

1                   A bill to be entitled  
2           An act relating to Charlotte County; creating the Babcock  
3           Ranch Community Independent Special District; providing a  
4           short title; providing legislative findings and intent;  
5           providing definitions; stating legislative policy  
6           regarding creation of the district; establishing  
7           compliance with minimum requirements in s. 189.404(3),  
8           F.S., for creation of an independent special district;  
9           providing for creation and establishment of the district;  
10          establishing the legal boundaries of the district;  
11          providing for the jurisdiction and charter of the  
12          district; providing for a governing board and establishing  
13          membership criteria and election procedures; providing for  
14          board members' terms of office; providing for board  
15          meetings; providing for administrative duties of the  
16          board; providing a method for transition of the board from  
17          landowner control to control by the resident electors of  
18          the district; providing for a district manager and  
19          district personnel; providing for a district treasurer,  
20          selection of a public depository, and district budgets and  
21          financial reports; providing for the general powers of the  
22          district; providing for the special powers of the district  
23          to plan, finance, and provide community infrastructure and  
24          services within the district; providing for required  
25          notices to purchasers of residential units within the  
26          district; providing severability; providing for a  
27          referendum; providing an effective date.  
28

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

30

31 Section 1. This act may be cited as the "Babcock Ranch  
 32 Community Independent Special District Act."

33 Section 2. Legislative findings and intent; definitions;  
 34 policy.--

35 (1) LEGISLATIVE FINDINGS AND INTENT.--

36 (a) The unincorporated area of southeastern Charlotte  
 37 County, including the Babcock Ranch lands, are unique and  
 38 special with a need towards protecting natural resources and  
 39 retaining a viable agricultural system while protecting private  
 40 property rights and promoting a sound economy.

41 (b) The Board of Trustees of the Internal Improvement  
 42 Trust Fund and the Florida Fish and Wildlife Conservation  
 43 Commission have purchased approximately 73,500 acres of the  
 44 approximately 91,000-acre Babcock Ranch for the perpetual  
 45 preservation of such lands and for establishing a contiguous  
 46 wildlife protection area from Lake Okeechobee to the Charlotte  
 47 Harbor Estuary Project.

48 (c) The Department of Community Affairs, Charlotte County,  
 49 and the then contract purchaser of the Babcock Ranch have  
 50 entered into an Interlocal Planning Agreement for the Babcock  
 51 Ranch, dated January 24, 2006, which outlines the steps  
 52 necessary to achieve the sale and preservation of approximately  
 53 73,500 acres of the entire Babcock Ranch and development of the  
 54 remaining approximately 17,800 acres (the "Babcock Ranch  
 55 Community") with a new, sustainable, compact, and mixed-use  
 56 community that will provide residents with a balance of living,

57 working, educational, civic, and recreational opportunities  
58 incorporating greenways, pedestrian ways, and transit corridors.

59 (d) The district and the district charter, as created by  
60 this act, with its general and special powers are essential and,  
61 for the reasons set forth herein, the best alternative for  
62 planning, constructing, maintaining, operating, financing, and  
63 improving the provision of systems, facilities, and services  
64 necessary to meet the infrastructure needs of the Babcock Ranch  
65 Community.

66 (e) There is a particular need to implement a specialized  
67 and limited single-purpose independent special district unit of  
68 local government in connection with the development of the  
69 Babcock Ranch Community, in order to prevent urban sprawl by  
70 providing sustaining and freestanding infrastructure and to  
71 prevent the needless duplication, fragmentation, and  
72 proliferation of local government services.

73 (f) Management of conservation, environmental,  
74 agricultural, and economic challenges and opportunities in the  
75 Babcock Ranch area transcends the boundaries and  
76 responsibilities of both private landowners and individual units  
77 of government.

78 (g) There are two alternatives for the creation of  
79 independent special districts for properties of this size: the  
80 establishment by rule of the Governor and Cabinet of one or more  
81 uniform community development districts over the property; and  
82 the establishment by special act of the Legislature of a single  
83 independent special district meeting the minimum requirements of  
84 chapter 189, Florida Statutes, the applicable district

85 accountability general law. Use of this special act, created  
86 under chapter 189, Florida Statutes, is the better of the two  
87 alternatives in this case because it will allow for use of a  
88 single special district, with longer involvement and  
89 responsibility on the part of the initial landowner, which will  
90 result in better intergovernmental coordination and lower  
91 administrative costs for Charlotte County and the district,  
92 including its landowners and residents. Additionally, use of  
93 this special act will provide the flexibility to include within  
94 the district, at a later date, contiguous Babcock Ranch lands  
95 within Lee County, whereas chapter 190, Florida Statutes, would  
96 prevent a single uniform community development district from  
97 crossing county lines. Additionally, use of this special act  
98 updates the charter of a uniform community development district  
99 under chapter 190, Florida Statutes, eliminates potential for  
100 its abuse, clarifies and sets forth certain uniform procedures  
101 for liens on property, and makes other substantial reforms to  
102 the benefit of the people of Charlotte County and future  
103 landowners, residents, and visitors.

104 (h) A longer involvement of the initial landowner with  
105 regard to the provision of systems, facilities, and services for  
106 the Babcock Ranch Community, coupled with a severely limited and  
107 highly specialized single purpose of the district, is in the  
108 public interest.

109 (i) Any public or private system to provide infrastructure  
110 improvements, systems, facilities, and services to the Babcock  
111 Ranch Community must be established through a highly  
112 specialized, innovative, responsive, and accountable mechanism

113 to provide the components of infrastructure at sustained levels  
114 of high quality over the long term.

115 (j) The existence and use of such a limited, specialized  
116 single-purpose local government for the Babcock Ranch Community,  
117 subject to the Charlotte County comprehensive plan and land  
118 development regulations, will result in a higher propensity to  
119 provide for orderly development and prevent urban sprawl;  
120 protect and preserve environmental and conservation uses and  
121 assets; potentially enhance the market value for both present  
122 and future landowners of the property consistent with the need  
123 to protect private property; potentially enhance the net  
124 economic benefit to Charlotte County, including an enhanced tax  
125 base to the benefit of all present and future taxpayers in  
126 Charlotte County; and result in the sharing of costs of  
127 providing certain systems, facilities, and services in an  
128 innovative, sequential, and flexible manner within the area to  
129 be serviced by the district.

130 (k) The creation and establishment of the district will  
131 encourage local government financial self-sufficiency in  
132 providing public facilities and in identifying and implementing  
133 fiscally sound, innovative, and cost-effective techniques to  
134 provide and finance public facilities while encouraging  
135 development, use, and coordination of capital improvement plans  
136 by all levels of government, pursuant to chapter 187, Florida  
137 Statutes.

138 (l) The creation and establishment of the district will  
139 encourage and enhance cooperation among communities that have  
140 unique assets, irrespective of political boundaries, to bring

141 the private and public sectors together to establish an orderly  
 142 and environmentally and economically sound plan for current and  
 143 future needs and growth.

144 (m) The creation and establishment of the district is a  
 145 legitimate alternative method available to manage, own, operate,  
 146 construct, and finance capital infrastructure systems,  
 147 facilities, and services.

148 (n) In order to be responsive to the critical timing  
 149 required through the exercise of its special management  
 150 functions, an independent district requires financing of those  
 151 functions, including bondable, lienable, and nonlienable  
 152 revenue, with full and continuing public disclosure and  
 153 accountability, funded by landowners, both present and future,  
 154 and funded also by users of the systems, facilities, and  
 155 services provided to the land area by the district, without  
 156 burdening the taxpayers and citizens of the state, Charlotte  
 157 County, or any municipality therein.

158 (o) The district created and established by this act shall  
 159 not exercise or have any comprehensive planning, zoning, or  
 160 development permitting power; the establishment of the district  
 161 shall not be considered a development order within the meaning  
 162 of chapter 380, Florida Statutes; and all applicable planning  
 163 and permitting laws, rules, regulations, agreements, and  
 164 policies of Charlotte County shall control the development of  
 165 the land within the district.

166 (p) The creation by this act of the Babcock Ranch  
 167 Community Independent Special District is not inconsistent with  
 168 the Charlotte County comprehensive plan.

169 (q) Charlotte County does not object to the creation of  
 170 the district.

171 (r) It is the legislative intent and purpose that no debt  
 172 or obligation of the district constitute a debt or obligation on  
 173 any local general-purpose government without its consent.

174 (s) It is the legislative intent and purpose that no local  
 175 general-purpose government shall be under any obligation or duty  
 176 to assume any obligation or commitment made by the developer or  
 177 the district.

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

179 (a) "Ad valorem bonds" means bonds that are payable from  
 180 the proceeds of ad valorem taxes levied on real and tangible  
 181 personal property and that are generally referred to as general  
 182 obligation bonds.

183 (b) "Assessable improvements" means, without limitation,  
 184 any and all public improvements and community facilities that  
 185 the district is empowered to provide in accordance with this act  
 186 that provide a special benefit to property within the district.

187 (c) "Assessment bonds" means special obligations of the  
 188 district that are payable solely from proceeds of the special  
 189 assessments or benefit special assessments levied for assessable  
 190 improvements, provided that, in lieu of issuing assessment bonds  
 191 to fund the costs of assessable improvements, the district may  
 192 issue revenue bonds for such purposes payable from special  
 193 assessments.

194 (d) "Assessments" means those nonmillage district  
 195 assessments that include special assessments, benefit special  
 196 assessments, and maintenance special assessments and a

197 nonmillage, non-ad valorem maintenance tax if authorized by  
198 general law.

199 (e) "Babcock Ranch" means the approximately 91,000 acres  
200 of contiguous lands generally located in southeastern Charlotte  
201 County and in the northeastern portion of Lee County, the  
202 majority of which, approximately 73,500 acres, has been  
203 purchased pursuant to that certain Agreement for Sale and  
204 Purchase entered into by the Board of Trustees of the Internal  
205 Improvement Trust Fund, the Florida Fish and Wildlife  
206 Conservation Commission, and Lee County, as authorized pursuant  
207 to the Babcock Ranch Preserve Act, chapter 2006-231, Laws of  
208 Florida, and the remainder of which, approximately 17,800 acres,  
209 known as "Area 6," is to be developed as the Babcock Ranch  
210 Community.

211 (f) "Babcock Ranch Community" means that portion of the  
212 Babcock Ranch to be developed with a new, sustainable, compact,  
213 mixed-use community pursuant to that certain Interlocal Planning  
214 Agreement for the Babcock Ranch, dated January 24, 2006, among  
215 the Florida Department of Community Affairs, Lee and Charlotte  
216 Counties, and the then contract purchaser of the Babcock Ranch,  
217 and pursuant to development approvals issued or to be issued by  
218 Lee County and Charlotte County, consisting of approximately  
219 17,800 acres. The subject of this act is that portion of the  
220 Babcock Ranch Community located in Charlotte County, consisting  
221 of approximately 13,631 acres, as described in section 4.

222 (g) "Babcock Ranch Community Independent Special District"  
223 means the unit of special and single-purpose local government  
224 created and chartered by this act, including the creation of its



225 charter, and limited to the performance, in implementing its  
 226 single purpose, of those general and special powers authorized  
 227 by its charter under this act, the boundaries of which are more  
 228 specifically set forth in this act, the governing head of which  
 229 is created and authorized to operate with legal existence by  
 230 this act, and the purpose of which is as set forth in this act.

231 (h) "Benefit special assessments" are district assessments  
 232 imposed, levied, and collected pursuant to the provisions of  
 233 section 6(12)(b).

234 (i) "Bond" includes "certificate," and the provisions that  
 235 are applicable to bonds are equally applicable to certificates.  
 236 The term "bond" includes any general obligation bond, assessment  
 237 bond, refunding bond, revenue bond, and other such obligation in  
 238 the nature of a bond as provided for in this act.

239 (j) "Cost" or "costs," when used with reference to any  
 240 project, includes, but is not limited to:

241 1. The expenses of determining the feasibility or  
 242 practicability of acquisition, construction, or reconstruction.

243 2. The cost of surveys, estimates, plans, and  
 244 specifications.

245 3. The cost of improvements.

246 4. Planning, engineering, designing, fiscal, legal, and  
 247 other professional and consultant expenses and charges.

248 5. The cost of all labor, materials, machinery, and  
 249 equipment.

250 6. The cost of all lands, properties, rights, easements,  
 251 and franchises acquired.

252 7. Financing charges.

253 8. The creation of initial reserve and debt service funds.

254 9. Working capital.

255 10. Interest charges incurred or estimated to be incurred  
 256 on money borrowed prior to and during construction and  
 257 acquisition and for such reasonable period of time after  
 258 completion of construction or acquisition as the board may  
 259 determine.

260 11. The cost of issuance of bonds pursuant to this act,  
 261 including advertisements and printing.

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

264 13. The discount, if any, on the sale or exchange of  
 265 bonds.

266 14. Administrative expenses.

267 15. The costs and expenses associated with the use,  
 268 operation, maintenance, and repair of improvements.

269 16. Such other expenses as may be necessary or incidental  
 270 to the acquisition, disposition, transfer, construction,  
 271 operation, maintenance, or reconstruction of any project or to  
 272 the financing thereof, or to the development of any lands within  
 273 the district.

274 17. Payments, contributions, dedications, and any other  
 275 exactions required as a condition of receiving any governmental  
 276 approval or permit necessary to accomplish any district purpose.

277 (k) "District" means the Babcock Ranch Community  
 278 Independent Special District.

279 (l) "District manager" means the manager of the district.

280       (m) "General obligation bonds" means bonds that are  
281 secured by, or provide for their payment by, the pledge of the  
282 full faith and credit and taxing power of the district, in  
283 addition to those special taxes levied for their discharge and  
284 such other sources as may be provided for their payment or  
285 pledged as security under the resolution authorizing their  
286 issuance, and for payment of which recourse may be had against  
287 the general fund of the district.

288       (n) "Governing board" or "board" means the governing board  
289 of the district or, if such board has been abolished, the board,  
290 body, or commission assuming the principal functions thereof or  
291 to whom the powers given to the board by this act have been  
292 given by law.

293       (o) "Governing board member" means any member of the  
294 governing board.

295       (p) "Land development regulations" means those regulations  
296 of general purpose local government, adopted under the Local  
297 Government Comprehensive Planning and Land Development  
298 Regulation Act, part II of chapter 163, Florida Statutes, to  
299 which the district is subject and as to which the district may  
300 not do anything that is inconsistent. Land development  
301 regulations shall not mean specific management, engineering,  
302 planning, operating, and other criteria and standards needed in  
303 the daily management, implementation, and provision by the  
304 district of systems, facilities, services, works, improvements,  
305 projects, or infrastructure, including design criteria and  
306 standards, so long as they remain subject to and are not  
307 inconsistent with the applicable land development regulations.

308       (g) "Landowner" means the owner of a freehold estate as it  
309 appears on the deed record, including a trustee, a private  
310 corporation, and an owner of a condominium unit. "Landowner"  
311 does not include a reversioner, remainderman, mortgagee, or any  
312 governmental entity, who shall not be counted and need not be  
313 notified of proceedings under this act. "Landowner" also means  
314 the owner of a ground lease from a governmental entity, which  
315 leasehold interest has a remaining term, excluding all renewal  
316 options, in excess of 50 years.

317       (r) "General-purpose local government" means a county,  
318 municipality, or consolidated city-county government.

319       (s) "Maintenance special assessments" are assessments  
320 imposed, levied, and collected pursuant to the provisions of  
321 section 6(12)(d).

322       (t) "Non-ad valorem assessment" means only those  
323 assessments that are not based upon millage and that can become  
324 a lien against a homestead as permitted in s. 4, Art. X of the  
325 State Constitution.

326       (u) "Powers" means powers used and exercised by the  
327 governing board to accomplish the single, limited, and special  
328 purpose of the district, including:

329       1. "General powers," those organizational and  
330 administrative powers of the district as provided in its charter  
331 in order to carry out its single special purpose as a local  
332 government public corporate body politic.

333       2. "Special powers," those powers enumerated by the  
334 district charter to implement its specialized systems,  
335 facilities, services, projects, improvements, and infrastructure

336 and related functions in order to carry out its single  
 337 specialized purpose.

338 3. Any other powers, authority, or functions set forth in  
 339 this act or in chapter 189 or chapter 190, Florida Statutes.

340 (v) "Project" means any development, improvement,  
 341 property, power, utility, facility, enterprise, service, system,  
 342 works, or infrastructure now existing or hereafter undertaken or  
 343 established under the provisions of this act.

344 (w) "Qualified elector" means any person at least 18 years  
 345 of age or older, who is a citizen of the United States, a legal  
 346 resident of the state and the district, and who registers to  
 347 vote with the Supervisor of Elections in Charlotte County.

348 (x) "Refunding bonds" means bonds issued to refinance  
 349 outstanding bonds of any type and the interest and redemption  
 350 premium thereon. Refunding bonds shall be issuable and payable  
 351 in the same manner as refinanced bonds, except that no approval  
 352 by the electorate shall be required unless required by the State  
 353 Constitution.

354 (y) "Revenue bonds" means obligations of the district that  
 355 are payable from revenues, including, but not limited to,  
 356 special assessments and benefit special assessments, derived  
 357 from sources other than ad valorem taxes on real or tangible  
 358 personal property, and that do not pledge the property, credit,  
 359 or general tax revenue of the district.

360 (z) "Sewer system" means any plant, system of pipes or  
 361 lines, facility, or property and additions, extensions, and  
 362 improvements thereto at any future time constructed or acquired  
 363 as part thereof, useful or necessary or having the present

364 capacity for future use in connection with the collection,  
 365 treatment, purification, or disposal of sewage, including, but  
 366 not limited to, industrial wastes resulting from any process of  
 367 industry, manufacture, trade, or business or from the  
 368 development of any natural resource. "Sewer system" also  
 369 includes treatment plants, pumping stations, lift stations,  
 370 valves, force mains, intercepting sewers, laterals, pressure  
 371 lines, mains, and all necessary appurtenances and equipment; all  
 372 sewer mains, laterals, and other devices for the reception and  
 373 collection of sewage from premises connected therewith; and all  
 374 real and personal property and any interest therein, and rights,  
 375 easements, and franchises of any nature relating to any such  
 376 system and necessary or convenient for operation thereof.

377 (aa) "Special assessments" means assessments as imposed,  
 378 levied, and collected by the district for the costs of  
 379 assessable improvements pursuant to the provisions of this act,  
 380 chapter 170, Florida Statutes, and the additional authority  
 381 under section 197.3631, Florida Statutes, or other provisions of  
 382 general law that provide or authorize a supplemental means to  
 383 impose, levy, or collect special assessments.

384 (bb) "Tax" or "taxes" means those levies and impositions  
 385 of the governing board that support and pay for government and  
 386 the administration of law and that may be:

387 1. Ad valorem or property taxes based upon both the  
 388 appraised value of property and millage, at a rate uniform  
 389 within the jurisdiction; or

390 2. If and when authorized by general law, non-ad valorem  
 391 maintenance taxes not based on millage that are used to maintain  
 392 district systems, facilities, and services.

393 (cc) "Water system" means any plant, system of pipes or  
 394 lines, facility, or property, and any addition, extension, or  
 395 improvement thereto at any future time constructed or acquired  
 396 as a part thereof, useful, necessary, or having the present  
 397 capacity for future use in connection with the development of  
 398 sources, treatment, purification, or distribution of water.  
 399 "Water system" also includes lakes, canals, ditches, reservoirs,  
 400 dams, impoundments, storage tanks, mains, lines, valves, pumping  
 401 stations, laterals, and pipes for the purpose of carrying water  
 402 to the premises connected with such system, and all rights,  
 403 easements, and franchises of any nature relating to any such  
 404 system and necessary or convenient for the operation thereof.

405 (3) POLICY.--Based upon its findings, ascertainments,  
 406 determinations, intent, purpose, and definitions, the  
 407 Legislature states its policy expressly:

408 (a) The district and the district charter, with its  
 409 general and special powers, as created in this act, are  
 410 essential and the best alternative for the residential,  
 411 commercial, and other community uses, projects, or functions in  
 412 the included portion of Charlotte County consistent with the  
 413 effective comprehensive plans and serve a lawful public purpose.

414 (b) The district, which is a government of special  
 415 purpose, is limited to its special purpose as expressed in this  
 416 act, with the power to provide, plan, implement, construct,  
 417 maintain, and finance as a government of special purpose for its

418 systems, facilities, services, improvements, infrastructure, and  
 419 projects and possessing financing powers to fund its management  
 420 powers over the long term and with sustained levels of high  
 421 quality.

422 (c) The creation of the Babcock Ranch Community  
 423 Independent Special District by and pursuant to this act, and  
 424 its exercise of its management and related financing powers to  
 425 implement its limited, single, and special purpose, does not  
 426 constitute a development order and does not invoke any provision  
 427 within the meaning of chapter 380, Florida Statutes, and all  
 428 applicable governmental planning, environmental, and land  
 429 development laws, regulations, rules, policies, and ordinances  
 430 apply to all development of the land within the jurisdiction of  
 431 the district as created by this act.

432 (d) The district shall operate and function subject to,  
 433 and not inconsistent with, the Charlotte County comprehensive  
 434 plan and any applicable development orders, zoning regulations,  
 435 and other land development regulations.

436 (e) The special and single purpose Babcock Ranch Community  
 437 Independent Special District will not have the powers of a  
 438 general-purpose local government to adopt a comprehensive plan  
 439 or related land development regulations as those terms are  
 440 defined in the Local Government Comprehensive Planning and Land  
 441 Development Regulation Act, part II of chapter 163, Florida  
 442 Statutes.

443 (f) This act may be amended, in whole or in part, only by  
 444 subsequent special act of the Legislature. No amendment to this  
 445 act that alters the district boundaries or the general or



446 special powers of the district may be considered by the  
447 Legislature unless it is accompanied by a resolution or official  
448 statement as provided for in section 189.404(2)(e)4., Florida  
449 Statutes.

450 Section 3. Creation and establishment; jurisdiction;  
451 construction; charter with legal description.--

452 (1) The Babcock Ranch Community Independent Special  
453 District, which also may be referred to as the "district," is  
454 created and incorporated as a public body corporate and politic,  
455 an independent, limited, special purpose local government, an  
456 independent special district under section 189.404, Florida  
457 Statutes, and as defined in this act and section 189.403(3),  
458 Florida Statutes, in and for a certain portion of Charlotte  
459 County. Any amendments to chapter 190, Florida Statutes, after  
460 January 1, 2007, granting additional general powers, special  
461 powers, authorities, or projects to a community development  
462 district by amendment to its uniform charter, sections 190.006-  
463 190.041, Florida Statutes, shall constitute a general power,  
464 special power, authority, or function of the Babcock Ranch  
465 Community Independent Special District. All notices for the  
466 enactment by the Legislature of this special act have been  
467 provided pursuant to the State Constitution, laws of the state,  
468 and the Rules of the Florida House of Representatives and of the  
469 Florida Senate.

470 (2) The territorial boundary of the district shall embrace  
471 and include all of that certain real property as described in  
472 section 4.

473       (3) The jurisdiction of this district, in the exercise of  
 474 its general and special powers, and in the carrying out of its  
 475 special purposes, is both within the external boundaries of the  
 476 legal description of this district and extraterritorially only  
 477 when expressly authorized by this act or by applicable general  
 478 law. This special purpose district is created as a public body  
 479 corporate and politic, with local government authority and power  
 480 limited by its charter, this act, and subject to the provisions  
 481 of other general laws, in particular chapter 189, Florida  
 482 Statutes, except that in the event that a conflict arises  
 483 between the provisions of applicable general laws and this act,  
 484 the provisions of this act will control, and the district has  
 485 jurisdiction to perform such acts and exercise such authorities,  
 486 functions, and powers as shall be necessary, convenient,  
 487 incidental, proper, or reasonable for the implementation of its  
 488 limited, single, and specialized purpose regarding the sound  
 489 planning, provision, acquisition, development, operation,  
 490 maintenance, and related financing of those public systems,  
 491 facilities, services, improvements, projects, and infrastructure  
 492 works as authorized herein, including those necessary and  
 493 incidental thereto.

494       (4) The exclusive charter of the "Babcock Ranch Community  
 495 Independent Special District" is this act, which may be amended,  
 496 terminated, or repealed only by special act of the Legislature.

497       Section 4. Legal description of the Babcock Ranch  
 498 Community Independent Special District.--  
 499

500 LEGAL DESCRIPTION. The metes and bounds legal  
501 description of the district, within which there are no  
502 parcels of property owned by those who do not wish  
503 their property to be included within the district, is  
504 as follows:

505  
506 CHARLOTTE COUNTY PARCEL:

507  
508 A parcel of land lying within Sections 29, 31 through  
509 33, Township 41 South, Range 26 East, AND, Sections 4  
510 through 10, Sections 15 through 17 and Sections 19  
511 through 36, Township 42 South, Range 26 East,  
512 Charlotte County, Florida, being more particularly  
513 described as follows:

514  
515 Commence at the Southwest corner of Section 31,  
516 Township 42 South, Range 26 East and run S89°41'45"E,  
517 along the South line of said Section 31, a distance of  
518 50.00 feet to a point on the East right-of-way line of  
519 State Road No. 31, said point also being the Point of  
520 Beginning of the parcel of land herein described;  
521 Thence continue S89°41'45"E a distance of 5,189.75  
522 feet to the Northeast corner of Section 6, Township 43  
523 South, Range 26 East; Thence S89°41'45"E a distance of  
524 5,306.08 feet to the Northeast corner of Section 5,  
525 Township 43 South, Range 26 East; Thence S89°37'16"E a  
526 distance of 5,289.11 feet to the Northeast corner of  
527 Section 4, Township 43 South, Range 26 East; Thence

528 S89°35'44"E a distance of 5,294.60 feet to the  
 529 Northeast corner of Section 3, Township 43 South,  
 530 Range 26 East; Thence S89°35'44"E a distance of  
 531 5,294.60 feet to the Northeast corner of Section 2,  
 532 Township 43 South, Range 26 East; Thence S89°35'44"E,  
 533 along the North line of Section 1, Township 43 South,  
 534 Range 26 East, a distance of 3,430.66 feet; Thence  
 535 N00°00'40"W a distance of 10,185.53 feet; Thence  
 536 N05°46'23"E a distance of 1,058.56 feet; Thence  
 537 N66°40'38"W a distance of 200.62 feet; Thence  
 538 S83°12'47"W a distance of 1,373.33 feet; Thence  
 539 N30°17'33"W a distance of 1,686.63 feet; Thence  
 540 N70°02'41"W a distance of 1,332.41 feet; Thence  
 541 S72°42'44"W a distance of 1,430.81 feet; Thence  
 542 N49°18'31"W a distance of 2,362.25 feet; Thence  
 543 S69°00'57"W a distance of 1,518.19 feet; Thence  
 544 S21°08'17"W a distance of 865.44 feet; Thence  
 545 S20°29'11"E a distance of 1,376.91 feet; Thence  
 546 N74°38'25"E a distance of 1,635.69 feet; Thence  
 547 S00°18'50"E a distance of 1,309.92 feet; Thence  
 548 S89°45'02"W a distance of 4,154.48 feet; Thence  
 549 N51°39'36"W a distance of 782.53 feet; Thence  
 550 N04°14'12"E a distance of 1,329.59 feet; Thence  
 551 N39°20'59"W a distance of 1,779.16 feet; Thence  
 552 N42°01'35"W a distance of 1,162.94 feet; Thence  
 553 S52°01'16"W a distance of 818.34 feet; Thence  
 554 S62°56'46"W a distance of 516.42 feet; Thence  
 555 S89°59'33"W a distance of 307.20 feet; Thence

556 N80°06'18"W a distance of 334.84 feet; Thence  
 557 N20°54'51"W a distance of 336.86 feet; Thence  
 558 N05°03'05"E a distance of 533.35 feet; Thence  
 559 N22°47'49"E a distance of 5,490.82 feet; Thence  
 560 N55°42'26"E a distance of 195.73 feet; Thence  
 561 N21°59'06"W a distance of 1,739.17 feet; Thence  
 562 N52°37'55"E a distance of 867.75 feet; Thence  
 563 N13°36'57"W a distance of 2,507.33 feet; Thence  
 564 S78°50'16"W a distance of 687.95 feet; Thence  
 565 N19°48'25"W a distance of 366.25 feet; Thence  
 566 N08°01'21"W a distance of 493.32 feet; Thence  
 567 N03°43'40"E a distance of 687.22 feet; Thence  
 568 N00°28'20"E a distance of 674.51 feet; Thence  
 569 N25°12'33"W a distance of 261.13 feet; Thence  
 570 N42°54'55"W a distance of 643.19 feet; Thence  
 571 N07°19'37"W a distance of 171.40 feet; Thence  
 572 N13°05'30"E a distance of 201.96 feet; Thence  
 573 N32°40'01"W a distance of 186.12 feet; Thence  
 574 N05°04'15"W a distance of 1,832.77 feet; Thence  
 575 N19°47'08"W a distance of 527.20 feet; Thence  
 576 N26°13'22"W a distance of 802.13 feet; Thence  
 577 S79°06'55"W a distance of 475.20 feet; Thence  
 578 N74°19'19"W a distance of 1,689.05 feet; Thence  
 579 N01°26'06"W a distance of 897.42 feet; Thence  
 580 N89°51'42"W a distance of 67.91 feet; Thence  
 581 N00°00'03"W a distance of 1,218.37 feet; Thence  
 582 N39°50'11"W a distance of 190.86 feet; Thence  
 583 N00°00'29"W a distance of 324.62 feet; Thence

584 N89°59'52"W a distance of 688.20 feet; Thence  
 585 N00°00'00"E a distance of 1,967.22 feet; Thence  
 586 N41°13'25"W a distance of 2,825.17 feet; Thence  
 587 S89°59'57"W a distance of 3,566.80 feet; Thence  
 588 S00°00'03"E a distance of 2,799.34 feet; Thence  
 589 S89°11'17"W a distance of 5,960.98 feet to a point  
 590 lying 50.00 feet East of the East right-of-way line  
 591 for State Road No. 31; Thence along a line 50.00 feet  
 592 East of, and parallel with, the East right-of-way line  
 593 for State Road No. 31, the following courses and  
 594 distances: S00°48'43"E a distance of 2,976.13 feet and  
 595 S00°34'01"W a distance of 786.25 feet; Thence  
 596 S89°25'59"E a distance of 4,104.32 feet; Thence  
 597 S00°01'22"E a distance of 2,084.04 feet; Thence  
 598 S16°46'15"E a distance of 1,740.24 feet; Thence  
 599 S09°11'59"W a distance of 1,325.85 feet; Thence  
 600 S73°15'18"E a distance of 661.15 feet; Thence  
 601 N59°20'29"E a distance of 577.75 feet; Thence  
 602 S38°10'48"E a distance of 551.46 feet; Thence  
 603 S86°25'58"E a distance of 385.80 feet; Thence  
 604 S24°01'11"E a distance of 975.12 feet; Thence  
 605 S57°46'34"E a distance of 530.20 feet; Thence  
 606 S70°04'12"E a distance of 1,843.47 feet; Thence  
 607 N63°01'21"E a distance of 1,214.99 feet; Thence  
 608 S50°03'22"E a distance of 2,565.56 feet; Thence  
 609 S13°56'09"W a distance of 1,953.90 feet; Thence  
 610 S12°51'59"E a distance of 1,862.33 feet; Thence  
 611 S71°59'01"W a distance of 448.53 feet; Thence

612 N45°00'57"W a distance of 266.60 feet; Thence  
 613 S69°50'23"W a distance of 1,104.27 feet; Thence  
 614 S28°10'55"E a distance of 1,272.60 feet; Thence  
 615 S62°45'03"W a distance of 4,638.30 feet; Thence  
 616 S82°12'01"W a distance of 711.48 feet; Thence  
 617 S81°38'00"W a distance of 5,167.82 feet; Thence  
 618 N77°54'41"W a distance of 707.32 feet; Thence  
 619 N89°28'15"W a distance of 299.98 feet to a point lying  
 620 50.00 feet East of the East right-of-way line for  
 621 State Road No. 31; Thence along a line 50.00 feet East  
 622 of, and parallel with, the East right-of-way line for  
 623 State Road No. 31, the following courses and  
 624 distances: S00°31'45"W a distance of 4,197.71 feet,  
 625 S00°26'10"W a distance of 5,282.33 feet and  
 626 S00°36'46"W a distance of 5,337.00 feet to the Point  
 627 of Beginning.

628  
 629 Containing 13,630.64 acres, more or less.

630  
 631 Bearings hereinabove mentioned are based on the North  
 632 line of Section 6, Township 43 South, Range 26 East to  
 633 bear S89°41'45"E.

634  
 635 Section 5. Governing board; members and meetings;  
 636 organization; powers; duties; terms of office; related election  
 637 requirements.--

638 (1) The board shall exercise the powers granted to the  
 639 district pursuant to this act. The board shall consist of five

640 voting members. Each voting member shall hold office for a term  
641 of 4 years, except as otherwise provided herein for initial  
642 board members, and until a successor is chosen and qualified.  
643 Additionally, Charlotte and Lee Counties, acting through their  
644 respective boards of county commissioners, are each entitled,  
645 but under no obligation, to appoint one person to act as a  
646 representative for the appointing county and liaison to the  
647 board. Such person may be appointed to serve as liaison to the  
648 board at any time after the initial landowner's meeting and may  
649 serve until replaced or removed by the appointing county. Only  
650 Charlotte and Lee Counties may appoint liaisons to the board,  
651 and only landowners and qualified electors may elect voting  
652 members to the board. All members of the board must be residents  
653 of the state and citizens of the United States. A board liaison  
654 is entitled to receive all meeting notices and board meeting  
655 materials in the same manner as a voting member of the board and  
656 shall be entitled to be heard at board meetings in the same  
657 manner as board members, except that such person shall not be a  
658 member of the governing board nor be entitled to vote.

659 (2) (a) Within 90 days following the effective date of this  
660 act, there shall be held a meeting of the landowners of the  
661 district for the purpose of electing five members for the  
662 district. Notice of the landowners' meeting shall be published  
663 once a week for 2 consecutive weeks in a newspaper that is in  
664 general circulation in the area of the district, the last day of  
665 such publication to be not less than 14 days or more than 28  
666 days before the date of the election. The landowners, when  
667 assembled at such meeting, shall organize by electing a chair,



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668 who shall conduct the meeting. The chair may be any person  
669 present at the meeting. If the chair is a landowner or proxy  
670 holder of a landowner, he or she may nominate candidates and  
671 make and second motions. The landowners present at the meeting,  
672 in person or by proxy, shall constitute a quorum. At any  
673 landowners' meeting, 50 percent of the district acreage shall  
674 not be required to constitute a quorum, and each governing board  
675 member elected by landowners shall be elected by a majority of  
676 the acreage represented either by owner or proxy present and  
677 voting at said meeting.

678 (b) At such meeting, each landowner shall be entitled to  
679 cast one vote per acre of land owned by him or her and located  
680 within the district for each person to be elected. A landowner  
681 may vote in person or by proxy in writing. Each proxy must be  
682 signed by one of the legal owners of the property for which the  
683 vote is cast and must contain the typed or printed name of the  
684 individual who signed the proxy; the street address, legal  
685 description of the property, or tax parcel identification  
686 number; and the number of authorized votes. If the proxy  
687 authorizes more than one vote, each property must be listed and  
688 the number of acres of each property must be included. The  
689 signature on a proxy need not be notarized. A fraction of an  
690 acre shall be treated as one acre, entitling the landowner to  
691 one vote with respect thereto. The two candidates receiving the  
692 highest number of votes shall be elected for terms expiring  
693 November 30, 2010, and the three candidates receiving the next  
694 largest number of votes shall be elected for terms expiring  
695 November 30, 2008, with the term of office for each successful

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696 candidate commencing upon election. The members of the first  
697 board elected by landowners shall serve their respective terms;  
698 however, the next election of board members shall be held on the  
699 first Tuesday after the first Monday in November 2008.  
700 Thereafter, there shall be an election by landowners for the  
701 district every 2 years on the first Tuesday after the first  
702 Monday in November, which shall be noticed pursuant to paragraph  
703 (a). The second and subsequent landowners' election shall be  
704 announced at a public meeting of the board at least 90 days  
705 prior to the date of the landowners' meeting and shall also be  
706 noticed pursuant to paragraph (a). Instructions on how all  
707 landowners may participate in the election, along with sample  
708 proxies, shall be provided during the board meeting that  
709 announces the landowners' meeting. Each member elected in or  
710 after November 2008 shall serve a 4-year term.

711 (3) (a) 1. The board may not exercise the ad valorem taxing  
712 power or general obligation bond power authorized by this act  
713 until such time as all members of the board, except for  
714 nonvoting members, are qualified electors who are elected by  
715 qualified electors of the district.

716 2.a. Regardless of whether the district has proposed to  
717 levy ad valorem taxes or issue general obligation bonds, board  
718 members initially elected by landowners shall be elected by  
719 qualified electors of the district as the district becomes  
720 populated with qualified electors. The transition shall occur  
721 such that the composition of the board, after the first general  
722 election following a trigger of the qualified elector population  
723 thresholds set forth below, shall be as follows:

724 (I) Once 4,600 qualified electors reside within the  
725 district, one voting board member shall be a person who was  
726 elected by the qualified electors, and four voting board members  
727 shall be persons who were elected by the landowners.

728 (II) Once 8,900 qualified electors reside within the  
729 district, two voting board members shall be persons who were  
730 elected by the qualified electors, and three voting board  
731 members shall be persons elected by the landowners.

732 (III) Once 22,000 qualified electors reside within the  
733 district, three voting board members shall be persons who were  
734 elected by the qualified electors and two voting board members  
735 shall be persons who were elected by the landowners.

736 (IV) Once 24,000 qualified electors reside within the  
737 district, four voting board members shall be persons who were  
738 elected by the qualified electors and one voting board member  
739 shall be a person who was elected by the landowners.

740 (V) Once 25,000 qualified electors reside within the  
741 district, all five voting board members shall be persons who  
742 were elected by the qualified electors.

743  
744 Nothing in this sub-subparagraph is intended to require an  
745 election prior to the expiration of an existing board member's  
746 term.

747 b. On or before June 1 of each year, the board shall  
748 determine the number of qualified electors in the district as of  
749 the immediately preceding April 15. The board shall use and rely  
750 upon the official records maintained by the supervisor of  
751 elections and property appraiser or tax collector in and for

752 Charlotte County in making this determination. Such  
753 determination shall be made at a properly noticed meeting of the  
754 board and shall become a part of the official minutes of the  
755 district.

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

759 d. Once the district qualifies to have any of its board  
760 members elected by the qualified electors of the district, the  
761 initial and all subsequent elections by the qualified electors  
762 of the district shall be held at the general election in  
763 November. The board shall adopt a resolution if necessary to  
764 implement this requirement. The transition process described  
765 herein is intended to be in lieu of the process set forth in  
766 section 189.4051, Florida Statutes.

767 (b) Elections of board members by qualified electors held  
768 pursuant to this subsection shall be nonpartisan and shall be  
769 conducted in the manner prescribed by law for holding general  
770 elections. Board members shall assume the office on the second  
771 Tuesday after their election.

772 (c) Candidates seeking election to office by qualified  
773 electors under this subsection shall conduct their campaigns in  
774 accordance with the provisions of chapter 106, Florida Statutes,  
775 and shall file qualifying papers and qualify for individual  
776 seats in accordance with section 99.061, Florida Statutes.  
777 Candidates shall pay a qualifying fee, which shall consist of a  
778 filing fee and, if applicable, an election assessment or, as an  
779 alternative, shall file a petition signed by not less than 1

780 percent of the registered voters of the district, and take the  
781 oath required in section 99.021, Florida Statutes, with the  
782 supervisor of elections in the county affected by such  
783 candidacy. The amount of the filing fee is 3 percent of \$4,8000;  
784 however, if the electors have provided for compensation, the  
785 amount of the filing fee is 3 percent of the maximum annual  
786 compensation so provided. The filing fee and election  
787 assessment, if applicable, shall be distributed as provided in  
788 section 105.031(3), Florida Statutes.

789 (d) The supervisor of elections shall appoint the  
790 inspectors and clerks of elections, prepare and furnish the  
791 ballots, designate polling places, and canvass the returns of  
792 the election of board members by qualified electors. The county  
793 canvassing board shall declare and certify the results of the  
794 election.

795 (4) Voting members of the board shall be public officers,  
796 shall be known as members and, upon entering into office, shall  
797 take and subscribe to the oath of office as prescribed by  
798 section 876.05, Florida Statutes. Voting members of the board  
799 shall be subject to ethics and conflict of interest laws of the  
800 state that apply to all local public officers. Voting members of  
801 the board shall hold office for the terms for which they were  
802 elected and until their successors are chosen and qualified. If,  
803 during the term of office, a voting member vacancy occurs, the  
804 remaining voting members of the board shall fill each vacancy by  
805 an appointment for the remainder of the unexpired term.

806 (5) Any member of the board may be removed by the Governor  
807 for malfeasance, misfeasance, dishonesty, incompetency, or

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808 failure to perform the duties imposed upon him or her by this  
809 act, and any vacancies that may occur in such office for such  
810 reasons shall be filled by the Governor as soon as practicable.

811 (6) A majority of the voting members of the board  
812 constitutes a quorum for the purposes of conducting its business  
813 and exercising its powers and for all other purposes. Action  
814 taken by the district shall be upon a vote of a majority of the  
815 voting members present unless general law or a rule of the  
816 district requires a greater number.

817 (7) As soon as practicable after each election or  
818 appointment, the board shall organize by electing one of its  
819 voting members as chair and by electing a secretary, who need  
820 not be a member of the board, and such other officers as the  
821 board may deem necessary.

822 (8) The board shall keep a permanent record book entitled  
823 "Record of Proceedings of Babcock Ranch Community Independent  
824 Special District," in which shall be recorded minutes of all  
825 meetings, resolutions, proceedings, certificates, bonds given by  
826 all employees, and any and all corporate acts. The record book  
827 and all other district records shall at reasonable times be  
828 opened to inspection in the same manner as state, county, and  
829 municipal records pursuant to chapter 119, Florida Statutes. The  
830 record book shall be kept at the office or other regular place  
831 of business maintained by the board in a designated location in  
832 Charlotte County.

833 (9) Each voting member of the board shall be entitled to  
834 receive for his or her services an amount not to exceed \$200 per  
835 meeting of the board, not to exceed \$4,800 per year per member,

836 or an amount established by the electors at referendum. In  
 837 addition, each voting member of the board shall receive travel  
 838 and per diem expenses as set forth in section 112.061, Florida  
 839 Statutes.

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

842 Section 6. Governing board; general duties.--

843 (1) DISTRICT MANAGER AND EMPLOYEES.--The board shall  
 844 employ and fix the compensation of a district manager, who shall  
 845 have charge and supervision of the works of the district and  
 846 shall be responsible for preserving and maintaining any  
 847 improvement or facility constructed or erected pursuant to the  
 848 provisions of this act, for maintaining and operating the  
 849 equipment owned by the district, and for performing such other  
 850 duties as may be prescribed by the board. It shall not be a  
 851 conflict of interest under chapter 112, Florida Statutes, for a  
 852 board member, the district manager, or another employee of the  
 853 district to be a stockholder, officer, or employee of a  
 854 landowner. The district manager may hire or otherwise employ and  
 855 terminate the employment of such other persons, including,  
 856 without limitation, professional, supervisory, and clerical  
 857 employees, as may be necessary and authorized by the board. The  
 858 compensation and other conditions of employment of the officers  
 859 and employees of the district shall be as provided by the board.

860 (2) TREASURER.--The board shall designate a person who is  
 861 a resident of the state as treasurer of the district, who shall  
 862 have charge of the funds of the district. Such funds shall be  
 863 disbursed only upon the order of or pursuant to a resolution of

864 the board by warrant or check countersigned by the treasurer and  
865 by such other person as may be authorized by the board. The  
866 board may give the treasurer such other or additional powers and  
867 duties as the board may deem appropriate and may fix his or her  
868 compensation. The board may require the treasurer to give a bond  
869 in such amount, on such terms, and with such sureties as may be  
870 deemed satisfactory to the board to secure the performance by  
871 the treasurer of his or her powers and duties. The financial  
872 records of the board shall be audited by an independent  
873 certified public accountant at least once a year.

874 (3) PUBLIC DEPOSITORY.--The board is authorized to select  
875 as a depository for its funds any qualified public depository as  
876 defined in section 280.02, Florida Statutes, that meets all the  
877 requirements of chapter 280, Florida Statutes, and has been  
878 designated by the treasurer as a qualified public depository  
879 upon such terms and conditions as to the payment of interest by  
880 such depository upon the funds so deposited as the board may  
881 deem just and reasonable.

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

883 (a) The district shall provide financial reports in such  
884 form and manner as prescribed pursuant to this act and chapter  
885 218, Florida Statutes.

886 (b) On or before July 15 of each year, the district  
887 manager shall prepare a proposed budget for the ensuing fiscal  
888 year to be submitted to the board for board approval. The  
889 proposed budget shall include at the direction of the board an  
890 estimate of all necessary expenditures of the district for the  
891 ensuing fiscal year and an estimate of income to the district



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892 from the taxes and assessments provided in this act. The board  
893 shall consider the proposed budget item by item and may either  
894 approve the budget as proposed by the district manager or modify  
895 the same in part or in whole. The board shall indicate its  
896 approval of the budget by resolution, which resolution shall  
897 provide for a hearing on the budget as approved. Notice of the  
898 hearing on the budget shall be published in a newspaper of  
899 general circulation in the area of the district once a week for  
900 2 consecutive weeks, except that the first publication shall be  
901 not fewer than 15 days prior to the date of the hearing. The  
902 notice shall further contain a designation of the day, time, and  
903 place of the public hearing. At the time and place designated in  
904 the notice, the board shall hear all objections to the budget as  
905 proposed and may make such changes as the board deems necessary.  
906 At the conclusion of the budget hearing, the board shall, by  
907 resolution, adopt the budget as finally approved by the board.  
908 The budget shall be adopted prior to October 1 of each year.

909 (c) At least 60 days prior to adoption, the board of the  
910 district shall submit to the Charlotte County Board of County  
911 Commissioners, for purposes of disclosure and information only,  
912 the proposed annual budget for the ensuing fiscal year, and the  
913 board of county commissioners may submit written comments to the  
914 board of the district solely for the assistance and information  
915 of the board of the district in adopting its annual district  
916 budget.

917 (d) The board of the district shall submit annually to the  
918 Charlotte County Board of County Commissioners its district  
919 public facilities report under section 189.415(2), Florida

920 Statutes, which report the board of county commissioners shall  
 921 use and rely on in the preparation or revision of its  
 922 comprehensive plan, specifically under section 189.415(6),  
 923 Florida Statutes.

924 (5) DISCLOSURE OF PUBLIC FINANCING.--The district shall,  
 925 in accordance with all applicable general law, provide for the  
 926 full disclosure of information relating to the public financing  
 927 and maintenance of improvements to real property undertaken by  
 928 the district. Such information shall be made available to all  
 929 existing residents and all prospective residents of the  
 930 district. The district shall furnish each developer of a  
 931 residential development within the district with sufficient  
 932 copies of that information to provide each prospective initial  
 933 purchaser of property in that development with a copy. Any  
 934 developer of a residential development within the district, when  
 935 required by law to provide a public offering statement, shall  
 936 include a copy of such information relating to the public  
 937 financing and maintenance of improvements in the public offering  
 938 statement. The Division of Florida Land Sales, Condominiums, and  
 939 Mobile Homes of the Department of Business and Professional  
 940 Regulation shall ensure that disclosures made by developers  
 941 pursuant to chapter 498, Florida Statutes, meet the requirements  
 942 of section 190.009(1), Florida Statutes.

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

945 (a) To sue and be sued in the name of the district; to  
 946 adopt and use a seal and authorize the use of a facsimile  
 947 thereof; to acquire, by purchase, gift, devise, or otherwise,

948 and to dispose of, real and personal property, or any estate  
 949 therein; and to make and execute contracts and other instruments  
 950 necessary or convenient to the exercise of its powers.

951 (b) To apply for coverage of its employees under the  
 952 Florida Retirement System in the same manner as if such  
 953 employees were state employees, subject to necessary action by  
 954 the district to pay employer contributions into the Florida  
 955 Retirement System Trust Fund.

956 (c) To contract for the services of consultants to perform  
 957 planning, engineering, legal, or other appropriate services of a  
 958 professional nature. Such contracts shall be subject to public  
 959 bidding or competitive negotiation requirements as set forth in  
 960 general law applicable to independent special districts.

961 (d) To borrow money and accept gifts; to apply for and use  
 962 grants or loans of money or other property from the United  
 963 States, the state, a unit of local government, or any person for  
 964 any district purposes and enter into agreements required in  
 965 connection therewith; and to hold, use, and dispose of such  
 966 moneys or property for any district purposes in accordance with  
 967 the terms of the gift, grant, loan, or agreement relating  
 968 thereto.

969 (e) To adopt and enforce rules and orders pursuant to the  
 970 provisions of chapter 120, Florida Statutes, prescribing the  
 971 powers, duties, and functions of the officers of the district;  
 972 the conduct of the business of the district; the maintenance of  
 973 records; and the form of certificates evidencing tax liens and  
 974 all other documents and records of the district. The board may  
 975 also adopt and enforce administrative rules with respect to any

976 of the projects of the district and define the area to be  
977 included therein. The board may also adopt resolutions that may  
978 be necessary for the conduct of district business.

979 (f) To maintain an office at such place or places as the  
980 board designates in Charlotte County, and within the district  
981 when facilities are available.

982 (g) To hold, control, and acquire by donation or purchase,  
983 or dispose of, any public easements, dedications to public use,  
984 platted reservations for public purposes, or any reservations  
985 for those purposes authorized by this act and to make use of  
986 such easements, dedications, or reservations for the purposes  
987 authorized by this act.

988 (h) To lease as lessor or lessee to or from any person,  
989 firm, corporation, association, or body, public or private, any  
990 projects of the type that the district is authorized to  
991 undertake and facilities or property of any nature for the use  
992 of the district to carry out the purposes authorized by this  
993 act.

994 (i) To borrow money and issue bonds, certificates,  
995 warrants, notes, or other evidence of indebtedness as  
996 hereinafter provided; to levy such taxes and assessments as may  
997 be authorized; and to charge, collect, and enforce fees and  
998 other user charges.

999 (j) To raise, by user charges or fees authorized by  
1000 resolution of the board, amounts of money necessary for the  
1001 conduct of district activities and services and to enforce their  
1002 receipt and collection in the manner prescribed by resolution  
1003 not inconsistent with law.

1004        (k) To cooperate with, or contract with, other  
 1005 governmental agencies as may be necessary, convenient,  
 1006 incidental, or proper in connection with any of the powers,  
 1007 duties, or purposes authorized by this act.

1008        (l) To assess and to impose upon lands in the district ad  
 1009 valorem taxes as provided by this act.

1010        (m) If and when authorized by general law, to determine,  
 1011 order, levy, impose, collect, and enforce maintenance taxes.

1012        (n) To determine, order, levy, impose, collect, and  
 1013 enforce assessments pursuant to this act and the general laws of  
 1014 the state.

1015        (o) To hold, control and acquire by donation, purchase, or  
 1016 condemnation (subject to the limitation on the district's  
 1017 eminent domain powers as set forth below), or dispose of, any  
 1018 public easements, dedications to public use, platted  
 1019 reservations for public purposes, or any reservations for those  
 1020 purposes authorized by this act, both within and outside the  
 1021 boundaries of the district, and to make use of such easements,  
 1022 dedications, or reservations for the purposes authorized by this  
 1023 act.

1024        (p) To exercise within the district, or beyond the  
 1025 district with prior approval by resolution of the governing body  
 1026 of the county in which the taking will occur, the right and  
 1027 power of eminent domain, pursuant to the provisions of chapters  
 1028 73 and 74, Florida Statutes, over any property within the state,  
 1029 except municipal, county, state, and federal property, for the  
 1030 uses and purposes of the district relating solely to water,  
 1031 sewer, transportation improvements as outlined in subsection

1032 (7), and water management, specifically including, without  
 1033 limitation, the power for the taking of easements for the  
 1034 drainage of the land of one person over and through the land of  
 1035 another.

1036 (q) To exercise such special powers and other express  
 1037 powers as may be authorized and granted by this act in the  
 1038 charter of the district, including powers as provided in any  
 1039 interlocal agreement entered into pursuant to chapter 163,  
 1040 Florida Statutes, or that shall be required or permitted to be  
 1041 undertaken by the district pursuant to any development order or  
 1042 development of regional impact, or any other agreement with  
 1043 Charlotte County or other governmental entities, including,  
 1044 without limitation, any school district, sheriff, fire district,  
 1045 drainage district, and health care district for proportionate,  
 1046 fair-share, or pipelining capital construction funding for any  
 1047 certain capital facilities or systems required from the  
 1048 development pursuant to any applicable development order or  
 1049 agreement.

1050 (r) To exercise all of the powers necessary, convenient,  
 1051 incidental, or proper in connection with any other powers or  
 1052 duties or the special purpose of the district authorized by this  
 1053 act.

1054 (s) To carry out any conditions of any development  
 1055 approval, development order, or agreement applicable to the  
 1056 development of the Babcock Ranch Community that relates to the  
 1057 provisions of infrastructure, including roads and other on-site  
 1058 and off-site improvements and any surety obligations relating  
 1059 thereto.

1060  
 1061 The provisions of this subsection shall be construed liberally  
 1062 in order to carry out effectively the specialized purpose of  
 1063 this act.

1064 (7) SPECIAL POWERS.--The district shall have, and the  
 1065 board may exercise, the following special powers to implement  
 1066 its lawful and special purpose and to provide, pursuant to that  
 1067 purpose, systems, facilities, services, improvements, projects,  
 1068 works, and infrastructure, each of which constitutes a lawful  
 1069 public purpose when exercised pursuant to this charter, subject  
 1070 to, and not inconsistent with, the regulatory jurisdiction and  
 1071 permitting authority of all other applicable governmental  
 1072 bodies, agencies, and any special districts having authority  
 1073 with respect to any area included therein, and to plan,  
 1074 establish, acquire, construct or reconstruct, enlarge or extend,  
 1075 equip, operate, finance, fund, and maintain improvements,  
 1076 systems, facilities, services, works, projects, and  
 1077 infrastructure, including, without limitation, any obligations  
 1078 pursuant to a development order or agreement. Any or all of the  
 1079 following special powers are granted by this act in order to  
 1080 implement the special purpose of the district:

1081 (a) To provide water management and control for the lands  
 1082 within the district and to connect some or any of such  
 1083 facilities with roads and bridges. In the event that the board  
 1084 assumes the responsibility for providing water management and  
 1085 control for the district that is to be financed by benefit  
 1086 special assessments, the board shall adopt plans and assessments  
 1087 pursuant to law or may adopt water management and control plans,

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1088 assess for benefits, and apportion and levy special assessments,  
1089 as follows:

1090 1. The board shall cause to be made by the district's  
1091 engineer, or such other engineer or engineers as the board may  
1092 employ for that purpose, complete and comprehensive water  
1093 management and control plans for the lands located within the  
1094 district that will be improved in any part or in whole by any  
1095 system of facilities that may be outlined and adopted, and the  
1096 engineer shall make a report in writing to the board with maps  
1097 and profiles of said surveys and an estimate of the cost of  
1098 carrying out and completing the plans.

1099 2. Upon the completion of such plans, the board shall hold  
1100 a hearing thereon to hear objections thereto; shall give notice  
1101 of the time and place fixed for such hearing by publication once  
1102 each week for 2 consecutive weeks in a newspaper of general  
1103 circulation in the general area of the district; and shall  
1104 permit the inspection of the plan at the office of the district  
1105 by all persons interested. All objections to the plan shall be  
1106 filed at or before the time fixed in the notice for the hearing  
1107 and shall be in writing.

1108 3. After the hearing, the board shall consider the  
1109 proposed plan and any objections thereto and may modify, reject,  
1110 or adopt the plan or continue the hearing until a day certain  
1111 for further consideration of the proposed plan or modifications  
1112 thereof.

1113 4. When the board approves a plan, a resolution shall be  
1114 adopted and a certified copy thereof shall be filed in the



1115 office of the secretary and incorporated by him or her into the  
 1116 records of the district.

1117 5. The water management and control plan may be altered in  
 1118 detail from time to time until the appraisal record herein  
 1119 provided is filed but not in such manner as to affect materially  
 1120 the conditions of its adoption. After the appraisal record has  
 1121 been filed, no alteration of the plan shall be made, except as  
 1122 provided by this act.

1123 6. Within 20 days after the final adoption of the plan by  
 1124 the board, the board shall proceed pursuant to section 298.301,  
 1125 Florida Statutes.

1126 (b) To provide for water supply, sewer, and wastewater  
 1127 management, reclamation, and reuse, or any combination thereof,  
 1128 and any irrigation systems, facilities, and services and to  
 1129 construct and operate connecting intercepting or outlet sewers  
 1130 and sewer mains and pipes and water mains, conduits, or  
 1131 pipelines in, along, and under any street, alley, highway, or  
 1132 other public place or ways, and to dispose of any effluent,  
 1133 residue, or other byproducts of such system or sewer system.

1134 1. The district may not purchase or sell a water, sewer,  
 1135 or wastewater reuse utility that provides service to the public  
 1136 for compensation, or enter into a wastewater facility  
 1137 privatization contract for a wastewater facility, until the  
 1138 governing body of the district has held a public hearing on the  
 1139 purchase, sale, or wastewater facility privatization contract  
 1140 and made a determination that the purchase, sale, or wastewater  
 1141 facility privatization contract is in the public interest.

1142           2. In determining if the purchase, sale, or wastewater  
 1143 facility privatization contract is in the public interest, the  
 1144 district shall consider, at a minimum, the following:

1145           a. The most recent available income and expense statement  
 1146 for the utility.

1147           b. The most recent available balance sheet for the  
 1148 utility, listing assets and liabilities and clearly showing the  
 1149 amount of contributions in aid of construction and the  
 1150 accumulated depreciation thereon.

1151           c. A statement of the existing rate base of the utility  
 1152 for regulatory purposes.

1153           d. The physical condition of the utility facilities being  
 1154 purchased or sold or subject to a wastewater facility  
 1155 privatization contract.

1156           e. The reasonableness of the purchase, sale, or wastewater  
 1157 facility privatization contract price and terms.

1158           f. The impacts of the purchase, sale, or wastewater  
 1159 facility privatization contract on utility customers, both  
 1160 positive and negative.

1161           g. Any additional investment required and the ability and  
 1162 willingness of the purchaser or the private firm under a  
 1163 wastewater facility privatization contract to make that  
 1164 investment, whether the purchaser is the district or the entity  
 1165 purchasing the utility from the district.

1166           h. In the case of a wastewater facility privatization  
 1167 contract, the terms and conditions on which the private firm  
 1168 will provide capital investment and financing or a combination

1169 thereof for contemplated capital replacements, additions,  
 1170 expansions, and repairs.

1171 i. The alternatives to the purchase, sale, or wastewater  
 1172 facility privatization contract and the potential impact on  
 1173 utility customers if the purchase, sale, or wastewater facility  
 1174 privatization contract is not made.

1175 j. The ability of the purchaser or the private firm under  
 1176 a wastewater facility privatization contract to provide and  
 1177 maintain high-quality and cost-effective utility service,  
 1178 whether the purchaser is the district or the entity purchasing  
 1179 the utility from the district.

1180 k. In the case of a wastewater facility privatization  
 1181 contract, the district shall give significant weight to the  
 1182 technical expertise and experience of the private firm in  
 1183 carrying out the obligations specified in the wastewater  
 1184 facility privatization contract.

1185 1. All moneys paid by a private firm to a district  
 1186 pursuant to a wastewater facility privatization contract shall  
 1187 be used for the purpose of reducing or offsetting property  
 1188 taxes, wastewater service rates, or debt reduction or making  
 1189 infrastructure improvements or capital asset expenditures or  
 1190 other public purpose, provided, however, that nothing herein  
 1191 shall preclude the district from using all or part of the moneys  
 1192 for the purpose of the district's qualification for relief from  
 1193 the repayment of federal grant awards associated with the  
 1194 wastewater system as may be required by federal law or  
 1195 regulation. The district shall prepare a statement showing that  
 1196 the purchase, sale, or wastewater facility privatization

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1197 contract is in the public interest, including a summary of the  
1198 purchaser's or private firm's experience in water, sewer, or  
1199 wastewater reuse utility operation and a showing of financial  
1200 ability to provide the service, whether the purchaser or private  
1201 firm is the district or the entity purchasing the utility from  
1202 the district.

1203 (c) To provide for bridges or culverts that may be needed  
1204 across any drain, ditch, canal, floodway, holding basin,  
1205 excavation, public highway, tract, grade, fill, or cut and  
1206 roadways over levees and embankments, and to construct any and  
1207 all of such works and improvements across, through, or over any  
1208 public right-of-way, highway, grade, fill, or cut.

1209 (d) To provide for transportation and transportation-  
1210 related improvements equal to or exceeding the specifications of  
1211 the county in which such transportation improvements are  
1212 located, which specifications may include, but not be limited  
1213 to, those outlined in conditions of development approval. Such  
1214 transportation and transportation-related improvements may  
1215 include, but are not limited to, highways, streets, roads,  
1216 alleys, trails, pathways, sidewalks, parkways, bicycle lanes,  
1217 jogging paths, interchanges, bridges, thoroughfares of all kinds  
1218 and descriptions, landscaping, hardscaping, irrigation, storm  
1219 drains, street lighting, traffic signals, regulatory or  
1220 informational signage, road striping, underground conduit,  
1221 underground cable or fiber or wire, parking facilities, and all  
1222 other related elements of a functioning transportation system in  
1223 general or as related to the conditions of a development  
1224 approval affecting the Babcock Ranch Community. Such

1225 transportation improvements may be located on-site or off-site;  
 1226 provided, however, that any off-site transportation improvements  
 1227 must be required or approved by the local general purpose  
 1228 government in which they are located.

1229 (e) To provide buses, trolleys, transit shelters and  
 1230 services, ridesharing facilities and services, parking  
 1231 improvements, and related signage.

1232 (f) To provide investigation and remediation costs  
 1233 associated with the cleanup of actual or perceived environmental  
 1234 contamination within the district under the supervision or  
 1235 direction of a competent governmental authority unless the  
 1236 covered costs benefit any person who is a landowner within the  
 1237 district and who caused or contributed to the contamination.

1238 (g) To provide for observation areas, conservation areas,  
 1239 mitigation areas, wildlife areas and wildlife habitat within or  
 1240 outside the district, including the maintenance of any plant or  
 1241 animal species, and any related interest in real or personal  
 1242 property.

1243 (h) To provide for parks and facilities for indoor and  
 1244 outdoor recreational, cultural, educational, and library uses.

1245 (i) To provide for fire prevention and control, including  
 1246 fire stations, water mains and plugs, fire trucks, and other  
 1247 vehicles and equipment.

1248 (j) To establish and maintain emergency medical and rescue  
 1249 response services, and acquire and maintain rescue, medical, and  
 1250 other emergency equipment.

1251 (k) To provide for school buildings and related  
 1252 structures, which may be leased, sold, or donated to the school

1253 district, for use in the educational system when authorized by  
 1254 the affected school board of Charlotte County. The district is  
 1255 granted the special power to contract with the school boards of  
 1256 Charlotte and Lee counties and, as applicable, the boards of  
 1257 county commissioners of Charlotte and Lee Counties, and with the  
 1258 applicable landowner developer of the lands within the district,  
 1259 to assess the school district educational facilities plan, and  
 1260 to implement a management and financing plan for timely  
 1261 construction, maintenance, and acquisition, at the option of the  
 1262 district, of school facilities, including facilities identified  
 1263 in the facilities work programs or those proposed by charter  
 1264 schools. The district is granted the special power to determine,  
 1265 order, levy, impose, collect, or arrange for the collection and  
 1266 enforcement of assessments, as defined in and pursuant to this  
 1267 act, for such school facilities. The district is eligible for  
 1268 the financial enhancements available to educational facility  
 1269 benefit districts to provide for financing the construction and  
 1270 maintenance of educational facilities pursuant to section  
 1271 1013.356, Florida Statutes, and, if and when authorized by  
 1272 general law, to acquire such educational facilities. This act,  
 1273 in the place of an educational facilities benefit district,  
 1274 authorizes the affected school board to designate the district.  
 1275 The district is authorized to enter into an interlocal agreement  
 1276 with the affected school board and, as applicable, the affected  
 1277 county, and applicable private landowners and developers in  
 1278 order to provide for such construction, maintenance, and  
 1279 acquisition and in order to receive the applicable financial  
 1280 enhancements provided by section 1013.356, Florida Statutes. The

1281 interlocal agreement shall consider, among other things,  
 1282 absorption rates, sales rates, and related data of existing and  
 1283 projected schools; racial, ethnic, social, and economic balance  
 1284 within the affected school district under applicable state and  
 1285 federal law; and the provision of school attendance zones to  
 1286 allow students residing within a reasonable distance of the  
 1287 facilities constructed and financed through the interlocal  
 1288 agreement to attend such facilities. Because these facilities  
 1289 are funded by assessments and not by taxes of any type, the  
 1290 provision of these facilities may be multiuse and, consistent  
 1291 with the provisions of this act, shall be first liens on the  
 1292 property upon a showing of special and peculiar benefits that  
 1293 flow to the property within the jurisdiction of the district as  
 1294 a logical connection from the systems, facilities, and services,  
 1295 resulting in added use, enhanced enjoyment, decreased insurance  
 1296 premiums, or enhanced value in marketability so that the  
 1297 Legislature finds that the provisions of the Florida  
 1298 Constitution for free public schools is implemented and  
 1299 enhanced. Nothing herein requires any change in the method of  
 1300 election of the governing board of the district provided for in  
 1301 section 5.

1302 (1) To provide for security, including, but not limited  
 1303 to, guardhouses, fences, and gates, electronic intrusion-  
 1304 detection systems, and patrol cars, when authorized by proper  
 1305 governmental agencies; provided, however, the district may not  
 1306 exercise any powers of a law enforcement agency but may contract  
 1307 with the appropriate local general-purpose government agencies  
 1308 for an increased level of such services within the district

1309 boundaries. The district may operate guardhouses for the limited  
 1310 purpose of providing security for the residents of the district  
 1311 and that serve a predominate public, as opposed to private,  
 1312 purpose. Such guardhouses shall be operated by the district or  
 1313 any other unit of local government pursuant to procedures  
 1314 designed to serve such security purposes as set forth in rules  
 1315 adopted by the board, from time to time, following the  
 1316 procedures set forth in chapter 120, Florida Statutes.

1317 (m) To provide control and elimination of mosquitoes and  
 1318 other arthropods of public health importance.

1319 (n) To provide waste collection and disposal.

1320 (o) To enter into impact fee credit agreements with  
 1321 Charlotte and Lee Counties and their respective school boards.  
 1322 Under such agreements, if the district constructs or makes  
 1323 contributions for public systems, facilities, services,  
 1324 projects, improvements, works, and infrastructures for which  
 1325 impact fee credits would be available to the landowner developer  
 1326 under the applicable impact fee ordinance, the agreement  
 1327 authorized by this act shall provide that such impact fee credit  
 1328 shall inure to the landowners within the district in proportion  
 1329 to assessments or other burdens levied and imposed upon the  
 1330 landowners with respect to assessable improvements giving rise  
 1331 to such impact fee credits, and the district shall from time to  
 1332 time execute such instruments, such as assignments of impact fee  
 1333 credits, as may be necessary, appropriate, or desirable to  
 1334 accomplish or to confirm the foregoing.



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1335 (p) To provide buildings and structures for district  
1336 offices, maintenance facilities, meeting facilities, town  
1337 centers, or any other project authorized or granted by this act.

1338 (q) To establish and create, at noticed meetings, such  
1339 governmental departments of the governing board of the district,  
1340 as well as committees, task forces, boards, or commissions, or  
1341 other agencies under the supervision and control of the  
1342 district, as from time to time the members of the board may deem  
1343 necessary or desirable in the performance of the acts or other  
1344 things necessary to exercise the board's general or special  
1345 powers to implement an innovative project to carry out the  
1346 special purpose of the district as provided in this act and to  
1347 delegate the exercise of its powers to such departments, boards,  
1348 task forces, committees, or other agencies and such  
1349 administrative duties and other powers as the board may deem  
1350 necessary or desirable, but only if there is a set of expressed  
1351 limitations for accountability, notice, and periodic written  
1352 reporting to the board that shall retain the powers of the  
1353 board.

1354 (r) To provide for any facilities or improvements that may  
1355 otherwise be provided for by any county or municipality,  
1356 including, but not limited to, libraries, annexes, substations,  
1357 and other buildings to house public officials, staff, and  
1358 employees.

1359 (s) To provide for affordable housing and affordable  
1360 housing assistance in accordance with section 189.4155(6),  
1361 Florida Statutes, and other provisions of general law.

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1362        (t) To provide for the construction and operation of  
1363 communications systems and related infrastructure for the  
1364 carriage and distribution of communications services, and to  
1365 enter into joint ventures, public-private partnerships, and  
1366 other agreements and to grant such easements as may be necessary  
1367 to accomplish the foregoing. Communications systems shall mean  
1368 all facilities, buildings, equipment, items, and methods  
1369 necessary or desirable in order to provide communications  
1370 services, including, without limitation, wires, cables,  
1371 conduits, wireless cell sites, computers, modems, satellite  
1372 antennae sites, transmission facilities, network facilities, and  
1373 appurtenant devices necessary and appropriate to support the  
1374 provision of communications services. Communications services  
1375 includes without limitation internet, voice telephone or similar  
1376 services provided by voice over internet protocol, cable  
1377 television, data transmission services, electronic security  
1378 monitoring services, and multi-channel video programming  
1379 distribution services.

1380        (u) To provide electricity and related infrastructure and  
1381 to enter into public-private partnerships and agreements as may  
1382 be necessary to accomplish the foregoing.

1383        (v) To provide health care facilities and to enter into  
1384 public-private partnerships and agreements as may be necessary  
1385 to accomplish the foregoing.

1386        (w) To coordinate, work with, and, as the board deems  
1387 appropriate, enter into interlocal agreements with any public or  
1388 private entity for the provision of an institution or  
1389 institutions of higher education.

1390        (x) To exercise its general and special powers as set  
 1391 forth in this act within or without the boundaries of the  
 1392 district when the subject of such exercise is approved or  
 1393 required by a development order, or is the subject of an  
 1394 agreement with the county, school district, or with any other  
 1395 applicable public or private entity, and is not inconsistent  
 1396 with the effective local comprehensive plans.

1397  
 1398 The enumeration of special powers herein shall not be deemed  
 1399 exclusive or restrictive but shall be deemed to incorporate all  
 1400 powers, express or implied, necessary or incident to carrying  
 1401 out such enumerated special powers, including the general powers  
 1402 provided by this special act charter to the district to  
 1403 implement its single purpose. Further, the provisions of this  
 1404 subsection shall be construed liberally in order to carry out  
 1405 effectively the special purpose of this district under this act.  
 1406 However, nothing contained herein shall relieve the district of  
 1407 its obligation to obtain a resolution from the affected county  
 1408 prior to exercising its eminent domain authority outside of the  
 1409 district boundaries pursuant to section 6.

1410        (8) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to  
 1411 the other powers provided for in this act, and not in limitation  
 1412 thereof, the district shall have the power, at any time and from  
 1413 time to time after the issuance of any bonds of the district  
 1414 shall have been authorized, to borrow money for the purposes for  
 1415 which such bonds are to be issued in anticipation of the receipt  
 1416 of the proceeds of the sale of such bonds and to issue bond  
 1417 anticipation notes in a principal sum not in excess of the

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1418 authorized maximum amount of such bond issue. Such notes shall  
1419 be in such denomination or denominations, bear interest at such  
1420 rate as the board may determine not to exceed the maximum rate  
1421 allowed by general law, mature at such time or times not later  
1422 than 5 years from the date of issuance, and be in such form and  
1423 executed in such manner as the board shall prescribe. Such notes  
1424 may be sold at either public or private sale or, if such notes  
1425 shall be renewal notes, may be exchanged for notes then  
1426 outstanding on such terms as the board shall determine. Such  
1427 notes shall be paid from the proceeds of such bonds when issued.  
1428 The board may, in its discretion, in lieu of retiring the notes  
1429 by means of bonds, retire them by means of current revenues or  
1430 from any taxes or assessments levied for the payment of such  
1431 bonds, but, in such event, a like amount of the bonds authorized  
1432 shall not be issued.

1433 (9) BORROWING.--The district at any time may obtain loans,  
1434 in such amount and on such terms and conditions as the board may  
1435 approve, for the purpose of paying any of the expenses of the  
1436 district or any costs incurred or that may be incurred in  
1437 connection with any of the projects of the district, which loans  
1438 shall bear interest as the board determines, not to exceed the  
1439 maximum rate allowed by general law, and may be payable from and  
1440 secured by a pledge of such funds, revenues, taxes, and  
1441 assessments as the board may determine, subject, however, to the  
1442 provisions contained in any proceeding under which bonds were  
1443 theretofore issued and are then outstanding. For the purpose of  
1444 defraying such costs and expenses, the district may issue  
1445 negotiable notes, warrants, or other evidences of debt to be

1446 payable at such times and to bear such interest as the board may  
 1447 determine, not to exceed the maximum rate allowed by general  
 1448 law, and to be sold or discounted at such price or prices not  
 1449 less than 95 percent of par value and on such terms as the board  
 1450 may deem advisable. The board shall have the right to provide  
 1451 for the payment thereof by pledging the whole or any part of the  
 1452 funds, revenues, taxes, and assessments of the district. The  
 1453 approval of the electors residing in the district shall not be  
 1454 necessary except when required by the State Constitution.

1455 (10) BONDS.--

1456 (a) Sale of bonds.--Bonds may be sold in blocks or  
 1457 installments at different times, or an entire issue or series  
 1458 may be sold at one time. Bonds may be sold at public or private  
 1459 sale after such advertisement, if any, as the board may deem  
 1460 advisable but not in any event at less than 90 percent of the  
 1461 par value thereof, together with accrued interest thereon. Bonds  
 1462 may be sold or exchanged for refunding bonds. Special assessment  
 1463 and revenue bonds may be delivered by the district as payment of  
 1464 the purchase price of any project or part thereof, or a  
 1465 combination of projects or parts thereof, or as the purchase  
 1466 price or exchange for any property, real, personal, or mixed,  
 1467 including franchises or services rendered by any contractor,  
 1468 engineer, or other person, all at one time or in blocks from  
 1469 time to time, in such manner and upon such terms as the board in  
 1470 its discretion shall determine. The price or prices for any  
 1471 bonds sold, exchanged, or delivered may be:

- 1472 1. The money paid for the bonds.

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1473        2. The principal amount, plus accrued interest to the date  
1474 of redemption or exchange, or outstanding obligations exchanged  
1475 for refunding bonds.

1476        3. In the case of special assessment or revenue bonds, the  
1477 amount of any indebtedness to contractors or other persons paid  
1478 with such bonds, or the fair value of any properties exchanged  
1479 for the bonds, as determined by the board.

1480        (b) Authorization and form of bonds.--Any general  
1481 obligation bonds, special assessment bonds, or revenue bonds may  
1482 be authorized by resolution or resolutions of the board that  
1483 shall be adopted by a majority of all the voting members thereof  
1484 then in office. Such resolution or resolutions may be adopted at  
1485 the same meeting at which they are introduced and need not be  
1486 published or posted. The board may, by resolution, authorize the  
1487 issuance of bonds and fix the aggregate amount of bonds to be  
1488 issued; the purpose or purposes for which the moneys derived  
1489 therefrom shall be expended, including, but not limited to,  
1490 payment of costs as defined in this act; the rate or rates of  
1491 interest, not to exceed the maximum rate allowed by general law;  
1492 the denomination of the bonds; whether or not the bonds are to  
1493 be issued in one or more series; the date or dates of maturity,  
1494 which shall not exceed 40 years from their respective dates of  
1495 issuance; the medium of payment; the place or places within or  
1496 without the state at which payment shall be made; registration  
1497 privileges; redemption terms and privileges, whether with or  
1498 without premium; the manner of execution; the form of the bonds,  
1499 including any interest coupons to be attached thereto; the  
1500 manner of execution of bonds and coupons; and any and all other

1501 terms, covenants, and conditions thereof and the establishment  
 1502 of revenue or other funds. Such authorizing resolution or  
 1503 resolutions may further provide for the contracts authorized by  
 1504 section 159.825(1)(f) and (g), Florida Statutes, regardless of  
 1505 the tax treatment of such bonds being authorized, subject to the  
 1506 finding by the board of a net saving to the district resulting  
 1507 by reason thereof. Such authorizing resolution may further  
 1508 provide that such bonds may be executed in accordance with the  
 1509 Registered Public Obligations Act, except that bonds not issued  
 1510 in registered form shall be valid if manually countersigned by  
 1511 an officer designated by appropriate resolution of the board.  
 1512 The seal of the district may be affixed, lithographed, engraved,  
 1513 or otherwise reproduced in facsimile on such bonds. In case any  
 1514 officer whose signature shall appear on any bonds or coupons  
 1515 shall cease to be such officer before the delivery of such  
 1516 bonds, such signature or facsimile shall nevertheless be valid  
 1517 and sufficient for all purposes the same as if he or she had  
 1518 remained in office until such delivery.

1519 (c) Interim certificates; replacement  
 1520 certificates.--Pending the preparation of definitive bonds, the  
 1521 board may issue interim certificates or receipts or temporary  
 1522 bonds, in such form and with such provisions as the board may  
 1523 determine, exchangeable for definitive bonds when such bonds  
 1524 have been executed and are available for delivery. The board may  
 1525 also provide for the replacement of any bonds that become  
 1526 mutilated, lost, or destroyed.

1527 (d) Negotiability of bonds.--Any bond issued under this  
 1528 act or any temporary bond, in the absence of an express recital

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1529 on the face thereof that it is nonnegotiable, shall be fully  
1530 negotiable and shall be and constitute a negotiable instrument  
1531 within the meaning and for all purposes of the law merchant and  
1532 the laws of the state.

1533 (e) Defeasance.--The board may make such provision with  
1534 respect to the defeasance of the right, title, and interest of  
1535 the holders of any of the bonds and obligations of the district  
1536 in any revenues, funds, or other properties by which such bonds  
1537 are secured as the board deems appropriate and, without  
1538 limitation on the foregoing, may provide that when such bonds or  
1539 obligations become due and payable or shall have been called for  
1540 redemption and the whole amount of the principal and interest  
1541 and premium, if any, due and payable upon the bonds or  
1542 obligations then outstanding shall be held in trust for such  
1543 purpose, and provision shall also be made for paying all other  
1544 sums payable in connection with such bonds or other obligations,  
1545 then and in such event the right, title, and interest of the  
1546 holders of the bonds in any revenues, funds, or other properties  
1547 by which such bonds are secured shall thereupon cease,  
1548 terminate, and become void; and the board may apply any surplus  
1549 in any sinking fund established in connection with such bonds or  
1550 obligations and all balances remaining in all other funds or  
1551 accounts other than moneys held for the redemption or payment of  
1552 the bonds or other obligations to any lawful purpose of the  
1553 district as the board shall determine.

1554 (f) Issuance of additional bonds.--If the proceeds of any  
1555 bonds are less than the cost of completing the project in  
1556 connection with which such bonds were issued, the board may



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1557 authorize the issuance of additional bonds, upon such terms and  
1558 conditions as the board may provide in the resolution  
1559 authorizing the issuance thereof, but only in compliance with  
1560 the resolution or other proceedings authorizing the issuance of  
1561 the original bonds.

1562 (g) Refunding bonds.--The district shall have the power to  
1563 issue bonds to provide for the retirement or refunding of any  
1564 bonds or obligations of the district that at the time of such  
1565 issuance are or subsequent thereto become due and payable, or  
1566 that at the time of issuance have been called or are or will be  
1567 subject to call for redemption within 10 years thereafter, or  
1568 the surrender of which can be procured from the holders thereof  
1569 at prices satisfactory to the board. Refunding bonds may be  
1570 issued at any time that in the judgment of the board such  
1571 issuance will be advantageous to the district. No approval of  
1572 the qualified electors residing in the district shall be  
1573 required for the issuance of refunding bonds except in cases in  
1574 which such approval is required by the State Constitution. The  
1575 board may by resolution confer upon the holders of such  
1576 refunding bonds all rights, powers, and remedies to which the  
1577 holders would be entitled if they continued to be the owners and  
1578 had possession of the bonds for the refinancing of which such  
1579 refunding bonds are issued, including, but not limited to, the  
1580 preservation of the lien of such bonds on the revenues of any  
1581 project or on pledged funds, without extinguishment, impairment,  
1582 or diminution thereof. The provisions of this act pertaining to  
1583 bonds of the district shall, unless the context otherwise  
1584 requires, govern the issuance of refunding bonds, the form and

1585 other details thereof, the rights of the holders thereof, and  
1586 the duties of the board with respect to them.

1587 (h) Revenue bonds.--

1588 1. The district shall have the power to issue revenue  
1589 bonds from time to time without limitation as to amount. Such  
1590 revenue bonds may be secured by, or payable from, the gross or  
1591 net pledge of the revenues to be derived from any project or  
1592 combination of projects; from the rates, fees, or other charges  
1593 to be collected from the users of any project or projects; from  
1594 any revenue-producing undertaking or activity of the district;  
1595 from special assessments; or from benefit special assessments;  
1596 or from any other source or pledged security. Such bonds shall  
1597 not constitute an indebtedness of the district, and the approval  
1598 of the qualified electors shall not be required unless such  
1599 bonds are additionally secured by the full faith and credit and  
1600 taxing power of the district.

1601 2. Any two or more projects may be combined and  
1602 consolidated into a single project and may hereafter be operated  
1603 and maintained as a single project. The revenue bonds authorized  
1604 herein may be issued to finance any one or more of such  
1605 projects, regardless of whether or not such projects have been  
1606 combined and consolidated into a single project. If the board  
1607 deems it advisable, the proceedings authorizing such revenue  
1608 bonds may provide that the district may thereafter combine the  
1609 projects then being financed or theretofore financed with other  
1610 projects to be subsequently financed by the district and that  
1611 revenue bonds to be thereafter issued by the district shall be  
1612 on parity with the revenue bonds then being issued, all on such

1613 terms, conditions, and limitations as shall have been provided  
 1614 in the proceeding which authorized the original bonds.

1615 (i) General obligation bonds.--

1616 1. Subject to the limitations of this charter, the  
 1617 district shall have the power from time to time to issue general  
 1618 obligation bonds to finance or refinance capital projects or to  
 1619 refund outstanding bonds in an aggregate principal amount of  
 1620 bonds outstanding at any one time not in excess of 35 percent of  
 1621 the assessed value of the taxable property within the district  
 1622 as shown on the pertinent tax records at the time of the  
 1623 authorization of the general obligation bonds for which the full  
 1624 faith and credit of the district is pledged. Except for  
 1625 refunding bonds, no general obligation bonds shall be issued  
 1626 unless the bonds are issued to finance or refinance a capital  
 1627 project and the issuance has been approved at an election held  
 1628 in accordance with the requirements for such election as  
 1629 prescribed by the State Constitution. Such elections shall be  
 1630 called to be held in the district by the Board of County  
 1631 Commissioners of Charlotte County upon the request of the board  
 1632 of the district. The expenses of calling and holding an election  
 1633 shall be at the expense of the district, and the district shall  
 1634 reimburse the county for any expenses incurred in calling or  
 1635 holding such election.

1636 2. The district may pledge its full faith and credit for  
 1637 the payment of the principal and interest on such general  
 1638 obligation bonds and for any reserve funds provided therefor and  
 1639 may unconditionally and irrevocably pledge itself to levy ad  
 1640 valorem taxes on all taxable property in the district, to the

1641 extent necessary for the payment thereof, without limitation as  
 1642 to rate or amount.

1643 3. If the board determines to issue general obligation  
 1644 bonds for more than one capital project, the approval of the  
 1645 issuance of the bonds for each and all such projects may be  
 1646 submitted to the electors on one and the same ballot. The  
 1647 failure of the electors to approve the issuance of bonds for any  
 1648 one or more capital projects shall not defeat the approval of  
 1649 bonds for any capital project that has been approved by the  
 1650 electors.

1651 4. In arriving at the amount of general obligation bonds  
 1652 permitted to be outstanding at any one time pursuant to  
 1653 subparagraph 1., there shall not be included any general  
 1654 obligation bonds that are additionally secured by the pledge of:

1655 a. Any assessments levied in an amount sufficient to pay  
 1656 the principal and interest on the general obligation bonds so  
 1657 additionally secured, which assessments have been equalized and  
 1658 confirmed by resolution of the board pursuant to this act or  
 1659 section 170.08, Florida Statutes.

1660 b. Water revenues, sewer revenues, or water and sewer  
 1661 revenues of the district to be derived from user fees in an  
 1662 amount sufficient to pay the principal and interest on the  
 1663 general obligation bonds so additionally secured.

1664 c. Any combination of assessments and revenues described  
 1665 in sub-subparagraphs a. and b.

1666 (j) Bonds as legal investment or security.--

1667 1. Notwithstanding any provisions of any other law to the  
 1668 contrary, all bonds issued under the provisions of this act

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1669 shall constitute legal investments for savings banks, banks,  
1670 trust companies, insurance companies, executors, administrators,  
1671 trustees, guardians, and other fiduciaries and for any board,  
1672 body, agency, instrumentality, county, municipality, or other  
1673 political subdivision of the state and shall be and constitute  
1674 security that may be deposited by banks or trust companies as  
1675 security for deposits of state, county, municipal, or other  
1676 public funds or by insurance companies as required or voluntary  
1677 statutory deposits.

1678 2. Any bonds issued by the district shall be incontestable  
1679 in the hands of bona fide purchasers or holders for value and  
1680 shall not be invalid because of any irregularity or defect in  
1681 the proceedings for the issue and sale thereof.

1682 (k) Covenants.--Any resolution authorizing the issuance of  
1683 bonds may contain such covenants as the board may deem  
1684 advisable, and all such covenants shall constitute valid and  
1685 legally binding and enforceable contracts between the district  
1686 and the bondholders, regardless of the time of issuance thereof.  
1687 Such covenants may include, without limitation, covenants  
1688 concerning the disposition of the bond proceeds; the use and  
1689 disposition of project revenues; the pledging of revenues,  
1690 taxes, and assessments; the obligations of the district with  
1691 respect to the operation of the project and the maintenance of  
1692 adequate project revenues; the issuance of additional bonds; the  
1693 appointment, powers, and duties of trustees and receivers; the  
1694 acquisition of outstanding bonds and obligations; restrictions  
1695 on the establishing of competing projects or facilities;  
1696 restrictions on the sale or disposal of the assets and property

1697 of the district; the priority of assessment liens; the priority  
 1698 of claims by bondholders on the taxing power of the district;  
 1699 the maintenance of deposits to ensure the payment of revenues by  
 1700 users of district facilities and services; the discontinuance of  
 1701 district services by reason of delinquent payments; acceleration  
 1702 upon default; the execution of necessary instruments; the  
 1703 procedure for amending or abrogating covenants with the  
 1704 bondholders; and such other covenants as may be deemed necessary  
 1705 or desirable for the security of the bondholders.

1706 (l) Validation proceedings.--The power of the district to  
 1707 issue bonds under the provisions of this act may be determined,  
 1708 and any of the bonds of the district maturing over a period of  
 1709 more than 5 years shall be validated and confirmed, by court  
 1710 decree, under the provisions of chapter 75, Florida Statutes,  
 1711 and laws amendatory thereof or supplementary thereto.

1712 (m) Tax exemption.--To the extent allowed by general law,  
 1713 all bonds issued hereunder and interest paid thereon and all  
 1714 fees, charges, and other revenues derived by the district from  
 1715 the projects provided by this act are exempt from all taxes by  
 1716 the state or by any political subdivision, agency, or  
 1717 instrumentality thereof; however, any interest, income, or  
 1718 profits on debt obligations issued hereunder are not exempt from  
 1719 the tax imposed by chapter 220, Florida Statutes. Further, the  
 1720 district is not exempt from the provisions of chapter 212,  
 1721 Florida Statutes.

1722 (n) Application of section 189.4085, Florida  
 1723 Statutes.--Bonds issued by the district shall meet the criteria  
 1724 set forth in section 189.4085, Florida Statutes.

1725       (o) Act furnishes full authority for issuance of  
 1726 bonds.--This act constitutes full and complete authority for the  
 1727 issuance of bonds and the exercise of the powers of the district  
 1728 provided herein. No procedures or proceedings, publications,  
 1729 notices, consents, approvals, orders, acts, or things by the  
 1730 board, or any board, officer, commission, department, agency, or  
 1731 instrumentality of the district, other than those required by  
 1732 this act, shall be required to perform anything under this act,  
 1733 except that the issuance or sale of bonds pursuant to the  
 1734 provisions of this act shall comply with the general law  
 1735 requirements applicable to the issuance or sale of bonds by the  
 1736 district. Nothing in this act shall be construed to authorize  
 1737 the district to utilize bond proceeds to fund the ongoing  
 1738 operations of the district.

1739       (p) Pledge by the state to the bondholders of the  
 1740 district.--The state pledges to the holders of any bonds issued  
 1741 under this act that it will not limit or alter the rights of the  
 1742 district to own, acquire, construct, reconstruct, improve,  
 1743 maintain, operate, or furnish the projects or to levy and  
 1744 collect the taxes, assessments, rentals, rates, fees, and other  
 1745 charges provided for herein and to fulfill the terms of any  
 1746 agreement made with the holders of such bonds or other  
 1747 obligations and that it will not in any way impair the rights or  
 1748 remedies of such holders.

1749       (q) Default; dissolution.--A default on the bonds or  
 1750 obligations of the district shall not constitute a debt or  
 1751 obligation of any local general purpose government or the state.  
 1752 In the event of a default or dissolution of the district, no

1753 local general-purpose government shall be required to assume the  
 1754 property of the district, the debts of the district, or the  
 1755 district's obligations to complete any infrastructure  
 1756 improvements or provide services to the district.

1757 (11) TRUST AGREEMENTS.--Any issue of bonds shall be  
 1758 secured by a trust agreement by and between the district and a  
 1759 corporate trustee or trustees, which may be any trust company or  
 1760 bank having the powers of a trust company within or without the  
 1761 state. The resolution authorizing the issuance of the bonds or  
 1762 such trust agreement may pledge the revenues to be received from  
 1763 any projects of the district and may contain such provisions for  
 1764 protecting and enforcing the rights and remedies of the  
 1765 bondholders as the board may approve, including, without  
 1766 limitation, covenants setting forth the duties of the district  
 1767 in relation to: the acquisition, construction, reconstruction,  
 1768 improvement, maintenance, repair, operation, and insurance of  
 1769 any projects; the fixing and revising of the rates, fees, and  
 1770 charges; and the custody, safeguarding, and application of all  
 1771 moneys and for the employment of consulting engineers in  
 1772 connection with such acquisition, construction, reconstruction,  
 1773 improvement, maintenance, repair, or operation. It shall be  
 1774 lawful for any bank or trust company within or without the state  
 1775 that may act as a depository of the proceeds of bonds or of  
 1776 revenues to furnish such indemnifying bonds or to pledge such  
 1777 securities as may be required by the district. Such resolution  
 1778 or trust agreement may set forth the rights and remedies of the  
 1779 bondholders and of the trustee, if any, and may restrict the  
 1780 individual right of action by bondholders. The board may provide



1781 for the payment of proceeds of the sale of the bonds and the  
 1782 revenues of any project to such officer, board, or depository as  
 1783 it may designate for the custody thereof and may provide for the  
 1784 method of disbursement thereof with such safeguards and  
 1785 restrictions as it may determine. All expenses incurred in  
 1786 carrying out the provisions of such resolution or trust  
 1787 agreement may be treated as part of the cost of operation of the  
 1788 project to that such trust agreement pertains.

1789 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
 1790 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
 1791 ASSESSMENTS; MAINTENANCE TAXES.--

1792 (a) Ad valorem taxes.--A board elected by and consisting  
 1793 of qualified electors of the district shall have the power to  
 1794 levy and assess an ad valorem tax on all the taxable property in  
 1795 the district to construct, operate, and maintain assessable  
 1796 improvements; to pay the principal of, and interest on, any  
 1797 general obligation bonds of the district; and to provide for any  
 1798 sinking or other funds established in connection with any such  
 1799 bonds. An ad valorem tax levied by the board for operating  
 1800 purposes, exclusive of debt service on bonds, shall not exceed  
 1801 the maximum amount authorized by law. The ad valorem tax  
 1802 provided for herein shall be in addition to county and all other  
 1803 ad valorem taxes provided for by law. Such tax shall be  
 1804 assessed, levied, and collected in the same manner and at the  
 1805 same time as county taxes. The levy of ad valorem taxes must be  
 1806 approved by referendum as required by Section 9 of Article VII  
 1807 of the State Constitution.

1808        (b) Benefit special assessments.--The board annually shall  
1809 determine, order, and levy the annual installment of the total  
1810 benefit special assessments for bonds issued and related  
1811 expenses to finance assessable improvements. These assessments  
1812 may be due and collected during each year that county taxes are  
1813 due and collected, in which case such annual installment and  
1814 levy shall be evidenced to and certified to the property  
1815 appraiser by the board not later than August 31 of each year.  
1816 Such assessment shall be entered by the property appraiser on  
1817 the county tax rolls and shall be collected and enforced by the  
1818 tax collector in the same manner and at the same time as county  
1819 taxes, and the proceeds thereof shall be paid to the district.  
1820 However, this subsection shall not prohibit the district in its  
1821 discretion from using the method prescribed in section 197.3632  
1822 or chapter 173, Florida Statutes, for collecting and enforcing  
1823 these assessments. Each annual installment of benefit special  
1824 assessments shall be a lien on the property against which  
1825 assessed until paid and shall be enforceable in like manner as  
1826 county taxes. The amount of the assessment for the exercise of  
1827 the district's powers under subsections (6) and (7) shall be  
1828 determined by the board based upon a report of the district's  
1829 engineer and assessed by the board upon such lands, which may be  
1830 part or all of the lands within the district benefited by the  
1831 improvement, apportioned between benefited lands in proportion  
1832 to the benefits received by each tract of land. The board may,  
1833 if it determines it is in the best interests of the district,  
1834 set forth in the proceedings initially levying such benefit  
1835 special assessments or in subsequent proceedings a formula for

1836 the determination of an amount, which when paid by a taxpayer  
 1837 with respect to any tax parcel, shall constitute a prepayment of  
 1838 all future annual installments of such benefit special  
 1839 assessments and that the payment of which amount with respect to  
 1840 such tax parcel shall relieve and discharge such tax parcel of  
 1841 the lien of such benefit special assessments and any subsequent  
 1842 annual installment thereof. The board may provide further that  
 1843 upon delinquency in the payment of any annual installment of  
 1844 benefit special assessments, the prepayment amount of all future  
 1845 annual installments of benefit special assessments as determined  
 1846 in this paragraph shall be and become immediately due and  
 1847 payable together with such delinquent annual installment.

1848 (c) Non-ad valorem maintenance taxes.--If and when  
 1849 authorized by general law, to maintain and preserve the physical  
 1850 facilities and services constituting the works, improvements, or  
 1851 infrastructure provided by the district pursuant to this act; to  
 1852 repair and restore any one or more of them, when needed; and to  
 1853 defray the current expenses of the district, including any sum  
 1854 that may be required to pay state and county ad valorem taxes on  
 1855 any lands that may have been purchased and that are held by the  
 1856 district under the provisions of this act, the governing board  
 1857 may, upon the completion of said systems, facilities, services,  
 1858 works, improvements, or infrastructure, in whole or in part, as  
 1859 may be certified to the board by the engineer of the board, levy  
 1860 annually a non-ad valorem and nonmillage tax upon each tract or  
 1861 parcel of land within the district, to be known as a  
 1862 "maintenance tax." This non-ad valorem maintenance tax shall be  
 1863 apportioned upon the basis of the net assessments of benefits

1864 assessed as accruing from the original construction and shall be  
 1865 evidenced to and certified by the governing board of the  
 1866 district not later than June 1 of each year to the property  
 1867 appraiser of Charlotte County and shall be extended by the  
 1868 property appraiser on the tax roll of the property appraiser, as  
 1869 certified by the property appraiser to the tax collector, and  
 1870 collected by the tax collector on the merged collection roll of  
 1871 the tax collector in the same manner and at the same time as  
 1872 county ad valorem taxes, and the proceeds therefrom shall be  
 1873 paid to the district. This non-ad valorem maintenance tax shall  
 1874 be a lien until paid on the property against which assessed and  
 1875 enforceable in like manner and of the same dignity as county ad  
 1876 valorem taxes.

1877 (d) Maintenance special assessments.--To maintain and  
 1878 preserve the facilities and projects of the district, the board  
 1879 may levy a maintenance special assessment. This assessment may  
 1880 be evidenced to and certified to the property appraiser by the  
 1881 governing board not later than August 31 of each year and shall  
 1882 be entered by the property appraiser on the county tax rolls and  
 1883 shall be collected and enforced by the tax collector in the.  
 1884 same manner and at the same time as county taxes, and the  
 1885 proceeds therefrom shall be paid to the district. However, this  
 1886 subsection shall not prohibit the district in its discretion  
 1887 from using the method prescribed in section 197.363, section  
 1888 197.3631, or section 197.3632, Florida Statutes, for collecting  
 1889 and enforcing these assessments. These maintenance special  
 1890 assessments shall be a lien on the property against which  
 1891 assessed until paid and shall be enforceable in like manner as

1892 county taxes. The amount of the maintenance special assessment  
 1893 for the exercise of the district's powers under this section  
 1894 shall be determined by the board based upon a report of the  
 1895 district's engineer and assessed by the board upon such lands,  
 1896 which may be all of the lands within the district benefited by  
 1897 the maintenance thereof, apportioned between the benefited lands  
 1898 in proportion to the benefits received by each tract of land.

1899 (e) Special assessments.--To levy and impose any special  
 1900 assessments pursuant to this subsection.

1901 (f) Enforcement of taxes.--The collection and enforcement  
 1902 of all taxes levied by the district shall be at the same time  
 1903 and in like manner as county taxes, and the provisions of  
 1904 general law relating to the sale of lands for unpaid and  
 1905 delinquent county taxes; the issuance, sale, and delivery of tax  
 1906 certificates for such unpaid and delinquent county taxes; the  
 1907 redemption thereof; the issuance to individuals of tax deeds  
 1908 based thereon; and all other procedures in connection therewith  
 1909 shall be applicable to the district to the same extent as if  
 1910 such statutory provisions were expressly set forth herein. All  
 1911 taxes shall be subject to the same discounts as county taxes.

1912 (g) When unpaid tax is delinquent; penalty.--All taxes  
 1913 provided for in this act shall become delinquent and bear  
 1914 penalties on the amount of such taxes in the same manner as  
 1915 county taxes.

1916 (h) Status of assessments.--Benefit special assessments,  
 1917 maintenance special assessments, and special assessments are  
 1918 hereby found and determined to be non-ad valorem assessments as

1919 defined by section 197.3632, Florida Statutes. Maintenance taxes  
 1920 are non-ad valorem taxes and are not special assessments.

1921 (i) Assessments constitute liens; collection.--Any and all  
 1922 assessments, including special assessments, benefit special  
 1923 assessments, and maintenance special assessments authorized by  
 1924 this section, and including special assessments as defined in  
 1925 this act and granted and authorized by this subsection, and  
 1926 including maintenance taxes if authorized by general law, shall  
 1927 constitute a lien on the property against which assessed from  
 1928 the date of levy and imposition thereof until paid, coequal with  
 1929 the lien of state, county, municipal, and school board taxes.  
 1930 These assessments may be collected, at the district's  
 1931 discretion, under authority of section 197.3631, Florida  
 1932 Statutes, by the tax collector pursuant to the provisions of  
 1933 sections 197.3632 and 197.3635, Florida Statutes, or in  
 1934 accordance with other collection measures provided by law. In  
 1935 addition to, and not in limitation of, any powers otherwise set  
 1936 forth herein or in general law, these assessments may also be  
 1937 enforced pursuant to the provisions of chapter 173, Florida  
 1938 Statutes.

1939 (j) Land owned by governmental entity.--Except as  
 1940 otherwise provided by law, no levy of ad valorem taxes or non-ad  
 1941 valorem assessments under this act, chapter 170, or chapter 197,  
 1942 Florida Statutes, or otherwise, by a board of a district, on  
 1943 property of a governmental entity that is subject to a ground  
 1944 lease as described in section 190.003(13), Florida Statutes,  
 1945 shall constitute a lien or encumbrance on the underlying fee  
 1946 interest of such governmental entity.

1947        (13) SPECIAL ASSESSMENTS.--  
 1948        (a) As an alternative method to the levy and imposition of  
 1949 special assessments pursuant to chapter 170, Florida Statutes,  
 1950 pursuant to the authority of section 197.3631, Florida Statutes,  
 1951 or pursuant to other provisions of general law, now or hereafter  
 1952 enacted, which provide a supplemental means or authority to  
 1953 impose, levy, and collect special assessments as otherwise  
 1954 authorized under this act, the board may levy and impose special  
 1955 assessments to finance the exercise of any of its powers  
 1956 permitted under this act using the following uniform procedures:  
 1957        1. At a noticed meeting, the governing board of the  
 1958 district may consider and review an engineer's report on the  
 1959 costs of the systems, facilities, and services to be provided, a  
 1960 preliminary assessment methodology, and a preliminary roll based  
 1961 on acreage or platted lands, depending upon whether platting has  
 1962 occurred.  
 1963        a. The assessment methodology shall address and discuss  
 1964 and the board shall consider whether the systems, facilities,  
 1965 and services being contemplated will result in special benefits  
 1966 peculiar to the property, different in kind and degree than  
 1967 general benefits, as a logical connection between the systems,  
 1968 facilities, and services themselves and the property, and  
 1969 whether the duty to pay the assessments by the property owners  
 1970 is apportioned in a manner that is fair and equitable and not in  
 1971 excess of the special benefit received. It shall be fair and  
 1972 equitable to designate a fixed proportion of the annual debt  
 1973 service, together with interest thereon, on the aggregate  
 1974 principal amount of bonds issued to finance such systems,

1975 facilities, and services that give rise to unique, special, and  
 1976 peculiar benefits to property of the same or similar  
 1977 characteristics under the assessment methodology so long as such  
 1978 fixed proportion does not exceed the unique, special, and  
 1979 peculiar benefits enjoyed by such property from such systems,  
 1980 facilities, and services.

1981 b. The engineer's cost report shall identify the nature of  
 1982 the proposed systems, facilities, and services, their location,  
 1983 a cost breakdown plus a total estimated cost, including cost of  
 1984 construction or reconstruction, labor, and materials, lands,  
 1985 property, rights, easements, franchises, or systems, facilities,  
 1986 and services to be acquired, cost of plans and specifications,  
 1987 surveys of estimates of costs and revenues, costs of  
 1988 engineering, legal, and other professional consultation  
 1989 services, and other expenses or costs necessary or incident to  
 1990 determining the feasibility or practicability of such  
 1991 construction, reconstruction, or acquisition, administrative  
 1992 expenses, relationship to the authority and power of the  
 1993 district in its charter, and such other expenses or costs as may  
 1994 be necessary or incident to the financing to be authorized by  
 1995 the governing board.

1996 c. The preliminary assessment roll to be prepared will be  
 1997 in accordance with the method of assessment provided for in the  
 1998 assessment methodology and as may be adopted by the governing  
 1999 board; the assessment roll shall be completed as promptly as  
 2000 possible and shall show the acreage, lots, lands, or plats  
 2001 assessed and the amount of the fairly and reasonably apportioned  
 2002 assessment based on special and peculiar benefit to the



2003 property, lot, parcel, or acreage of land; and, if the  
 2004 assessment against each such lot, parcel, acreage, or portion of  
 2005 land is to be paid in installments, the number of annual  
 2006 installments in which the assessment is divided shall be entered  
 2007 into and shown upon the assessment roll.

2008 2. The governing board of the district may determine and  
 2009 declare by an initial assessment resolution to levy and assess  
 2010 the assessments with respect to assessable improvements stating  
 2011 the nature of the systems, facilities, and services,  
 2012 improvements, projects, or infrastructure constituting such  
 2013 assessable improvements, the information in the engineer's cost  
 2014 report, the information in the assessment methodology as  
 2015 determined by the board at the noticed meeting and referencing  
 2016 and incorporating as part of the resolution the engineer's cost  
 2017 report, the preliminary assessment methodology, and the  
 2018 preliminary assessment roll as referenced exhibits to the  
 2019 resolution by reference. If the board determines to declare and  
 2020 levy the special assessments by the initial assessment  
 2021 resolution, the board shall also adopt and declare a notice  
 2022 resolution that shall provide and cause the initial assessment  
 2023 resolution to be published once a week for a period of 2 weeks  
 2024 in a newspaper of general circulation published in Charlotte  
 2025 County and said board shall by the same resolution fix a time  
 2026 and place at which the owner or owners of the property to be  
 2027 assessed or any other persons interested therein may appear  
 2028 before said board and be heard as to the propriety and  
 2029 advisability of making such improvements, as to the costs  
 2030 thereof, as to the manner of payment therefor, and as to the

2031 amount thereof to be assessed against each property so improved.  
 2032 Thirty days' notice in writing of such time and place shall be  
 2033 given to such property owners. The notice shall include the  
 2034 amount of the assessment and shall be served by mailing a copy  
 2035 to each assessed property owner at his or her last known  
 2036 address, the names and addresses of such property owners to be  
 2037 obtained from the record of the property appraiser of the county  
 2038 political subdivision in which the land is located or from such  
 2039 other sources as the district manager or engineer deems  
 2040 reliable, and proof of such mailing shall be made by the  
 2041 affidavit of the manager of the district or by the engineer,  
 2042 said proof to be filed with the district manager, provided that  
 2043 failure to mail said notice or notices shall not invalidate any  
 2044 of the proceedings hereunder. It is provided further that the  
 2045 last publication shall be at least 1 week prior to the date of  
 2046 the hearing on the final assessment resolution. Said notice  
 2047 shall describe the general areas to be improved and advise all  
 2048 persons interested that the description of each property to be  
 2049 assessed and the amount to be assessed to each piece, parcel,  
 2050 lot, or acre of property may be ascertained at the office of the  
 2051 manager of the district. Such service by publication shall be  
 2052 verified by the affidavit of the publisher and filed with the  
 2053 manager of the district. Moreover, the initial assessment  
 2054 resolution with its attached, referenced, and incorporated  
 2055 engineer's cost report, preliminary assessment methodology, and  
 2056 preliminary assessment roll, along with the notice resolution,  
 2057 shall be available for public inspection at the office of the  
 2058 manager and the office of the engineer or any other office

2059 designated by the governing board in the notice resolution.  
 2060 Notwithstanding the foregoing, the landowners of all of the  
 2061 property that is proposed to be assessed may give the district  
 2062 written notice of waiver of any notice and publication provided  
 2063 for in this subparagraph and such notice and publication shall  
 2064 not be required, provided, however, that any meeting of the  
 2065 governing board to consider such resolution shall be a publicly  
 2066 noticed meeting.

2067 3. At the time and place named in the noticed resolution  
 2068 as provided for in subparagraph 2., the governing board of the  
 2069 district shall meet and hear testimony from affected property  
 2070 owners as to the propriety and advisability of making the  
 2071 systems, facilities, services, projects, works, improvements, or  
 2072 infrastructure and funding them with assessments referenced in  
 2073 the initial assessment resolution on the property. Following the  
 2074 testimony and questions from the members of the board or any  
 2075 professional advisors to the district of the preparers of the  
 2076 engineer's cost report, the assessment methodology, and the  
 2077 assessment roll, the governing board shall make a final decision  
 2078 on whether to levy and assess the particular assessments.  
 2079 Thereafter, the governing board shall meet as an equalizing  
 2080 board to hear and to consider any and all complaints as to the  
 2081 particular assessments and shall adjust and equalize the  
 2082 assessments on the basis of justice and right.

2083 4. When so equalized and approved by resolution or  
 2084 ordinance by the governing board, to be called the final  
 2085 assessment resolution, a final assessment roll shall be filed  
 2086 with the clerk of the board and such assessment shall stand

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2087 confirmed and remain legal, valid, and binding first liens on  
2088 the property against which such assessments are made until paid,  
2089 equal in dignity to the first liens of ad valorem taxation of  
2090 county and municipal governments and school boards. However,  
2091 upon completion of the systems, facilities, service, project,  
2092 improvement, works, or infrastructure, the district shall credit  
2093 to each of the assessments the difference in the assessment as  
2094 originally made, approved, levied, assessed, and confirmed and  
2095 the proportionate part of the actual cost of the improvement to  
2096 be paid by the particular special assessments as finally  
2097 determined upon the completion of the improvement; but in no  
2098 event shall the final assessment exceed the amount of the  
2099 special and peculiar benefits as apportioned fairly and  
2100 reasonably to the property from the system, facility, or service  
2101 being provided as originally assessed. Promptly after such  
2102 confirmation, the assessment shall be recorded by the clerk of  
2103 the district in the minutes of the proceedings of the district,  
2104 and the record of the lien in this set of minutes shall  
2105 constitute prima facie evidence of its validity. The governing  
2106 board, in its sole discretion, may, by resolution, grant a  
2107 discount equal to all or a part of the payee's proportionate  
2108 share of the cost of the project consisting of bond financing  
2109 cost, such as capitalized interest, funded reserves, and bond  
2110 discounts included in the estimated cost of the project, upon  
2111 payment in full of any assessments during such period prior to  
2112 the time such financing costs are incurred as may be specified  
2113 by the governing board in such resolution.

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2114 5. District assessments may be made payable in  
2115 installments over no more than 30 years from the date of the  
2116 payment of the first installment thereof and may bear interest  
2117 at fixed or variable rates.

2118 (b) Notwithstanding any provision of this act or of  
2119 chapter 170 or section 170.09, Florida Statutes, which provide  
2120 that assessments may be paid without interest at any time within  
2121 30 days after the improvement is completed and a resolution  
2122 accepting the same has been adopted by the governing authority,  
2123 such provision shall not be applicable to any district  
2124 assessments, whether imposed, levied, and collected pursuant to  
2125 the provisions of this act or other provisions of general law,  
2126 including, but not limited to, chapter 170, Florida Statutes.

2127 (c) In addition, the district is authorized expressly in  
2128 the exercise of its rulemaking power to adopt a rule or rules  
2129 that provide for notice, levy, imposition, equalization, and  
2130 collection of assessments.

2131 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON  
2132 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

2133 (a) The board may, after any special assessments or  
2134 benefit special assessments for assessable improvements are  
2135 made, determined, and confirmed as provided in this act, issue  
2136 certificates of indebtedness for the amount so assessed against  
2137 the abutting property or property otherwise benefited, as the  
2138 case may be, and separate certificates shall be issued against  
2139 each part or parcel of land or property assessed, which  
2140 certificates shall state the general nature of the improvement  
2141 for which the assessment is made. The certificates shall be

2142 payable in annual installments in accordance with the  
 2143 installments of the special assessment for which they are  
 2144 issued. The board may determine the interest to be borne by such  
 2145 certificates, not to exceed the maximum rate allowed by general  
 2146 law, and may sell such certificates at either private or public  
 2147 sale and determine the form, manner of execution, and other  
 2148 details of such certificates. The certificates shall recite that  
 2149 they are payable only from the special assessments levied and  
 2150 collected from the part or parcel of land or property against  
 2151 which they are issued. The proceeds of such certificates may be  
 2152 pledged for the payment of principal of and interest on any  
 2153 revenue bonds or general obligation bonds issued to finance in  
 2154 whole or in part such assessable improvement, or, if not so  
 2155 pledged, may be used to pay the cost or part of the cost of such  
 2156 assessable improvements.

2157 (b) The district may also issue assessment bonds, revenue  
 2158 bonds, or other obligations payable from a special fund into  
 2159 which such certificates of indebtedness referred to in the  
 2160 preceding subsection may be deposited or, if such certificates  
 2161 of indebtedness have not been issued, the district may assign to  
 2162 such special fund for the benefit of the holders of such  
 2163 assessment bonds or other obligations, or to a trustee for such  
 2164 bondholders, the assessment liens provided for in this act  
 2165 unless such certificates of indebtedness or assessment liens  
 2166 have been theretofore pledged for any bonds or other obligations  
 2167 authorized hereunder. In the event of the creation of such  
 2168 special fund and the issuance of such assessment bonds or other  
 2169 obligations, the proceeds of such certificates of indebtedness

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2170 or assessment liens deposited therein shall be used only for the  
2171 payment of the assessment bonds or other obligations issued as  
2172 provided in this section. The district is authorized to covenant  
2173 with the holders of such assessment bonds, revenue bonds, or  
2174 other obligations that it will diligently and faithfully enforce  
2175 and collect all the special assessments, and interest and  
2176 penalties thereon, for which such certificates of indebtedness  
2177 or assessment liens have been deposited in or assigned to such  
2178 fund; to foreclose such assessment liens so assigned to such  
2179 special fund or represented by the certificates of indebtedness  
2180 deposited in the special fund, after such assessment liens have  
2181 become delinquent, and deposit the proceeds derived from such  
2182 foreclosure, including interest and penalties, in such special  
2183 fund; and to make any other covenants deemed necessary or  
2184 advisable in order to properly secure the holders of such  
2185 assessment bonds or other obligations.

2186 (c) The assessment bonds, revenue bonds, or other  
2187 obligations issued pursuant to this section shall have such  
2188 dates of issue and maturity as shall be deemed advisable by the  
2189 board; however, the maturities of such assessment bonds or other  
2190 obligations shall not be more than 2 years after the due date of  
2191 the last installment that will be payable on any of the special  
2192 assessments for which such assessment liens, or the certificates  
2193 of indebtedness representing such assessment liens, are assigned  
2194 to or deposited in such special fund.

2195 (d) Such assessment bonds, revenue bonds, or other  
2196 obligations issued under this section shall bear such interest  
2197 as the board may determine, not to exceed the maximum rate

2198 allowed by general law, and shall be executed, shall have such  
 2199 provisions for redemption prior to maturity, shall be sold in  
 2200 the manner, and shall be subject to all of the applicable  
 2201 provisions contained in this act for revenue bonds, except as  
 2202 the same may be inconsistent with the provisions of this  
 2203 section.

2204 (e) All assessment bonds, revenue bonds, or other  
 2205 obligations issued under the provisions of this section shall  
 2206 be, shall constitute, and shall have all the qualities and  
 2207 incidents of negotiable instruments under the law merchant and  
 2208 the laws of the state.

2209 (15) TAX LIENS.--All taxes of the district provided for in  
 2210 this act, except together with all penalties for default in the  
 2211 payment of the same and all costs in collecting the same,  
 2212 including a reasonable attorney's fee fixed by the court and  
 2213 taxed as a cost in the action brought to enforce payment, shall,  
 2214 from January 1 for each year the property is liable to  
 2215 assessment and until paid, constitute a lien of equal dignity  
 2216 with the liens for state and county taxes and other taxes of  
 2217 equal dignity with state and county taxes upon all the lands  
 2218 against which such taxes shall be levied. A sale of any of the  
 2219 real property within the district for state and county or other  
 2220 taxes shall not operate to relieve or release the property so  
 2221 sold from the lien for subsequent district taxes or installments  
 2222 of district taxes, which lien may be enforced against such  
 2223 property as though no such sale thereof had been made. In  
 2224 addition to, and not in limitation of, the preceding, for  
 2225 purposes of section 197.552, Florida Statutes, the lien of all



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2226 special assessments levied by the district shall constitute a  
 2227 lien of record held by a municipal or county governmental unit.  
 2228 The provisions of sections 194.171, 197.122, 197.333, and  
 2229 197.432, Florida Statutes, shall be applicable to district taxes  
 2230 with the same force and effect as if such provisions were  
 2231 expressly set forth in this act.

2232 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE  
 2233 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2234 (a) The district shall have the power and right to:

2235 1. Pay any delinquent state, county, district, municipal,  
 2236 or other tax or assessment upon lands located wholly or  
 2237 partially within the boundaries of the district.

2238 2. Redeem or purchase any tax sales certificates issued or  
 2239 sold on account of any state, county, district, municipal, or  
 2240 other taxes or assessments upon lands located wholly or  
 2241 partially within the boundaries of the district.

2242 (b) Delinquent taxes paid, or tax sales certificates  
 2243 redeemed or purchased, by the district, together with all  
 2244 penalties for the default in payment of the same and all costs  
 2245 in collecting the same and a reasonable attorney's fee, shall  
 2246 constitute a lien in favor of the district of equal dignity with  
 2247 the liens of state and county taxes and other taxes of equal  
 2248 dignity with state and county taxes upon all the real property  
 2249 against which the taxes were levied. The lien of the district  
 2250 may be foreclosed in the manner provided in this act.

2251 (c) In any sale of land pursuant to section 197.542,  
 2252 Florida Statutes, the district may certify to the clerk of the  
 2253 circuit court of the county holding such sale the amount of

2254 taxes due to the district upon the lands sought to be sold, and  
 2255 the district shall share in the disbursement of the sales  
 2256 proceeds in accordance with the provisions of this act and under  
 2257 the laws of the state.

2258 (17) FORECLOSURE OF LIENS.--Any lien in favor of the  
 2259 district arising under this act may be foreclosed by the  
 2260 district by foreclosure proceedings in the name of the district  
 2261 in a court of competent jurisdiction as provided by general law  
 2262 in a like manner as provided in chapter 173, Florida Statutes,  
 2263 and the provisions of that chapter shall be applicable to such  
 2264 proceedings with the same force and effect as if those  
 2265 provisions were expressly set forth in this act. Any act  
 2266 required or authorized to be done by or on behalf of a  
 2267 municipality in foreclosure proceedings under chapter 173,  
 2268 Florida Statutes, may be performed by such officer or agent of  
 2269 the district as the governing board may designate. Such  
 2270 foreclosure proceedings may be brought at any time after the  
 2271 expiration of 1 year from the date any tax, or installment  
 2272 thereof, becomes delinquent; however, no lien shall be  
 2273 foreclosed against any political subdivision or agency of the  
 2274 state. Other legal remedies shall remain available.

2275 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,  
 2276 FACILITIES, AND SERVICES.--To the full extent permitted by law,  
 2277 the district shall require all lands, buildings, premises,  
 2278 persons, firms, and corporations within the district to use the  
 2279 water management and control facilities and water and sewer  
 2280 facilities of the district.

2281 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED  
 2282 PROVISIONS REQUIRED.--

2283 (a) No contract shall be let by the board for any goods,  
 2284 supplies, or materials to be purchased when the amount thereof  
 2285 to be paid by the district shall exceed the amount provided in  
 2286 section 287.017, Florida Statutes, for category four, unless  
 2287 notice of bids shall be advertised once in a newspaper in  
 2288 general circulation in Charlotte County. Any board seeking to  
 2289 construct or improve a public building, structure, or other  
 2290 public works shall comply with the bidding procedures of section  
 2291 255.20, Florida Statutes, and other applicable general law. In  
 2292 each case, the bid of the lowest responsive and responsible  
 2293 bidder shall be accepted unless all bids are rejected because  
 2294 the bids are too high or the board determines it is in the best  
 2295 interests of the district to reject all bids. The board may  
 2296 require the bidders to furnish bond with a responsible surety to  
 2297 be approved by the board. Nothing in this section shall prevent  
 2298 the board from undertaking and performing the construction,  
 2299 operation, and maintenance of any project or facility authorized  
 2300 by this act by the employment of labor, material, and machinery.

2301 (b) The provisions of the Consultants' Competitive  
 2302 Negotiation Act, section 287.055, Florida Statutes, apply to  
 2303 contracts for engineering, architecture, landscape architecture,  
 2304 or registered surveying and mapping services let by the board.

2305 (c) Contracts for maintenance services for any district  
 2306 facility or project shall be subject to competitive bidding  
 2307 requirements when the amount thereof to be paid by the district  
 2308 exceeds the amount provided in section 287.017, Florida

2309 Statutes, for category four. The district shall adopt rules,  
 2310 policies, or procedures establishing competitive bidding  
 2311 procedures for maintenance services. Contracts for other  
 2312 services shall not be subject to competitive bidding unless the  
 2313 district adopts a rule, policy, or procedure applying  
 2314 competitive bidding procedures to said contracts. Nothing herein  
 2315 shall preclude the use of requests for proposal instead of  
 2316 invitations to bid as determined by the district to be in its  
 2317 best interest.

2318 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION  
 2319 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

2320 (a) The district is authorized to prescribe, fix,  
 2321 establish, and collect rates, fees, rentals, or other charges,  
 2322 hereinafter sometimes referred to as "revenues," and to revise  
 2323 the same from time to time, for the systems, facilities, and  
 2324 services furnished by the district, within the limits of the  
 2325 district, including, but not limited to, recreational  
 2326 facilities, water management and control facilities, water,  
 2327 sewer, and reuse systems, and solid waste collection and  
 2328 disposal; to recover the costs of making connection with any  
 2329 district service, facility, or system; and to provide for  
 2330 reasonable penalties against any user or property for any such  
 2331 rates, fees, rentals, or other charges that are delinquent.

2332 (b) No such rates, fees, rentals, or other charges for any  
 2333 of the facilities or services of the district shall be fixed  
 2334 until after a public hearing at which all the users of the  
 2335 proposed facility or services or owners, tenants, or occupants  
 2336 served or to be served thereby and all other interested persons

2337 shall have an opportunity to be heard concerning the proposed  
 2338 rates, fees, rentals, or other charges. Rates, fees, rentals,  
 2339 and other charges shall be adopted under the administrative  
 2340 rulemaking authority of the district, but shall not apply to  
 2341 district leases. Notice of such public hearing setting forth the  
 2342 proposed schedule or schedules of rates, fees, rentals, and  
 2343 other charges shall have been published in a newspaper of  
 2344 general circulation in Charlotte County at least once and at  
 2345 least 10 days prior to such public hearing. The rulemaking  
 2346 hearing may be adjourned from time to time. After such hearing,  
 2347 such schedule or schedules, either as initially proposed or as  
 2348 modified or amended, may be finally adopted. A copy of the  
 2349 schedule or schedules of such rates, fees, rentals, or charges  
 2350 as finally adopted shall be kept on file in an office designated  
 2351 by the board and shall be open at all reasonable times to public  
 2352 inspection. The rates, fees, rentals, or charges so fixed for  
 2353 any class of users or property served shall be extended to cover  
 2354 any additional users or properties thereafter served that shall  
 2355 fall in the same class, without the necessity of any notice or  
 2356 hearing.

2357 (c) Such rates, fees, rentals, and charges shall be just  
 2358 and equitable and uniform for users of the same class, and when  
 2359 appropriate may be based or computed either upon the amount of  
 2360 service furnished, upon the average number of persons residing  
 2361 or working in or otherwise occupying the premises served, or  
 2362 upon any other factor affecting the use of the facilities  
 2363 furnished, or upon any combination of the foregoing factors, as  
 2364 may be determined by the board on an equitable basis.

2365           (d) The rates, fees, rentals, or other charges prescribed  
 2366 shall be such as will produce revenues, together with any other  
 2367 assessments, taxes, revenues, or funds available or pledged for  
 2368 such purpose, at least sufficient to provide for the items  
 2369 hereinafter listed, but not necessarily in the order stated:

2370           1. To provide for all expenses of operation and  
 2371 maintenance of such facility or service.

2372           2. To pay when due all bonds and interest thereon for the  
 2373 payment of which such revenues are, or shall have been, pledged  
 2374 or encumbered, including reserves for such purpose.

2375           3. To provide for any other funds that may be required  
 2376 under the resolution or resolutions authorizing the issuance of  
 2377 bonds pursuant to this act.

2378           (e) The board shall have the power to enter into contracts  
 2379 for the use of the projects of the district and with respect to  
 2380 the services, systems, and facilities furnished or to be  
 2381 furnished by the district.

2382           (21) RECOVERY OF DELINQUENT CHARGES.--In the event that  
 2383 any rates, fees, rentals, charges, or delinquent penalties shall  
 2384 not be paid as and when due and shall be in default for 60 days  
 2385 or more, the unpaid balance thereof and all interest accrued  
 2386 thereon, together with reasonable attorney's fees and costs, may  
 2387 be recovered by the district in a civil action.

2388           (22) DISCONTINUANCE OF SERVICE.--In the event the fees,  
 2389 rentals, or other charges for water and sewer services, or  
 2390 either of them, are not paid when due, the board shall have the  
 2391 power, under such reasonable rules and regulations as the board  
 2392 may adopt, to discontinue and shut off both water and sewer

2393 services until such fees, rentals, or other charges, including  
 2394 interest, penalties, and charges for the shutting off and  
 2395 discontinuance and the restoration of such water and sewer  
 2396 services or both, are fully paid; and, for such purposes, the  
 2397 board may enter on any lands, waters, or premises of any person,  
 2398 firm, corporation, or body, public or private, within the  
 2399 district limits. Such delinquent fees, rentals, or other  
 2400 charges, together with interest, penalties, and charges for the  
 2401 shutting off and discontinuance and the restoration of such  
 2402 services and facilities and reasonable attorney's fees and other  
 2403 expenses, may be recovered by the district, which may also  
 2404 enforce payment of such delinquent fees, rentals, or other  
 2405 charges by any other lawful method of enforcement.

2406 (23) ENFORCEMENT AND PENALTIES.--The board or any  
 2407 aggrieved person may have recourse to such remedies in law and  
 2408 at equity as may be necessary to ensure compliance with the  
 2409 provisions of this act, including injunctive relief to enjoin or  
 2410 restrain any person violating the provisions of this act or any  
 2411 bylaws, resolutions, regulations, rules, codes, or orders  
 2412 adopted under this act. In case any building or structure is  
 2413 erected, constructed, reconstructed, altered, repaired,  
 2414 converted, or maintained, or any building, structure, land, or  
 2415 water is used, in violation of this act or of any code, order,  
 2416 resolution, or other regulation made under authority conferred  
 2417 by this act or under law, the board or any citizen residing in  
 2418 the district may institute any appropriate action or proceeding  
 2419 to prevent such unlawful erection, construction, reconstruction,  
 2420 alteration, repair, conversion, maintenance, or use; to

2421 restrain, correct, or avoid such violation; to prevent the  
 2422 occupancy of such building, structure, land, or water; and to  
 2423 prevent any illegal act, conduct, business, or use in or about  
 2424 such premises, land, or water.

2425 (24) SUITS AGAINST THE DISTRICT.--Any suit or action  
 2426 brought or maintained against the district for damages arising  
 2427 out of tort, including, without limitation, any claim arising  
 2428 upon account of an act causing an injury or loss of property,  
 2429 personal injury, or death, shall be subject to the limitations  
 2430 provided in section 768.28, Florida Statutes.

2431 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All  
 2432 district property shall be exempt from levy and sale by virtue  
 2433 of an execution, and no execution or other judicial process  
 2434 shall issue against such property, nor shall any judgment  
 2435 against the district be a charge or lien on its property or  
 2436 revenues; however, nothing contained herein shall apply to or  
 2437 limit the rights of bondholders to pursue any remedy for the  
 2438 enforcement of any lien or pledge given by the district in  
 2439 connection with any of the bonds or obligations of the district.

2440 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

2441 (a) The board may ask the Legislature through its local  
 2442 legislative delegations in and for Charlotte County to amend  
 2443 this act to contract, to expand or to contract, and to expand  
 2444 the boundaries of the district by amendment of this section.

2445 (b) The district shall remain in existence until:

2446 1. The district is terminated and dissolved pursuant to  
 2447 amendment to this act by the Legislature.



2448           2. The district has become inactive pursuant to section  
 2449 189.4044, Florida Statutes.

2450           (27) INCLUSION OF TERRITORY.--The inclusion of any or all  
 2451 territory of the district within a municipality does not change,  
 2452 alter, or affect the boundary, territory, existence, or  
 2453 jurisdiction of the district.

2454           (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
 2455 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this  
 2456 district under this act, each contract for the initial sale of a  
 2457 parcel of real property and each contract for the initial sale  
 2458 of a residential unit within the district shall include,  
 2459 immediately prior to the space reserved in the contract for the  
 2460 signature of the purchaser, the following disclosure statement  
 2461 in boldfaced and conspicuous type that is larger than the type  
 2462 in the remaining text of the contract: "THE BABCOCK RANCH  
 2463 COMMUNITY INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES  
 2464 OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.  
 2465 THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION,  
 2466 AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND  
 2467 SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING  
 2468 BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN  
 2469 ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND  
 2470 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY  
 2471 LAW."

2472           (29) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days  
 2473 after the election of the first governing board of the district,  
 2474 the district shall cause to be recorded in the grantor-grantee  
 2475 index of the property records in the county in which it is

2476 located a "Notice of Creation and Establishment of the Babcock  
 2477 Ranch Community Independent Special District." The notice shall,  
 2478 at a minimum, include the legal description of the property  
 2479 covered by this act.

2480 (30) DISTRICT PROPERTY PUBLIC; FEES.--Any system,  
 2481 facility, service, works, improvement, project, or other  
 2482 infrastructure owned by the district, or funded by federal tax  
 2483 exempt bonding issued by the district, is public; and the  
 2484 district by rule may regulate, and may impose reasonable charges  
 2485 or fees for, the use thereof but not to the extent that such  
 2486 regulation or imposition of such charges or fees constitutes  
 2487 denial of reasonable access.

2488 Section 7. If any provision of this act is determined  
 2489 unconstitutional or otherwise determined invalid by a court of  
 2490 law, all the rest and remainder of the act shall remain in full  
 2491 force and effect as the law of this state.

2492 Section 8. In the election provided for in section 9, each  
 2493 landowner present in person or by proxy shall be entitled to  
 2494 cast one vote for each assessible acre or fraction of an acre of  
 2495 land owned by him or her and located within the district.

2496 Section 9. This section and section 8 shall take effect  
 2497 upon this act becoming law, and the remaining sections shall  
 2498 take effect upon approval by a majority vote of the owners of  
 2499 land within the district who are not exempt from ad valorem  
 2500 taxes or non-ad valorem assessments and who are present in  
 2501 person or by proxy at a landowners' meeting to be held within 90  
 2502 days after the effective date of this act. Such landowners'  
 2503 meeting shall be noticed as provided in section 5 for the

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2504 initial landowners' meeting and may be combined with such  
2505 meeting. However, the provisions of this act that authorize the  
2506 levy of ad valorem taxation and issuance of general obligation  
2507 bonds shall take effect only upon express approval by a majority  
2508 vote of those qualified electors of the Babcock Ranch Community  
2509 Independent Special District voting in a referendum election  
2510 held at such time as all members of the board are qualified  
2511 electors who are elected by qualified electors of the district  
2512 as provided in this act.