
25 any judgment against the district be a charge or lien on its
26 property or revenues; however, nothing contained herein shall
27 apply to or limit the rights of bondholders to pursue any
28 remedy for the enforcement of any lien or pledge given by the
29 district in connection with any of the bonds or obligations of
30 the district.

31

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

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

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

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

10 2. The district has become inactive pursuant to
11 section 189.4044, Florida Statutes.

12 (29) INCLUSION OF TERRITORY.--The inclusion of any or
13 all territory of the district within a municipality does not
14 change, alter, or affect the boundary, territory, existence,
15 or jurisdiction of the district.

16 (30) SALE OF REAL ESTATE WITHIN A DISTRICT; REQUIRED
17 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
18 district under this act, each contract for the initial sale of
19 a parcel of real property and each contract for the initial
20 sale of a residential unit within the district shall include,
21 immediately prior to the space reserved in the contract for
22 the signature of the purchaser, the following disclosure
23 statement in boldfaced and conspicuous type which is larger
24 than the type in the remaining text of the contract: "THE
25 GROVE COMMUNITY DISTRICT MAY IMPOSE AND LEVY TAXES OR
26 ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
27 THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION,
28 AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES,
29 AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE
30 GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS
31 ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES

1 AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED
2 FOR BY LAW."

3 (31) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30
4 days after the election of the first board members, the
5 district shall cause to be recorded in the property records in
6 the county in which it is located a "Notice of Creation and
7 Establishment of the Grove Community District." The notice
8 shall, at a minimum, include the legal description of the
9 property of the landowners who have consented to establishment
10 of this district and a copy of the disclosure statement
11 specified in subsection (30).

12 (32) PUBLIC ACCESS.--Any system, facility, service,
13 works, improvement, project, or other infrastructure owned by
14 the district or funded by federal tax-exempt bonding issued by
15 the district is public; the district by rule may regulate, and
16 may impose reasonable charges or fees for, the use thereof but
17 not to the extent that such regulation or imposition of such
18 charges or fees constitutes denial of reasonable access.

19 Section 5. Severability.--If any provision of this act
20 is determined unconstitutional or otherwise determined invalid
21 by a court of law, all the rest and remainder of the act shall
22 remain in full force and effect as the law of Florida.

23 Section 6. This act shall take effect upon becoming a
24 law, except that the provisions of paragraph (a) of subsection
25 (14) of section 4 which authorize the levy of ad valorem
26 assessments shall only take effect upon express approval by a
27 majority vote of those qualified electors of the district, as
28 required by Section 9 of Article VII of the State
29 Constitution, voting in a referendum to be called by the
30 Supervisor of Elections of Okeechobee County and held by the
31 Board of Supervisors of the Grove Community District. Such

1 | election shall be held in accordance with the provisions of
2 | law relating to elections in force at the time the referendum
3 | is held.
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