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CS/HB 1515

2007 Legislature

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 bonds;
25 providing for borrowing; providing for future ad valorem
26 taxation; providing for special assessments; providing for
27 issuance of certificates of indebtedness; providing for
28 tax liens; providing for competitive procurement;

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

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29 providing for fees and charges; providing for amendment to
30 charter; providing for required notices to purchasers of
31 residential units within the district; defining district
32 public property; providing severability; providing for a
33 referendum; providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. This act may be cited as the "Babcock Ranch
38 Community Independent Special District Act."

39 Section 2. Legislative findings and intent; definitions;
40 policy.--

41 (1) LEGISLATIVE FINDINGS AND INTENT.--

42 (a) The unincorporated area of southeastern Charlotte
43 County, including the Babcock Ranch lands, are unique and
44 special with a need towards protecting natural resources and
45 retaining a viable agricultural system while protecting private
46 property rights and promoting a sound economy.

47 (b) The Board of Trustees of the Internal Improvement
48 Trust Fund, the Florida Fish and Wildlife Conservation
49 Commission, and Lee County have purchased approximately 73,500
50 acres of the approximately 91,000-acre Babcock Ranch for the
51 perpetual preservation of such lands and for establishing a
52 contiguous wildlife protection area from Lake Okeechobee to the
53 Charlotte Harbor Estuary Project.

54 (c) The Department of Community Affairs, Charlotte County,
55 Lee County, and the then contract purchaser of the Babcock Ranch
56 have entered into an Interlocal Planning Agreement for the

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57 Babcock Ranch, dated January 24, 2006, which outlines the steps
58 necessary to achieve the sale and preservation of approximately
59 73,500 acres of the entire Babcock Ranch and development of the
60 remaining approximately 17,800 acres (the "Babcock Ranch
61 Community") with a new, sustainable, compact, and mixed-use
62 community that will provide residents with a balance of living,
63 working, educational, civic, and recreational opportunities
64 incorporating greenways, pedestrian ways, and transit corridors.

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

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

79 (f) Management of conservation, environmental,
80 agricultural, and economic challenges and opportunities in the
81 Babcock Ranch area transcends the boundaries and
82 responsibilities of both private landowners and individual units
83 of government.

84 (g) There are two alternatives for the creation of

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

110 (h) A longer involvement of the initial landowner with
111 regard to the provision of systems, facilities, and services for
112 the Babcock Ranch Community, coupled with a severely limited and

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113 highly specialized single purpose of the district, is in the
114 public interest.

115 (i) Any public or private system to provide infrastructure
116 improvements, systems, facilities, and services to the Babcock
117 Ranch Community must be established through a highly
118 specialized, innovative, responsive, and accountable mechanism
119 to provide the components of infrastructure at sustained levels
120 of high quality over the long term.

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

136 (k) The creation and establishment of the district will
137 encourage local government financial self-sufficiency in
138 providing public facilities and in identifying and implementing
139 fiscally sound, innovative, and cost-effective techniques to
140 provide and finance public facilities while encouraging

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141 development, use, and coordination of capital improvement plans
142 by all levels of government, pursuant to chapter 187, Florida
143 Statutes.

144 (l) The creation and establishment of the district will
145 encourage and enhance cooperation among communities that have
146 unique assets, irrespective of political boundaries, to bring
147 the private and public sectors together to establish an orderly
148 and environmentally and economically sound plan for current and
149 future needs and growth.

150 (m) The creation and establishment of the district is a
151 legitimate alternative method available to manage, own, operate,
152 construct, and finance capital infrastructure systems,
153 facilities, and services.

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

164 (o) The district created and established by this act shall
165 not exercise or have any comprehensive planning, zoning, or
166 development permitting power; the establishment of the district
167 shall not be considered a development order within the meaning
168 of chapter 380, Florida Statutes; and all applicable planning

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169 and permitting laws, rules, regulations, agreements, and
170 policies of Charlotte County shall control the development of
171 the land within the district.

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

175 (q) Charlotte County does not object to the creation of
176 the district.

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

180 (s) It is the legislative intent and purpose that no local
181 general-purpose government shall be under any obligation or duty
182 to assume any obligation or commitment made by the developer or
183 the district.

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

185 (a) "Ad valorem bonds" means bonds that are payable from
186 the proceeds of ad valorem taxes levied on real and tangible
187 personal property and that are generally referred to as general
188 obligation bonds.

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

193 (c) "Assessment bonds" means special obligations of the
194 district that are payable solely from proceeds of the special
195 assessments or benefit special assessments levied for assessable
196 improvements, provided that, in lieu of issuing assessment bonds

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197 to fund the costs of assessable improvements, the district may
198 issue revenue bonds for such purposes payable from special
199 assessments.

200 (d) "Assessments" means those nonmillage district
201 assessments that include special assessments, benefit special
202 assessments, and maintenance special assessments and a
203 nonmillage, non-ad valorem maintenance tax if authorized by
204 general law.

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

217 (f) "Babcock Ranch Community" means that portion of the
218 Babcock Ranch to be developed with a new, sustainable, compact,
219 mixed-use community pursuant to that certain Interlocal Planning
220 Agreement for the Babcock Ranch, dated January 24, 2006, among
221 the Florida Department of Community Affairs, Lee and Charlotte
222 Counties, and the then contract purchaser of the Babcock Ranch,
223 and pursuant to development approvals issued or to be issued by
224 Lee County and Charlotte County, consisting of approximately

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225 17,800 acres. The subject of this act is that portion of the
226 Babcock Ranch Community located in Charlotte County, consisting
227 of approximately 13,631 acres, as described in section 4.

228 (g) "Babcock Ranch Community Independent Special District"
229 means the unit of special and single-purpose local government
230 created and chartered by this act, including the creation of its
231 charter, and limited to the performance, in implementing its
232 single purpose, of those general and special powers authorized
233 by its charter under this act, the boundaries of which are more
234 specifically set forth in this act, the governing head of which
235 is created and authorized to operate with legal existence by
236 this act, and the purpose of which is as set forth in this act.

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

240 (i) "Bond" includes "certificate," and the provisions that
241 are applicable to bonds are equally applicable to certificates.
242 The term "bond" includes any general obligation bond, assessment
243 bond, refunding bond, revenue bond, and other such obligation in
244 the nature of a bond as provided for in this act.

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

247 1. The expenses of determining the feasibility or
248 practicability of acquisition, construction, or reconstruction.

249 2. The cost of surveys, estimates, plans, and
250 specifications.

251 3. The cost of improvements.

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- 252 4. Planning, engineering, designing, fiscal, legal, and
 253 other professional and consultant expenses and charges.
- 254 5. The cost of all labor, materials, machinery, and
 255 equipment.
- 256 6. The cost of all lands, properties, rights, easements,
 257 and franchises acquired.
- 258 7. Financing charges.
- 259 8. The creation of initial reserve and debt service funds.
- 260 9. Working capital.
- 261 10. Interest charges incurred or estimated to be incurred
 262 on money borrowed prior to and during construction and
 263 acquisition and for such reasonable period of time after
 264 completion of construction or acquisition as the board may
 265 determine.
- 266 11. The cost of issuance of bonds pursuant to this act,
 267 including advertisements and printing.
- 268 12. The cost of any bond or tax referendum held pursuant
 269 to this act and all other expenses of issuance of bonds.
- 270 13. The discount, if any, on the sale or exchange of
 271 bonds.
- 272 14. Administrative expenses.
- 273 15. The costs and expenses associated with the use,
 274 operation, maintenance, and repair of improvements.
- 275 16. Such other expenses as may be necessary or incidental
 276 to the acquisition, disposition, transfer, construction,
 277 operation, maintenance, or reconstruction of any project or to
 278 the financing thereof, or to the development of any lands within
 279 the district.

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

283 (k) "District" means the Babcock Ranch Community
284 Independent Special District.

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

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

294 (n) "Governing board" or "board" means the governing board
295 of the district or, if such board has been abolished, the board,
296 body, or commission assuming the principal functions thereof or
297 to whom the powers given to the board by this act have been
298 given by law.

299 (o) "Governing board member" means any member of the
300 governing board.

301 (p) "Land development regulations" means those regulations
302 of general purpose local government, adopted under the Local
303 Government Comprehensive Planning and Land Development
304 Regulation Act, part II of chapter 163, Florida Statutes, to
305 which the district is subject and as to which the district may
306 not do anything that is inconsistent. Land development
307 regulations shall not mean specific management, engineering,

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308 planning, operating, and other criteria and standards needed in
 309 the daily management, implementation, and provision by the
 310 district of systems, facilities, services, works, improvements,
 311 projects, or infrastructure, including design criteria and
 312 standards, so long as they remain subject to and are not
 313 inconsistent with the applicable land development regulations.

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

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

325 (s) "Maintenance special assessments" are assessments
 326 imposed, levied, and collected pursuant to the provisions of
 327 section 6(12)(d).

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

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

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

339 2. "Special powers," those powers enumerated by the
340 district charter to implement its specialized systems,
341 facilities, services, projects, improvements, and infrastructure
342 and related functions in order to carry out its single
343 specialized purpose.

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

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

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

354 (x) "Refunding bonds" means bonds issued to refinance
355 outstanding bonds of any type and the interest and redemption
356 premium thereon. Refunding bonds shall be issuable and payable
357 in the same manner as refinanced bonds, except that no approval
358 by the electorate shall be required unless required by the State
359 Constitution.

360 (y) "Revenue bonds" means obligations of the district that
361 are payable from revenues, including, but not limited to,
362 special assessments and benefit special assessments, derived

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363 from sources other than ad valorem taxes on real or tangible
 364 personal property, and that do not pledge the property, credit,
 365 or general tax revenue of the district.

366 (z) "Sewer system" means any plant, system of pipes or
 367 lines, facility, or property and additions, extensions, and
 368 improvements thereto at any future time constructed or acquired
 369 as part thereof, useful or necessary or having the present
 370 capacity for future use in connection with the collection,
 371 treatment, purification, or disposal of sewage, including, but
 372 not limited to, industrial wastes resulting from any process of
 373 industry, manufacture, trade, or business or from the
 374 development of any natural resource. "Sewer system" also
 375 includes treatment plants, pumping stations, lift stations,
 376 valves, force mains, intercepting sewers, laterals, pressure
 377 lines, mains, and all necessary appurtenances and equipment; all
 378 sewer mains, laterals, and other devices for the reception and
 379 collection of sewage from premises connected therewith; and all
 380 real and personal property and any interest therein, and rights,
 381 easements, and franchises of any nature relating to any such
 382 system and necessary or convenient for operation thereof.

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

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

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

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

399 (cc) "Water system" means any plant, system of pipes or
400 lines, facility, or property, and any addition, extension, or
401 improvement thereto at any future time constructed or acquired
402 as a part thereof, useful, necessary, or having the present
403 capacity for future use in connection with the development of
404 sources, treatment, purification, or distribution of water.

405 "Water system" also includes lakes, canals, ditches, reservoirs,
406 dams, impoundments, storage tanks, mains, lines, valves, pumping
407 stations, laterals, and pipes for the purpose of carrying water
408 to the premises connected with such system, and all rights,
409 easements, and franchises of any nature relating to any such
410 system and necessary or convenient for the operation thereof.

411 (3) POLICY.--Based upon its findings, ascertainments,
412 determinations, intent, purpose, and definitions, the
413 Legislature states its policy expressly:

414 (a) The district and the district charter, with its
415 general and special powers, as created in this act, are
416 essential and the best alternative for the residential,
417 commercial, and other community uses, projects, or functions in

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418 the included portion of Charlotte County consistent with the
419 effective comprehensive plans and serve a lawful public purpose.

420 (b) The district, which is a government of special
421 purpose, is limited to its special purpose as expressed in this
422 act, with the power to provide, plan, implement, construct,
423 maintain, and finance as a government of special purpose for its
424 systems, facilities, services, improvements, infrastructure, and
425 projects and possessing financing powers to fund its management
426 powers over the long term and with sustained levels of high
427 quality.

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

438 (d) The district shall operate and function subject to,
439 and not inconsistent with, the Charlotte County comprehensive
440 plan and any applicable development orders, zoning regulations,
441 and other land development regulations.

442 (e) The special and single purpose Babcock Ranch Community
443 Independent Special District will not have the powers of a
444 general-purpose local government to adopt a comprehensive plan
445 or related land development regulations as those terms are

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446 defined in the Local Government Comprehensive Planning and Land
447 Development Regulation Act, part II of chapter 163, Florida
448 Statutes.

449 (f) This act may be amended, in whole or in part, only by
450 subsequent special act of the Legislature. No amendment to this
451 act that alters the district boundaries or the general or
452 special powers of the district may be considered by the
453 Legislature unless it is accompanied by a resolution or official
454 statement as provided for in section 189.404(2)(e)4., Florida
455 Statutes.

456 Section 3. Creation and establishment; jurisdiction;
457 construction; charter with legal description.--

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

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474 and the Rules of the Florida House of Representatives and of the
 475 Florida Senate.

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

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

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

503 Section 4. Legal description of the Babcock Ranch
504 Community Independent Special District.--

505
506 LEGAL DESCRIPTION. The metes and bounds legal
507 description of the district, within which there are no
508 parcels of property owned by those who do not wish
509 their property to be included within the district, is
510 as follows:

511
512 CHARLOTTE COUNTY PARCEL:

513
514 A parcel of land lying within Sections 29, 31 through
515 33, Township 41 South, Range 26 East, AND, Sections 4
516 through 10, Sections 15 through 17 and Sections 19
517 through 36, Township 42 South, Range 26 East,
518 Charlotte County, Florida, being more particularly
519 described as follows:

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

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528 feet to the Northeast corner of Section 6, Township 43
 529 South, Range 26 East; Thence S89°41'45"E a distance of
 530 5,306.08 feet to the Northeast corner of Section 5,
 531 Township 43 South, Range 26 East; Thence S89°37'16"E a
 532 distance of 5,289.11 feet to the Northeast corner of
 533 Section 4, Township 43 South, Range 26 East; Thence
 534 S89°35'44"E a distance of 5,294.60 feet to the
 535 Northeast corner of Section 3, Township 43 South,
 536 Range 26 East; Thence S89°35'44"E a distance of
 537 5,294.60 feet to the Northeast corner of Section 2,
 538 Township 43 South, Range 26 East; Thence S89°35'44"E,
 539 along the North line of Section 1, Township 43 South,
 540 Range 26 East, a distance of 3,430.66 feet; Thence
 541 N00°00'40"W a distance of 10,185.53 feet; Thence
 542 N05°46'23"E a distance of 1,058.56 feet; Thence
 543 N66°40'38"W a distance of 200.62 feet; Thence
 544 S83°12'47"W a distance of 1,373.33 feet; Thence
 545 N30°17'33"W a distance of 1,686.63 feet; Thence
 546 N70°02'41"W a distance of 1,332.41 feet; Thence
 547 S72°42'44"W a distance of 1,430.81 feet; Thence
 548 N49°18'31"W a distance of 2,362.25 feet; Thence
 549 S69°00'57"W a distance of 1,518.19 feet; Thence
 550 S21°08'17"W a distance of 865.44 feet; Thence
 551 S20°29'11"E a distance of 1,376.91 feet; Thence
 552 N74°38'25"E a distance of 1,635.69 feet; Thence
 553 S00°18'50"E a distance of 1,309.92 feet; Thence
 554 S89°45'02"W a distance of 4,154.48 feet; Thence
 555 N51°39'36"W a distance of 782.53 feet; Thence

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556 N04°14'12"E a distance of 1,329.59 feet; Thence
 557 N39°20'59"W a distance of 1,779.16 feet; Thence
 558 N42°01'35"W a distance of 1,162.94 feet; Thence
 559 S52°01'16"W a distance of 818.34 feet; Thence
 560 S62°56'46"W a distance of 516.42 feet; Thence
 561 S89°59'33"W a distance of 307.20 feet; Thence
 562 N80°06'18"W a distance of 334.84 feet; Thence
 563 N20°54'51"W a distance of 336.86 feet; Thence
 564 N05°03'05"E a distance of 533.35 feet; Thence
 565 N22°47'49"E a distance of 5,490.82 feet; Thence
 566 N55°42'26"E a distance of 195.73 feet; Thence
 567 N21°59'06"W a distance of 1,739.17 feet; Thence
 568 N52°37'55"E a distance of 867.75 feet; Thence
 569 N13°36'57"W a distance of 2,507.33 feet; Thence
 570 S78°50'16"W a distance of 687.95 feet; Thence
 571 N19°48'25"W a distance of 366.25 feet; Thence
 572 N08°01'21"W a distance of 493.32 feet; Thence
 573 N03°43'40"E a distance of 687.22 feet; Thence
 574 N00°28'20"E a distance of 674.51 feet; Thence
 575 N25°12'33"W a distance of 261.13 feet; Thence
 576 N42°54'55"W a distance of 643.19 feet; Thence
 577 N07°19'37"W a distance of 171.40 feet; Thence
 578 N13°05'30"E a distance of 201.96 feet; Thence
 579 N32°40'01"W a distance of 186.12 feet; Thence
 580 N05°04'15"W a distance of 1,832.77 feet; Thence
 581 N19°47'08"W a distance of 527.20 feet; Thence
 582 N26°13'22"W a distance of 802.13 feet; Thence
 583 S79°06'55"W a distance of 475.20 feet; Thence

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584 N74°19'19"W a distance of 1,689.05 feet; Thence
 585 N01°26'06"W a distance of 897.42 feet; Thence
 586 N89°51'42"W a distance of 67.91 feet; Thence
 587 N00°00'03"W a distance of 1,218.37 feet; Thence
 588 N39°50'11"W a distance of 190.86 feet; Thence
 589 N00°00'29"W a distance of 324.62 feet; Thence
 590 N89°59'52"W a distance of 688.20 feet; Thence
 591 N00°00'00"E a distance of 1,967.22 feet; Thence
 592 N41°13'25"W a distance of 2,825.17 feet; Thence
 593 S89°59'57"W a distance of 3,566.80 feet; Thence
 594 S00°00'03"E a distance of 2,799.34 feet; Thence
 595 S89°11'17"W a distance of 5,960.98 feet to a point
 596 lying 50.00 feet East of the East right-of-way line
 597 for State Road No. 31; Thence along a line 50.00 feet
 598 East of, and parallel with, the East right-of-way line
 599 for State Road No. 31, the following courses and
 600 distances: S00°48'43"E a distance of 2,976.13 feet and
 601 S00°34'01"W a distance of 786.25 feet; Thence
 602 S89°25'59"E a distance of 4,104.32 feet; Thence
 603 S00°01'22"E a distance of 2,084.04 feet; Thence
 604 S16°46'15"E a distance of 1,740.24 feet; Thence
 605 S09°11'59"W a distance of 1,325.85 feet; Thence
 606 S73°15'18"E a distance of 661.15 feet; Thence
 607 N59°20'29"E a distance of 577.75 feet; Thence
 608 S38°10'48"E a distance of 551.46 feet; Thence
 609 S86°25'58"E a distance of 385.80 feet; Thence
 610 S24°01'11"E a distance of 975.12 feet; Thence
 611 S57°46'34"E a distance of 530.20 feet; Thence

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612 S70°04'12"E a distance of 1,843.47 feet; Thence
 613 N63°01'21"E a distance of 1,214.99 feet; Thence
 614 S50°03'22"E a distance of 2,565.56 feet; Thence
 615 S13°56'09"W a distance of 1,953.90 feet; Thence
 616 S12°51'59"E a distance of 1,862.33 feet; Thence
 617 S71°59'01"W a distance of 448.53 feet; Thence
 618 N45°00'57"W a distance of 266.60 feet; Thence
 619 S69°50'23"W a distance of 1,104.27 feet; Thence
 620 S28°10'55"E a distance of 1,272.60 feet; Thence
 621 S62°45'03"W a distance of 4,638.30 feet; Thence
 622 S82°12'01"W a distance of 711.48 feet; Thence
 623 S81°38'00"W a distance of 5,167.82 feet; Thence
 624 N77°54'41"W a distance of 707.32 feet; Thence
 625 N89°28'15"W a distance of 299.98 feet to a point lying
 626 50.00 feet East of the East right-of-way line for
 627 State Road No. 31; Thence along a line 50.00 feet East
 628 of, and parallel with, the East right-of-way line for
 629 State Road No. 31, the following courses and
 630 distances: S00°31'45"W a distance of 4,197.71 feet,
 631 S00°26'10"W a distance of 5,282.33 feet and
 632 S00°36'46"W a distance of 5,337.00 feet to the Point
 633 of Beginning.
 634
 635 Containing 13,630.64 acres, more or less.
 636
 637 Bearings hereinabove mentioned are based on the North
 638 line of Section 6, Township 43 South, Range 26 East to
 639 bear S89°41'45"E.

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641 Section 5. Governing board; members and meetings;
642 organization; powers; duties; terms of office; related election
643 requirements.--

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

665 (2) (a) Within 90 days following the effective date of this
666 act, there shall be held a meeting of the landowners of the
667 district for the purpose of electing five members for the

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668 district. Notice of the landowners' meeting shall be published
669 once a week for 2 consecutive weeks in a newspaper that is in
670 general circulation in the area of the district, the last day of
671 such publication to be not less than 14 days or more than 28
672 days before the date of the election. The landowners, when
673 assembled at such meeting, shall organize by electing a chair,
674 who shall conduct the meeting. The chair may be any person
675 present at the meeting. If the chair is a landowner or proxy
676 holder of a landowner, he or she may nominate candidates and
677 make and second motions. The landowners present at the meeting,
678 in person or by proxy, shall constitute a quorum. At any
679 landowners' meeting, 50 percent of the district acreage shall
680 not be required to constitute a quorum, and each governing board
681 member elected by landowners shall be elected by a majority of
682 the acreage represented either by owner or proxy present and
683 voting at said meeting.

684 (b) At such meeting, each landowner shall be entitled to
685 cast one vote per acre of land owned by him or her and located
686 within the district for each person to be elected. A landowner
687 may vote in person or by proxy in writing. Each proxy must be
688 signed by one of the legal owners of the property for which the
689 vote is cast and must contain the typed or printed name of the
690 individual who signed the proxy; the street address, legal
691 description of the property, or tax parcel identification
692 number; and the number of authorized votes. If the proxy
693 authorizes more than one vote, each property must be listed and
694 the number of acres of each property must be included. The
695 signature on a proxy need not be notarized. A fraction of an

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696 acre shall be treated as one acre, entitling the landowner to
697 one vote with respect thereto. The two candidates receiving the
698 highest number of votes shall be elected for terms expiring
699 November 30, 2010, and the three candidates receiving the next
700 largest number of votes shall be elected for terms expiring
701 November 30, 2008, with the term of office for each successful
702 candidate commencing upon election. The members of the first
703 board elected by landowners shall serve their respective terms;
704 however, the next election of board members shall be held on the
705 first Tuesday after the first Monday in November 2008.
706 Thereafter, there shall be an election by landowners for the
707 district every 2 years on the first Tuesday after the first
708 Monday in November, which shall be noticed pursuant to paragraph
709 (a). The second and subsequent landowners' election shall be
710 announced at a public meeting of the board at least 90 days
711 prior to the date of the landowners' meeting and shall also be
712 noticed pursuant to paragraph (a). Instructions on how all
713 landowners may participate in the election, along with sample
714 proxies, shall be provided during the board meeting that
715 announces the landowners' meeting. Each member elected in or
716 after November 2008 shall serve a 4-year term.

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

722 2.a. Regardless of whether the district has proposed to
723 levy ad valorem taxes or issue general obligation bonds, board

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724 members initially elected by landowners shall be elected by
725 qualified electors of the district as the district becomes
726 populated with qualified electors. The transition shall occur
727 such that the composition of the board, after the first general
728 election following a trigger of the qualified elector population
729 thresholds set forth below, shall be as follows:

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

734 (II) Once 8,900 qualified electors reside within the
735 district, two voting board members shall be persons who were
736 elected by the qualified electors, and three voting board
737 members shall be persons elected by the landowners.

738 (III) Once 22,000 qualified electors reside within the
739 district, three voting board members shall be persons who were
740 elected by the qualified electors and two voting board members
741 shall be persons who were elected by the landowners.

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

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

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750 Nothing in this sub-subparagraph is intended to require an
751 election prior to the expiration of an existing board member's
752 term.

753 b. On or before June 1 of each year, the board shall
754 determine the number of qualified electors in the district as of
755 the immediately preceding April 15. The board shall use and rely
756 upon the official records maintained by the supervisor of
757 elections and property appraiser or tax collector in and for
758 Charlotte County in making this determination. Such
759 determination shall be made at a properly noticed meeting of the
760 board and shall become a part of the official minutes of the
761 district.

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

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

773 (b) Elections of board members by qualified electors held
774 pursuant to this subsection shall be nonpartisan and shall be
775 conducted in the manner prescribed by law for holding general
776 elections. Board members shall assume the office on the second
777 Tuesday after their election.

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778 (c) Candidates seeking election to office by qualified
 779 electors under this subsection shall conduct their campaigns in
 780 accordance with the provisions of chapter 106, Florida Statutes,
 781 and shall file qualifying papers and qualify for individual
 782 seats in accordance with section 99.061, Florida Statutes.
 783 Candidates shall pay a qualifying fee, which shall consist of a
 784 filing fee and, if applicable, an election assessment or, as an
 785 alternative, shall file a petition signed by not less than 1
 786 percent of the registered voters of the district, and take the
 787 oath required in section 99.021, Florida Statutes, with the
 788 supervisor of elections in the county affected by such
 789 candidacy. The amount of the filing fee is 3 percent of \$4,800;
 790 however, if the electors have provided for compensation, the
 791 amount of the filing fee is 3 percent of the maximum annual
 792 compensation so provided. The filing fee and election
 793 assessment, if applicable, shall be distributed as provided in
 794 section 105.031(3), Florida Statutes.

795 (d) The supervisor of elections shall appoint the
 796 inspectors and clerks of elections, prepare and furnish the
 797 ballots, designate polling places, and canvass the returns of
 798 the election of board members by qualified electors. The county
 799 canvassing board shall declare and certify the results of the
 800 election.

801 (4) Voting members of the board shall be public officers,
 802 shall be known as members and, upon entering into office, shall
 803 take and subscribe to the oath of office as prescribed by
 804 section 876.05, Florida Statutes. Voting members of the board
 805 shall be subject to ethics and conflict of interest laws of the

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806 state that apply to all local public officers. Voting members of
 807 the board shall hold office for the terms for which they were
 808 elected and until their successors are chosen and qualified. If,
 809 during the term of office, a voting member vacancy occurs, the
 810 remaining voting members of the board shall fill each vacancy by
 811 an appointment for the remainder of the unexpired term.

812 (5) Any member of the board may be removed by the Governor
 813 for malfeasance, misfeasance, dishonesty, incompetency, or
 814 failure to perform the duties imposed upon him or her by this
 815 act, and any vacancies that may occur in such office for such
 816 reasons shall be filled by the Governor as soon as practicable.

817 (6) A majority of the voting members of the board
 818 constitutes a quorum for the purposes of conducting its business
 819 and exercising its powers and for all other purposes. Action
 820 taken by the district shall be upon a vote of a majority of the
 821 voting members present unless general law or a rule of the
 822 district requires a greater number.

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

828 (8) The board shall keep a permanent record book entitled
 829 "Record of Proceedings of Babcock Ranch Community Independent
 830 Special District," in which shall be recorded minutes of all
 831 meetings, resolutions, proceedings, certificates, bonds given by
 832 all employees, and any and all corporate acts. The record book
 833 and all other district records shall at reasonable times be

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834 opened to inspection in the same manner as state, county, and
835 municipal records pursuant to chapter 119, Florida Statutes. The
836 record book shall be kept at the office or other regular place
837 of business maintained by the board in a designated location in
838 Charlotte County.

839 (9) Each voting member of the board shall be entitled to
840 receive for his or her services an amount not to exceed \$200 per
841 meeting of the board, not to exceed \$4,800 per year per member,
842 or an amount established by the electors at referendum. In
843 addition, each voting member of the board shall receive travel
844 and per diem expenses as set forth in section 112.061, Florida
845 Statutes.

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

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

849 (1) DISTRICT MANAGER AND EMPLOYEES.--The board shall
850 employ and fix the compensation of a district manager, who shall
851 have charge and supervision of the works of the district and
852 shall be responsible for preserving and maintaining any
853 improvement or facility constructed or erected pursuant to the
854 provisions of this act, for maintaining and operating the
855 equipment owned by the district, and for performing such other
856 duties as may be prescribed by the board. It shall not be a
857 conflict of interest under chapter 112, Florida Statutes, for a
858 board member, the district manager, or another employee of the
859 district to be a stockholder, officer, or employee of a
860 landowner. The district manager may hire or otherwise employ and
861 terminate the employment of such other persons, including,

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862 without limitation, professional, supervisory, and clerical
863 employees, as may be necessary and authorized by the board. The
864 compensation and other conditions of employment of the officers
865 and employees of the district shall be as provided by the board.

866 (2) TREASURER.--The board shall designate a person who is
867 a resident of the state as treasurer of the district, who shall
868 have charge of the funds of the district. Such funds shall be
869 disbursed only upon the order of or pursuant to a resolution of
870 the board by warrant or check countersigned by the treasurer and
871 by such other person as may be authorized by the board. The
872 board may give the treasurer such other or additional powers and
873 duties as the board may deem appropriate and may fix his or her
874 compensation. The board may require the treasurer to give a bond
875 in such amount, on such terms, and with such sureties as may be
876 deemed satisfactory to the board to secure the performance by
877 the treasurer of his or her powers and duties. The financial
878 records of the board shall be audited by an independent
879 certified public accountant at least once a year.

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

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

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889 (a) The district shall provide financial reports in such
890 form and manner as prescribed pursuant to this act and chapter
891 218, Florida Statutes.

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

915 (c) At least 60 days prior to adoption, the board of the
916 district shall submit to the Charlotte County Board of County

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917 Commissioners, for purposes of disclosure and information only,
 918 the proposed annual budget for the ensuing fiscal year, and the
 919 board of county commissioners may submit written comments to the
 920 board of the district solely for the assistance and information
 921 of the board of the district in adopting its annual district
 922 budget.

923 (d) The board of the district shall submit annually to the
 924 Charlotte County Board of County Commissioners its district
 925 public facilities report under section 189.415(2), Florida
 926 Statutes, which report the board of county commissioners shall
 927 use and rely on in the preparation or revision of its
 928 comprehensive plan, specifically under section 189.415(6),
 929 Florida Statutes.

930 (5) DISCLOSURE OF PUBLIC FINANCING.--The district shall,
 931 in accordance with all applicable general law, provide for the
 932 full disclosure of information relating to the public financing
 933 and maintenance of improvements to real property undertaken by
 934 the district. Such information shall be made available to all
 935 existing residents and all prospective residents of the
 936 district. The district shall furnish each developer of a
 937 residential development within the district with sufficient
 938 copies of that information to provide each prospective initial
 939 purchaser of property in that development with a copy. Any
 940 developer of a residential development within the district, when
 941 required by law to provide a public offering statement, shall
 942 include a copy of such information relating to the public
 943 financing and maintenance of improvements in the public offering
 944 statement. The Division of Florida Land Sales, Condominiums, and

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945 Mobile Homes of the Department of Business and Professional
946 Regulation shall ensure that disclosures made by developers
947 pursuant to chapter 498, Florida Statutes, meet the requirements
948 of section 190.009(1), Florida Statutes.

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

951 (a) To sue and be sued in the name of the district; to
952 adopt and use a seal and authorize the use of a facsimile
953 thereof; to acquire, by purchase, gift, devise, or otherwise,
954 and to dispose of, real and personal property, or any estate
955 therein; and to make and execute contracts and other instruments
956 necessary or convenient to the exercise of its powers.

957 (b) To apply for coverage of its employees under the
958 Florida Retirement System in the same manner as if such
959 employees were state employees, subject to necessary action by
960 the district to pay employer contributions into the Florida
961 Retirement System Trust Fund.

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

967 (d) To borrow money and accept gifts; to apply for and use
968 grants or loans of money or other property from the United
969 States, the state, a unit of local government, or any person for
970 any district purposes and enter into agreements required in
971 connection therewith; and to hold, use, and dispose of such
972 moneys or property for any district purposes in accordance with

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973 the terms of the gift, grant, loan, or agreement relating
974 thereto.

975 (e) To adopt and enforce rules and orders pursuant to the
976 provisions of chapter 120, Florida Statutes, prescribing the
977 powers, duties, and functions of the officers of the district;
978 the conduct of the business of the district; the maintenance of
979 records; and the form of certificates evidencing tax liens and
980 all other documents and records of the district. The board may
981 also adopt and enforce administrative rules with respect to any
982 of the projects of the district and define the area to be
983 included therein. The board may also adopt resolutions that may
984 be necessary for the conduct of district business.

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

988 (g) To hold, control, and acquire by donation or purchase,
989 or dispose of, any public easements, dedications to public use,
990 platted reservations for public purposes, or any reservations
991 for those purposes authorized by this act and to make use of
992 such easements, dedications, or reservations for the purposes
993 authorized by this act.

994 (h) To lease as lessor or lessee to or from any person,
995 firm, corporation, association, or body, public or private, any
996 projects of the type that the district is authorized to
997 undertake and facilities or property of any nature for the use
998 of the district to carry out the purposes authorized by this
999 act.

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1000 (i) To borrow money and issue bonds, certificates,
 1001 warrants, notes, or other evidence of indebtedness as
 1002 hereinafter provided; to levy such taxes and assessments as may
 1003 be authorized; and to charge, collect, and enforce fees and
 1004 other user charges.

1005 (j) To raise, by user charges or fees authorized by
 1006 resolution of the board, amounts of money necessary for the
 1007 conduct of district activities and services and to enforce their
 1008 receipt and collection in the manner prescribed by resolution
 1009 not inconsistent with law.

1010 (k) To cooperate with, or contract with, other
 1011 governmental agencies as may be necessary, convenient,
 1012 incidental, or proper in connection with any of the powers,
 1013 duties, or purposes authorized by this act.

1014 (l) To assess and to impose upon lands in the district ad
 1015 valorem taxes as provided by this act.

1016 (m) If and when authorized by general law, to determine,
 1017 order, levy, impose, collect, and enforce maintenance taxes.

1018 (n) To determine, order, levy, impose, collect, and
 1019 enforce assessments pursuant to this act and the general laws of
 1020 the state.

1021 (o) To hold, control and acquire by donation, purchase, or
 1022 condemnation (subject to the limitation on the district's
 1023 eminent domain powers as set forth below), or dispose of, any
 1024 public easements, dedications to public use, platted
 1025 reservations for public purposes, or any reservations for those
 1026 purposes authorized by this act, both within and outside the
 1027 boundaries of the district, and to make use of such easements,

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1028 dedications, or reservations for the purposes authorized by this
 1029 act.

1030 (p) To exercise within the district, or beyond the
 1031 district with prior approval by resolution of the governing body
 1032 of the county in which the taking will occur, the right and
 1033 power of eminent domain, pursuant to the provisions of chapters
 1034 73 and 74, Florida Statutes, over any property within the state,
 1035 except municipal, county, state, and federal property, for the
 1036 uses and purposes of the district relating solely to water,
 1037 sewer, transportation improvements as outlined in subsection
 1038 (7), and water management, specifically including, without
 1039 limitation, the power for the taking of easements for the
 1040 drainage of the land of one person over and through the land of
 1041 another.

1042 (q) To exercise such special powers and other express
 1043 powers as may be authorized and granted by this act in the
 1044 charter of the district, including powers as provided in any
 1045 interlocal agreement entered into pursuant to chapter 163,
 1046 Florida Statutes, or that shall be required or permitted to be
 1047 undertaken by the district pursuant to any development order or
 1048 development of regional impact, or any other agreement with
 1049 Charlotte County or other governmental entities, including,
 1050 without limitation, any school district, sheriff, fire district,
 1051 drainage district, and health care district for proportionate,
 1052 fair-share, or pipelining capital construction funding for any
 1053 certain capital facilities or systems required from the
 1054 development pursuant to any applicable development order or
 1055 agreement.

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1056 (r) To exercise all of the powers necessary, convenient,
 1057 incidental, or proper in connection with any other powers or
 1058 duties or the special purpose of the district authorized by this
 1059 act.

1060 (s) To carry out any conditions of any development
 1061 approval, development order, or agreement applicable to the
 1062 development of the Babcock Ranch Community that relates to the
 1063 provisions of infrastructure, including roads and other on-site
 1064 and off-site improvements and any surety obligations relating
 1065 thereto.

1066
 1067 The provisions of this subsection shall be construed liberally
 1068 in order to carry out effectively the specialized purpose of
 1069 this act.

1070 (7) SPECIAL POWERS.--The district shall have, and the
 1071 board may exercise, the following special powers to implement
 1072 its lawful and special purpose and to provide, pursuant to that
 1073 purpose, systems, facilities, services, improvements, projects,
 1074 works, and infrastructure, each of which constitutes a lawful
 1075 public purpose when exercised pursuant to this charter, subject
 1076 to, and not inconsistent with, the regulatory jurisdiction and
 1077 permitting authority of all other applicable governmental
 1078 bodies, agencies, and any special districts having authority
 1079 with respect to any area included therein, and to plan,
 1080 establish, acquire, construct or reconstruct, enlarge or extend,
 1081 equip, operate, finance, fund, and maintain improvements,
 1082 systems, facilities, services, works, projects, and
 1083 infrastructure, including, without limitation, any obligations

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1084 pursuant to a development order or agreement. Any or all of the
 1085 following special powers are granted by this act in order to
 1086 implement the special purpose of the district:

1087 (a) To provide water management and control for the lands
 1088 within the district and to connect some or any of such
 1089 facilities with roads and bridges. In the event that the board
 1090 assumes the responsibility for providing water management and
 1091 control for the district that is to be financed by benefit
 1092 special assessments, the board shall adopt plans and assessments
 1093 pursuant to law or may adopt water management and control plans,
 1094 assess for benefits, and apportion and levy special assessments,
 1095 as follows:

1096 1. The board shall cause to be made by the district's
 1097 engineer, or such other engineer or engineers as the board may
 1098 employ for that purpose, complete and comprehensive water
 1099 management and control plans for the lands located within the
 1100 district that will be improved in any part or in whole by any
 1101 system of facilities that may be outlined and adopted, and the
 1102 engineer shall make a report in writing to the board with maps
 1103 and profiles of said surveys and an estimate of the cost of
 1104 carrying out and completing the plans.

1105 2. Upon the completion of such plans, the board shall hold
 1106 a hearing thereon to hear objections thereto; shall give notice
 1107 of the time and place fixed for such hearing by publication once
 1108 each week for 2 consecutive weeks in a newspaper of general
 1109 circulation in the general area of the district; and shall
 1110 permit the inspection of the plan at the office of the district
 1111 by all persons interested. All objections to the plan shall be

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1112 filed at or before the time fixed in the notice for the hearing
1113 and shall be in writing.

1114 3. After the hearing, the board shall consider the
1115 proposed plan and any objections thereto and may modify, reject,
1116 or adopt the plan or continue the hearing until a day certain
1117 for further consideration of the proposed plan or modifications
1118 thereof.

1119 4. When the board approves a plan, a resolution shall be
1120 adopted and a certified copy thereof shall be filed in the
1121 office of the secretary and incorporated by him or her into the
1122 records of the district.

1123 5. The water management and control plan may be altered in
1124 detail from time to time until the appraisal record herein
1125 provided is filed but not in such manner as to affect materially
1126 the conditions of its adoption. After the appraisal record has
1127 been filed, no alteration of the plan shall be made, except as
1128 provided by this act.

1129 6. Within 20 days after the final adoption of the plan by
1130 the board, the board shall proceed pursuant to section 298.301,
1131 Florida Statutes.

1132 (b) To provide for water supply, sewer, and wastewater
1133 management, reclamation, and reuse, or any combination thereof,
1134 and any irrigation systems, facilities, and services and to
1135 construct and operate connecting intercepting or outlet sewers
1136 and sewer mains and pipes and water mains, conduits, or
1137 pipelines in, along, and under any street, alley, highway, or
1138 other public place or ways, and to dispose of any effluent,
1139 residue, or other byproducts of such system or sewer system.

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1140 1. The district may not purchase or sell a water, sewer,
 1141 or wastewater reuse utility that provides service to the public
 1142 for compensation, or enter into a wastewater facility
 1143 privatization contract for a wastewater facility, until the
 1144 governing body of the district has held a public hearing on the
 1145 purchase, sale, or wastewater facility privatization contract
 1146 and made a determination that the purchase, sale, or wastewater
 1147 facility privatization contract is in the public interest.

1148 2. In determining if the purchase, sale, or wastewater
 1149 facility privatization contract is in the public interest, the
 1150 district shall consider, at a minimum, the following:

1151 a. The most recent available income and expense statement
 1152 for the utility.

1153 b. The most recent available balance sheet for the
 1154 utility, listing assets and liabilities and clearly showing the
 1155 amount of contributions in aid of construction and the
 1156 accumulated depreciation thereon.

1157 c. A statement of the existing rate base of the utility
 1158 for regulatory purposes.

1159 d. The physical condition of the utility facilities being
 1160 purchased or sold or subject to a wastewater facility
 1161 privatization contract.

1162 e. The reasonableness of the purchase, sale, or wastewater
 1163 facility privatization contract price and terms.

1164 f. The impacts of the purchase, sale, or wastewater
 1165 facility privatization contract on utility customers, both
 1166 positive and negative.

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1167 g. Any additional investment required and the ability and
 1168 willingness of the purchaser or the private firm under a
 1169 wastewater facility privatization contract to make that
 1170 investment, whether the purchaser is the district or the entity
 1171 purchasing the utility from the district.

1172 h. In the case of a wastewater facility privatization
 1173 contract, the terms and conditions on which the private firm
 1174 will provide capital investment and financing or a combination
 1175 thereof for contemplated capital replacements, additions,
 1176 expansions, and repairs.

1177 i. The alternatives to the purchase, sale, or wastewater
 1178 facility privatization contract and the potential impact on
 1179 utility customers if the purchase, sale, or wastewater facility
 1180 privatization contract is not made.

1181 j. The ability of the purchaser or the private firm under
 1182 a wastewater facility privatization contract to provide and
 1183 maintain high-quality and cost-effective utility service,
 1184 whether the purchaser is the district or the entity purchasing
 1185 the utility from the district.

1186 k. In the case of a wastewater facility privatization
 1187 contract, the district shall give significant weight to the
 1188 technical expertise and experience of the private firm in
 1189 carrying out the obligations specified in the wastewater
 1190 facility privatization contract.

1191 1. All moneys paid by a private firm to a district
 1192 pursuant to a wastewater facility privatization contract shall
 1193 be used for the purpose of reducing or offsetting property
 1194 taxes, wastewater service rates, or debt reduction or making

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1195 infrastructure improvements or capital asset expenditures or
 1196 other public purpose, provided, however, that nothing herein
 1197 shall preclude the district from using all or part of the moneys
 1198 for the purpose of the district's qualification for relief from
 1199 the repayment of federal grant awards associated with the
 1200 wastewater system as may be required by federal law or
 1201 regulation. The district shall prepare a statement showing that
 1202 the purchase, sale, or wastewater facility privatization
 1203 contract is in the public interest, including a summary of the
 1204 purchaser's or private firm's experience in water, sewer, or
 1205 wastewater reuse utility operation and a showing of financial
 1206 ability to provide the service, whether the purchaser or private
 1207 firm is the district or the entity purchasing the utility from
 1208 the district.

1209 (c) To provide for bridges or culverts that may be needed
 1210 across any drain, ditch, canal, floodway, holding basin,
 1211 excavation, public highway, tract, grade, fill, or cut and
 1212 roadways over levees and embankments, and to construct any and
 1213 all of such works and improvements across, through, or over any
 1214 public right-of-way, highway, grade, fill, or cut.

1215 (d) To provide for transportation and transportation-
 1216 related improvements equal to or exceeding the specifications of
 1217 the county in which such transportation improvements are
 1218 located, which specifications may include, but not be limited
 1219 to, those outlined in conditions of development approval. Such
 1220 transportation and transportation-related improvements may
 1221 include, but are not limited to, highways, streets, roads,
 1222 alleys, trails, pathways, sidewalks, parkways, bicycle lanes,

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1223 jogging paths, interchanges, bridges, thoroughfares of all kinds
 1224 and descriptions, landscaping, hardscaping, irrigation, storm
 1225 drains, street lighting, traffic signals, regulatory or
 1226 informational signage, road striping, underground conduit,
 1227 underground cable or fiber or wire, parking facilities, and all
 1228 other related elements of a functioning transportation system in
 1229 general or as related to the conditions of a development
 1230 approval affecting the Babcock Ranch Community. Such
 1231 transportation improvements may be located on-site or off-site;
 1232 provided, however, that any off-site transportation improvements
 1233 must be required or approved by the local general purpose
 1234 government in which they are located.

1235 (e) To provide buses, trolleys, transit shelters and
 1236 services, ridesharing facilities and services, parking
 1237 improvements, and related signage.

1238 (f) To provide investigation and remediation costs
 1239 associated with the cleanup of actual or perceived environmental
 1240 contamination within the district under the supervision or
 1241 direction of a competent governmental authority unless the
 1242 covered costs benefit any person who is a landowner within the
 1243 district and who caused or contributed to the contamination.

1244 (g) To provide for observation areas, conservation areas,
 1245 mitigation areas, wildlife areas and wildlife habitat within or
 1246 outside the district, including the maintenance of any plant or
 1247 animal species, and any related interest in real or personal
 1248 property.

1249 (h) To provide for parks and facilities for indoor and
 1250 outdoor recreational, cultural, educational, and library uses.

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1251 (i) To provide for fire prevention and control, including
 1252 fire stations, water mains and plugs, fire trucks, and other
 1253 vehicles and equipment.

1254 (j) To establish and maintain emergency medical and rescue
 1255 response services, and acquire and maintain rescue, medical, and
 1256 other emergency equipment.

1257 (k) To provide for school buildings and related
 1258 structures, which may be leased, sold, or donated to the school
 1259 district, for use in the educational system when authorized by
 1260 the affected school board. The district is granted the special
 1261 power to contract with the school boards of Charlotte and Lee
 1262 counties and, as applicable, the boards of county commissioners
 1263 of Charlotte and Lee Counties, and with the applicable landowner
 1264 developer of the lands within the district, to assess the school
 1265 district educational facilities plan, and to implement a
 1266 management and financing plan for timely construction,
 1267 maintenance, and acquisition, at the option of the district, of
 1268 school facilities, including facilities identified in the
 1269 facilities work programs or those proposed by charter schools.
 1270 The district is granted the special power to determine, order,
 1271 levy, impose, collect, or arrange for the collection and
 1272 enforcement of assessments, as defined in and pursuant to this
 1273 act, for such school facilities. The district is eligible for
 1274 the financial enhancements available to educational facility
 1275 benefit districts to provide for financing the construction and
 1276 maintenance of educational facilities pursuant to section
 1277 1013.356, Florida Statutes, and, if and when authorized by
 1278 general law, to acquire such educational facilities. This act,

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1279 in the place of an educational facilities benefit district,
 1280 authorizes the affected school board to designate the district.
 1281 The district is authorized to enter into an interlocal agreement
 1282 with the affected school board and, as applicable, the affected
 1283 county, and applicable private landowners and developers in
 1284 order to provide for such construction, maintenance, and
 1285 acquisition and in order to receive the applicable financial
 1286 enhancements provided by section 1013.356, Florida Statutes. The
 1287 interlocal agreement shall consider, among other things,
 1288 absorption rates, sales rates, and related data of existing and
 1289 projected schools; racial, ethnic, social, and economic balance
 1290 within the affected school district under applicable state and
 1291 federal law; and the provision of school attendance zones to
 1292 allow students residing within a reasonable distance of the
 1293 facilities constructed and financed through the interlocal
 1294 agreement to attend such facilities. Because these facilities
 1295 are funded by assessments and not by taxes of any type, the
 1296 provision of these facilities may be multiuse and, consistent
 1297 with the provisions of this act, shall be first liens on the
 1298 property upon a showing of special and peculiar benefits that
 1299 flow to the property within the jurisdiction of the district as
 1300 a logical connection from the systems, facilities, and services,
 1301 resulting in added use, enhanced enjoyment, decreased insurance
 1302 premiums, or enhanced value in marketability so that the
 1303 Legislature finds that the provisions of the Florida
 1304 Constitution for free public schools is implemented and
 1305 enhanced. Nothing herein requires any change in the method of

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1306 election of the governing board of the district provided for in
1307 section 5.

1308 (l) To provide for security, including, but not limited
1309 to, guardhouses, fences, and gates, electronic intrusion-
1310 detection systems, and patrol cars, when authorized by proper
1311 governmental agencies; provided, however, the district may not
1312 exercise any powers of a law enforcement agency but may contract
1313 with the appropriate local general-purpose government agencies
1314 for an increased level of such services within the district
1315 boundaries. The district may operate guardhouses for the limited
1316 purpose of providing security for the residents of the district
1317 and that serve a predominate public, as opposed to private,
1318 purpose. Such guardhouses shall be operated by the district or
1319 any other unit of local government pursuant to procedures
1320 designed to serve such security purposes as set forth in rules
1321 adopted by the board, from time to time, following the
1322 procedures set forth in chapter 120, Florida Statutes.

1323 (m) To provide control and elimination of mosquitoes and
1324 other arthropods of public health importance.

1325 (n) To provide waste collection and disposal.

1326 (o) To enter into impact fee credit agreements with
1327 Charlotte and Lee Counties and their respective school boards.
1328 Under such agreements, if the district constructs or makes
1329 contributions for public systems, facilities, services,
1330 projects, improvements, works, and infrastructures for which
1331 impact fee credits would be available to the landowner developer
1332 under the applicable impact fee ordinance, the agreement
1333 authorized by this act shall provide that such impact fee credit

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1334 shall inure to the landowners within the district in proportion
 1335 to assessments or other burdens levied and imposed upon the
 1336 landowners with respect to assessable improvements giving rise
 1337 to such impact fee credits, and the district shall from time to
 1338 time execute such instruments, such as assignments of impact fee
 1339 credits, as may be necessary, appropriate, or desirable to
 1340 accomplish or to confirm the foregoing.

1341 (p) To provide buildings and structures for district
 1342 offices, maintenance facilities, meeting facilities, town
 1343 centers, or any other project authorized or granted by this act.

1344 (q) To establish and create, at noticed meetings, such
 1345 governmental departments of the governing board of the district,
 1346 as well as committees, task forces, boards, or commissions, or
 1347 other agencies under the supervision and control of the
 1348 district, as from time to time the members of the board may deem
 1349 necessary or desirable in the performance of the acts or other
 1350 things necessary to exercise the board's general or special
 1351 powers to implement an innovative project to carry out the
 1352 special purpose of the district as provided in this act and to
 1353 delegate the exercise of its powers to such departments, boards,
 1354 task forces, committees, or other agencies and such
 1355 administrative duties and other powers as the board may deem
 1356 necessary or desirable, but only if there is a set of expressed
 1357 limitations for accountability, notice, and periodic written
 1358 reporting to the board that shall retain the powers of the
 1359 board.

1360 (r) To provide for any facilities or improvements that may
 1361 otherwise be provided for by any county or municipality,

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1362 including, but not limited to, libraries, annexes, substations,
1363 and other buildings to house public officials, staff, and
1364 employees.

1365 (s) To provide for affordable housing and affordable
1366 housing assistance in accordance with section 189.4155(6),
1367 Florida Statutes, and other provisions of general law.

1368 (t) To provide for the construction and operation of
1369 communications systems and related infrastructure for the
1370 carriage and distribution of communications services, and to
1371 enter into joint ventures, public-private partnerships, and
1372 other agreements and to grant such easements as may be necessary
1373 to accomplish the foregoing. Communications systems shall mean
1374 all facilities, buildings, equipment, items, and methods
1375 necessary or desirable in order to provide communications
1376 services, including, without limitation, wires, cables,
1377 conduits, wireless cell sites, computers, modems, satellite
1378 antennae sites, transmission facilities, network facilities, and
1379 appurtenant devices necessary and appropriate to support the
1380 provision of communications services. Communications services
1381 includes without limitation internet, voice telephone or similar
1382 services provided by voice over internet protocol, cable
1383 television, data transmission services, electronic security
1384 monitoring services, and multi-channel video programming
1385 distribution services.

1386 (u) To provide electricity and related infrastructure and
1387 to enter into public-private partnerships and agreements as may
1388 be necessary to accomplish the foregoing.

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1389 (v) To provide health care facilities and to enter into
1390 public-private partnerships and agreements as may be necessary
1391 to accomplish the foregoing.

1392 (w) To coordinate, work with, and, as the board deems
1393 appropriate, enter into interlocal agreements with any public or
1394 private entity for the provision of an institution or
1395 institutions of higher education.

1396 (x) To exercise its general and special powers as set
1397 forth in this act within or without the boundaries of the
1398 district when the subject of such exercise is approved or
1399 required by a development order, or is the subject of an
1400 agreement with the county, school district, or with any other
1401 applicable public or private entity, and is not inconsistent
1402 with the effective local comprehensive plans.

1403
1404 The enumeration of special powers herein shall not be deemed
1405 exclusive or restrictive but shall be deemed to incorporate all
1406 powers, express or implied, necessary or incident to carrying
1407 out such enumerated special powers, including the general powers
1408 provided by this special act charter to the district to
1409 implement its single purpose. Further, the provisions of this
1410 subsection shall be construed liberally in order to carry out
1411 effectively the special purpose of this district under this act.
1412 However, nothing contained herein shall relieve the district of
1413 its obligation to obtain a resolution from the affected county
1414 prior to exercising its eminent domain authority outside of the
1415 district boundaries pursuant to section 6.

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1416 (8) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to
 1417 the other powers provided for in this act, and not in limitation
 1418 thereof, the district shall have the power, at any time and from
 1419 time to time after the issuance of any bonds of the district
 1420 shall have been authorized, to borrow money for the purposes for
 1421 which such bonds are to be issued in anticipation of the receipt
 1422 of the proceeds of the sale of such bonds and to issue bond
 1423 anticipation notes in a principal sum not in excess of the
 1424 authorized maximum amount of such bond issue. Such notes shall
 1425 be in such denomination or denominations, bear interest at such
 1426 rate as the board may determine not to exceed the maximum rate
 1427 allowed by general law, mature at such time or times not later
 1428 than 5 years from the date of issuance, and be in such form and
 1429 executed in such manner as the board shall prescribe. Such notes
 1430 may be sold at either public or private sale or, if such notes
 1431 shall be renewal notes, may be exchanged for notes then
 1432 outstanding on such terms as the board shall determine. Such
 1433 notes shall be paid from the proceeds of such bonds when issued.
 1434 The board may, in its discretion, in lieu of retiring the notes
 1435 by means of bonds, retire them by means of current revenues or
 1436 from any taxes or assessments levied for the payment of such
 1437 bonds, but, in such event, a like amount of the bonds authorized
 1438 shall not be issued.

1439 (9) BORROWING.--The district at any time may obtain loans,
 1440 in such amount and on such terms and conditions as the board may
 1441 approve, for the purpose of paying any of the expenses of the
 1442 district or any costs incurred or that may be incurred in
 1443 connection with any of the projects of the district, which loans

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1444 shall bear interest as the board determines, not to exceed the
 1445 maximum rate allowed by general law, and may be payable from and
 1446 secured by a pledge of such funds, revenues, taxes, and
 1447 assessments as the board may determine, subject, however, to the
 1448 provisions contained in any proceeding under which bonds were
 1449 theretofore issued and are then outstanding. For the purpose of
 1450 defraying such costs and expenses, the district may issue
 1451 negotiable notes, warrants, or other evidences of debt to be
 1452 payable at such times and to bear such interest as the board may
 1453 determine, not to exceed the maximum rate allowed by general
 1454 law, and to be sold or discounted at such price or prices not
 1455 less than 95 percent of par value and on such terms as the board
 1456 may deem advisable. The board shall have the right to provide
 1457 for the payment thereof by pledging the whole or any part of the
 1458 funds, revenues, taxes, and assessments of the district. The
 1459 approval of the electors residing in the district shall not be
 1460 necessary except when required by the State Constitution.

1461 (10) BONDS.--

1462 (a) Sale of bonds.--Bonds may be sold in blocks or
 1463 installments at different times, or an entire issue or series
 1464 may be sold at one time. Bonds may be sold at public or private
 1465 sale after such advertisement, if any, as the board may deem
 1466 advisable but not in any event at less than 90 percent of the
 1467 par value thereof, together with accrued interest thereon. Bonds
 1468 may be sold or exchanged for refunding bonds. Special assessment
 1469 and revenue bonds may be delivered by the district as payment of
 1470 the purchase price of any project or part thereof, or a
 1471 combination of projects or parts thereof, or as the purchase

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1472 price or exchange for any property, real, personal, or mixed,
1473 including franchises or services rendered by any contractor,
1474 engineer, or other person, all at one time or in blocks from
1475 time to time, in such manner and upon such terms as the board in
1476 its discretion shall determine. The price or prices for any
1477 bonds sold, exchanged, or delivered may be:

1478 1. The money paid for the bonds.

1479 2. The principal amount, plus accrued interest to the date
1480 of redemption or exchange, or outstanding obligations exchanged
1481 for refunding bonds.

1482 3. In the case of special assessment or revenue bonds, the
1483 amount of any indebtedness to contractors or other persons paid
1484 with such bonds, or the fair value of any properties exchanged
1485 for the bonds, as determined by the board.

1486 (b) Authorization and form of bonds.--Any general
1487 obligation bonds, special assessment bonds, or revenue bonds may
1488 be authorized by resolution or resolutions of the board that
1489 shall be adopted by a majority of all the voting members thereof
1490 then in office. Such resolution or resolutions may be adopted at
1491 the same meeting at which they are introduced and need not be
1492 published or posted. The board may, by resolution, authorize the
1493 issuance of bonds and fix the aggregate amount of bonds to be
1494 issued; the purpose or purposes for which the moneys derived
1495 therefrom shall be expended, including, but not limited to,
1496 payment of costs as defined in this act; the rate or rates of
1497 interest, not to exceed the maximum rate allowed by general law;
1498 the denomination of the bonds; whether or not the bonds are to
1499 be issued in one or more series; the date or dates of maturity,

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1500 which shall not exceed 40 years from their respective dates of
 1501 issuance; the medium of payment; the place or places within or
 1502 without the state at which payment shall be made; registration
 1503 privileges; redemption terms and privileges, whether with or
 1504 without premium; the manner of execution; the form of the bonds,
 1505 including any interest coupons to be attached thereto; the
 1506 manner of execution of bonds and coupons; and any and all other
 1507 terms, covenants, and conditions thereof and the establishment
 1508 of revenue or other funds. Such authorizing resolution or
 1509 resolutions may further provide for the contracts authorized by
 1510 section 159.825(1)(f) and (g), Florida Statutes, regardless of
 1511 the tax treatment of such bonds being authorized, subject to the
 1512 finding by the board of a net saving to the district resulting
 1513 by reason thereof. Such authorizing resolution may further
 1514 provide that such bonds may be executed in accordance with the
 1515 Registered Public Obligations Act, except that bonds not issued
 1516 in registered form shall be valid if manually countersigned by
 1517 an officer designated by appropriate resolution of the board.
 1518 The seal of the district may be affixed, lithographed, engraved,
 1519 or otherwise reproduced in facsimile on such bonds. In case any
 1520 officer whose signature shall appear on any bonds or coupons
 1521 shall cease to be such officer before the delivery of such
 1522 bonds, such signature or facsimile shall nevertheless be valid
 1523 and sufficient for all purposes the same as if he or she had
 1524 remained in office until such delivery.

1525 (c) Interim certificates; replacement
 1526 certificates.--Pending the preparation of definitive bonds, the
 1527 board may issue interim certificates or receipts or temporary

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1528 bonds, in such form and with such provisions as the board may
 1529 determine, exchangeable for definitive bonds when such bonds
 1530 have been executed and are available for delivery. The board may
 1531 also provide for the replacement of any bonds that become
 1532 mutilated, lost, or destroyed.

1533 (d) Negotiability of bonds.--Any bond issued under this
 1534 act or any temporary bond, in the absence of an express recital
 1535 on the face thereof that it is nonnegotiable, shall be fully
 1536 negotiable and shall be and constitute a negotiable instrument
 1537 within the meaning and for all purposes of the law merchant and
 1538 the laws of the state.

1539 (e) Defeasance.--The board may make such provision with
 1540 respect to the defeasance of the right, title, and interest of
 1541 the holders of any of the bonds and obligations of the district
 1542 in any revenues, funds, or other properties by which such bonds
 1543 are secured as the board deems appropriate and, without
 1544 limitation on the foregoing, may provide that when such bonds or
 1545 obligations become due and payable or shall have been called for
 1546 redemption and the whole amount of the principal and interest
 1547 and premium, if any, due and payable upon the bonds or
 1548 obligations then outstanding shall be held in trust for such
 1549 purpose, and provision shall also be made for paying all other
 1550 sums payable in connection with such bonds or other obligations,
 1551 then and in such event the right, title, and interest of the
 1552 holders of the bonds in any revenues, funds, or other properties
 1553 by which such bonds are secured shall thereupon cease,
 1554 terminate, and become void; and the board may apply any surplus
 1555 in any sinking fund established in connection with such bonds or

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1556 obligations and all balances remaining in all other funds or
1557 accounts other than moneys held for the redemption or payment of
1558 the bonds or other obligations to any lawful purpose of the
1559 district as the board shall determine.

1560 (f) Issuance of additional bonds.--If the proceeds of any
1561 bonds are less than the cost of completing the project in
1562 connection with which such bonds were issued, the board may
1563 authorize the issuance of additional bonds, upon such terms and
1564 conditions as the board may provide in the resolution
1565 authorizing the issuance thereof, but only in compliance with
1566 the resolution or other proceedings authorizing the issuance of
1567 the original bonds.

1568 (g) Refunding bonds.--The district shall have the power to
1569 issue bonds to provide for the retirement or refunding of any
1570 bonds or obligations of the district that at the time of such
1571 issuance are or subsequent thereto become due and payable, or
1572 that at the time of issuance have been called or are or will be
1573 subject to call for redemption within 10 years thereafter, or
1574 the surrender of which can be procured from the holders thereof
1575 at prices satisfactory to the board. Refunding bonds may be
1576 issued at any time that in the judgment of the board such
1577 issuance will be advantageous to the district. No approval of
1578 the qualified electors residing in the district shall be
1579 required for the issuance of refunding bonds except in cases in
1580 which such approval is required by the State Constitution. The
1581 board may by resolution confer upon the holders of such
1582 refunding bonds all rights, powers, and remedies to which the
1583 holders would be entitled if they continued to be the owners and

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1584 had possession of the bonds for the refinancing of which such
 1585 refunding bonds are issued, including, but not limited to, the
 1586 preservation of the lien of such bonds on the revenues of any
 1587 project or on pledged funds, without extinguishment, impairment,
 1588 or diminution thereof. The provisions of this act pertaining to
 1589 bonds of the district shall, unless the context otherwise
 1590 requires, govern the issuance of refunding bonds, the form and
 1591 other details thereof, the rights of the holders thereof, and
 1592 the duties of the board with respect to them.

1593 (h) Revenue bonds.--

1594 1. The district shall have the power to issue revenue
 1595 bonds from time to time without limitation as to amount. Such
 1596 revenue bonds may be secured by, or payable from, the gross or
 1597 net pledge of the revenues to be derived from any project or
 1598 combination of projects; from the rates, fees, or other charges
 1599 to be collected from the users of any project or projects; from
 1600 any revenue-producing undertaking or activity of the district;
 1601 from special assessments; or from benefit special assessments;
 1602 or from any other source or pledged security. Such bonds shall
 1603 not constitute an indebtedness of the district, and the approval
 1604 of the qualified electors shall not be required unless such
 1605 bonds are additionally secured by the full faith and credit and
 1606 taxing power of the district.

1607 2. Any two or more projects may be combined and
 1608 consolidated into a single project and may hereafter be operated
 1609 and maintained as a single project. The revenue bonds authorized
 1610 herein may be issued to finance any one or more of such
 1611 projects, regardless of whether or not such projects have been

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1612 combined and consolidated into a single project. If the board
1613 deems it advisable, the proceedings authorizing such revenue
1614 bonds may provide that the district may thereafter combine the
1615 projects then being financed or theretofore financed with other
1616 projects to be subsequently financed by the district and that
1617 revenue bonds to be thereafter issued by the district shall be
1618 on parity with the revenue bonds then being issued, all on such
1619 terms, conditions, and limitations as shall have been provided
1620 in the proceeding which authorized the original bonds.

1621 (i) General obligation bonds.--

1622 1. Subject to the limitations of this charter, the
1623 district shall have the power from time to time to issue general
1624 obligation bonds to finance or refinance capital projects or to
1625 refund outstanding bonds in an aggregate principal amount of
1626 bonds outstanding at any one time not in excess of 35 percent of
1627 the assessed value of the taxable property within the district
1628 as shown on the pertinent tax records at the time of the
1629 authorization of the general obligation bonds for which the full
1630 faith and credit of the district is pledged. Except for
1631 refunding bonds, no general obligation bonds shall be issued
1632 unless the bonds are issued to finance or refinance a capital
1633 project and the issuance has been approved at an election held
1634 in accordance with the requirements for such election as
1635 prescribed by the State Constitution. Such elections shall be
1636 called to be held in the district by the Board of County
1637 Commissioners of Charlotte County upon the request of the board
1638 of the district. The expenses of calling and holding an election
1639 shall be at the expense of the district, and the district shall

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1640 reimburse the county for any expenses incurred in calling or
1641 holding such election.

1642 2. The district may pledge its full faith and credit for
1643 the payment of the principal and interest on such general
1644 obligation bonds and for any reserve funds provided therefor and
1645 may unconditionally and irrevocably pledge itself to levy ad
1646 valorem taxes on all taxable property in the district, to the
1647 extent necessary for the payment thereof, without limitation as
1648 to rate or amount.

1649 3. If the board determines to issue general obligation
1650 bonds for more than one capital project, the approval of the
1651 issuance of the bonds for each and all such projects may be
1652 submitted to the electors on one and the same ballot. The
1653 failure of the electors to approve the issuance of bonds for any
1654 one or more capital projects shall not defeat the approval of
1655 bonds for any capital project that has been approved by the
1656 electors.

1657 4. In arriving at the amount of general obligation bonds
1658 permitted to be outstanding at any one time pursuant to
1659 subparagraph 1., there shall not be included any general
1660 obligation bonds that are additionally secured by the pledge of:

1661 a. Any assessments levied in an amount sufficient to pay
1662 the principal and interest on the general obligation bonds so
1663 additionally secured, which assessments have been equalized and
1664 confirmed by resolution of the board pursuant to this act or
1665 section 170.08, Florida Statutes.

1666 b. Water revenues, sewer revenues, or water and sewer
1667 revenues of the district to be derived from user fees in an

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1668 amount sufficient to pay the principal and interest on the
 1669 general obligation bonds so additionally secured.
 1670 c. Any combination of assessments and revenues described
 1671 in sub-subparagraphs a. and b.
 1672 (j) Bonds as legal investment or security.--
 1673 1. Notwithstanding any provisions of any other law to the
 1674 contrary, all bonds issued under the provisions of this act
 1675 shall constitute legal investments for savings banks, banks,
 1676 trust companies, insurance companies, executors, administrators,
 1677 trustees, guardians, and other fiduciaries and for any board,
 1678 body, agency, instrumentality, county, municipality, or other
 1679 political subdivision of the state and shall be and constitute
 1680 security that may be deposited by banks or trust companies as
 1681 security for deposits of state, county, municipal, or other
 1682 public funds or by insurance companies as required or voluntary
 1683 statutory deposits.
 1684 2. Any bonds issued by the district shall be incontestable
 1685 in the hands of bona fide purchasers or holders for value and
 1686 shall not be invalid because of any irregularity or defect in
 1687 the proceedings for the issue and sale thereof.
 1688 (k) Covenants.--Any resolution authorizing the issuance of
 1689 bonds may contain such covenants as the board may deem
 1690 advisable, and all such covenants shall constitute valid and
 1691 legally binding and enforceable contracts between the district
 1692 and the bondholders, regardless of the time of issuance thereof.
 1693 Such covenants may include, without limitation, covenants
 1694 concerning the disposition of the bond proceeds; the use and
 1695 disposition of project revenues; the pledging of revenues,

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1696 taxes, and assessments; the obligations of the district with
 1697 respect to the operation of the project and the maintenance of
 1698 adequate project revenues; the issuance of additional bonds; the
 1699 appointment, powers, and duties of trustees and receivers; the
 1700 acquisition of outstanding bonds and obligations; restrictions
 1701 on the establishing of competing projects or facilities;
 1702 restrictions on the sale or disposal of the assets and property
 1703 of the district; the priority of assessment liens; the priority
 1704 of claims by bondholders on the taxing power of the district;
 1705 the maintenance of deposits to ensure the payment of revenues by
 1706 users of district facilities and services; the discontinuance of
 1707 district services by reason of delinquent payments; acceleration
 1708 upon default; the execution of necessary instruments; the
 1709 procedure for amending or abrogating covenants with the
 1710 bondholders; and such other covenants as may be deemed necessary
 1711 or desirable for the security of the bondholders.

1712 (1) Validation proceedings.--The power of the district to
 1713 issue bonds under the provisions of this act may be determined,
 1714 and any of the bonds of the district maturing over a period of
 1715 more than 5 years shall be validated and confirmed, by court
 1716 decree, under the provisions of chapter 75, Florida Statutes,
 1717 and laws amendatory thereof or supplementary thereto.

1718 (m) Tax exemption.--To the extent allowed by general law,
 1719 all bonds issued hereunder and interest paid thereon and all
 1720 fees, charges, and other revenues derived by the district from
 1721 the projects provided by this act are exempt from all taxes by
 1722 the state or by any political subdivision, agency, or
 1723 instrumentality thereof; however, any interest, income, or

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1724 profits on debt obligations issued hereunder are not exempt from
1725 the tax imposed by chapter 220, Florida Statutes. Further, the
1726 district is not exempt from the provisions of chapter 212,
1727 Florida Statutes.

1728 (n) Application of section 189.4085, Florida
1729 Statutes.--Bonds issued by the district shall meet the criteria
1730 set forth in section 189.4085, Florida Statutes.

1731 (o) Act furnishes full authority for issuance of
1732 bonds.--This act constitutes full and complete authority for the
1733 issuance of bonds and the exercise of the powers of the district
1734 provided herein. No procedures or proceedings, publications,
1735 notices, consents, approvals, orders, acts, or things by the
1736 board, or any board, officer, commission, department, agency, or
1737 instrumentality of the district, other than those required by
1738 this act, shall be required to perform anything under this act,
1739 except that the issuance or sale of bonds pursuant to the
1740 provisions of this act shall comply with the general law
1741 requirements applicable to the issuance or sale of bonds by the
1742 district. Nothing in this act shall be construed to authorize
1743 the district to utilize bond proceeds to fund the ongoing
1744 operations of the district.

1745 (p) Pledge by the state to the bondholders of the
1746 district.--The state pledges to the holders of any bonds issued
1747 under this act that it will not limit or alter the rights of the
1748 district to own, acquire, construct, reconstruct, improve,
1749 maintain, operate, or furnish the projects or to levy and
1750 collect the taxes, assessments, rentals, rates, fees, and other
1751 charges provided for herein and to fulfill the terms of any

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1752 agreement made with the holders of such bonds or other
1753 obligations and that it will not in any way impair the rights or
1754 remedies of such holders.

1755 (q) Default; dissolution.--A default on the bonds or
1756 obligations of the district shall not constitute a debt or
1757 obligation of any local general purpose government or the state.
1758 In the event of a default or dissolution of the district, no
1759 local general-purpose government shall be required to assume the
1760 property of the district, the debts of the district, or the
1761 district's obligations to complete any infrastructure
1762 improvements or provide services to the district.

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

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1780 lawful for any bank or trust company within or without the state
 1781 that may act as a depository of the proceeds of bonds or of
 1782 revenues to furnish such indemnifying bonds or to pledge such
 1783 securities as may be required by the district. Such resolution
 1784 or trust agreement may set forth the rights and remedies of the
 1785 bondholders and of the trustee, if any, and may restrict the
 1786 individual right of action by bondholders. The board may provide
 1787 for the payment of proceeds of the sale of the bonds and the
 1788 revenues of any project to such officer, board, or depository as
 1789 it may designate for the custody thereof and may provide for the
 1790 method of disbursement thereof with such safeguards and
 1791 restrictions as it may determine. All expenses incurred in
 1792 carrying out the provisions of such resolution or trust
 1793 agreement may be treated as part of the cost of operation of the
 1794 project to that such trust agreement pertains.

1795 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 1796 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 1797 ASSESSMENTS; MAINTENANCE TAXES.--

1798 (a) Ad valorem taxes.--A board elected by and consisting
 1799 of qualified electors of the district shall have the power to
 1800 levy and assess an ad valorem tax on all the taxable property in
 1801 the district to construct, operate, and maintain assessable
 1802 improvements; to pay the principal of, and interest on, any
 1803 general obligation bonds of the district; and to provide for any
 1804 sinking or other funds established in connection with any such
 1805 bonds. An ad valorem tax levied by the board for operating
 1806 purposes, exclusive of debt service on bonds, shall not exceed
 1807 the maximum amount authorized by law. The ad valorem tax

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1808 provided for herein shall be in addition to county and all other
 1809 ad valorem taxes provided for by law. Such tax shall be
 1810 assessed, levied, and collected in the same manner and at the
 1811 same time as county taxes. The levy of ad valorem taxes must be
 1812 approved by referendum as required by Section 9 of Article VII
 1813 of the State Constitution.

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

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1836 part or all of the lands within the district benefited by the
 1837 improvement, apportioned between benefited lands in proportion
 1838 to the benefits received by each tract of land. The board may,
 1839 if it determines it is in the best interests of the district,
 1840 set forth in the proceedings initially levying such benefit
 1841 special assessments or in subsequent proceedings a formula for
 1842 the determination of an amount, which when paid by a taxpayer
 1843 with respect to any tax parcel, shall constitute a prepayment of
 1844 all future annual installments of such benefit special
 1845 assessments and that the payment of which amount with respect to
 1846 such tax parcel shall relieve and discharge such tax parcel of
 1847 the lien of such benefit special assessments and any subsequent
 1848 annual installment thereof. The board may provide further that
 1849 upon delinquency in the payment of any annual installment of
 1850 benefit special assessments, the prepayment amount of all future
 1851 annual installments of benefit special assessments as determined
 1852 in this paragraph shall be and become immediately due and
 1853 payable together with such delinquent annual installment.

1854 (c) Non-ad valorem maintenance taxes.--If and when
 1855 authorized by general law, to maintain and preserve the physical
 1856 facilities and services constituting the works, improvements, or
 1857 infrastructure provided by the district pursuant to this act; to
 1858 repair and restore any one or more of them, when needed; and to
 1859 defray the current expenses of the district, including any sum
 1860 that may be required to pay state and county ad valorem taxes on
 1861 any lands that may have been purchased and that are held by the
 1862 district under the provisions of this act, the governing board
 1863 may, upon the completion of said systems, facilities, services,

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1864 works, improvements, or infrastructure, in whole or in part, as
 1865 may be certified to the board by the engineer of the board, levy
 1866 annually a non-ad valorem and nonmillage tax upon each tract or
 1867 parcel of land within the district, to be known as a
 1868 "maintenance tax." This non-ad valorem maintenance tax shall be
 1869 apportioned upon the basis of the net assessments of benefits
 1870 assessed as accruing from the original construction and shall be
 1871 evidenced to and certified by the governing board of the
 1872 district not later than June 1 of each year to the property
 1873 appraiser of Charlotte County and shall be extended by the
 1874 property appraiser on the tax roll of the property appraiser, as
 1875 certified by the property appraiser to the tax collector, and
 1876 collected by the tax collector on the merged collection roll of
 1877 the tax collector in the same manner and at the same time as
 1878 county ad valorem taxes, and the proceeds therefrom shall be
 1879 paid to the district. This non-ad valorem maintenance tax shall
 1880 be a lien until paid on the property against which assessed and
 1881 enforceable in like manner and of the same dignity as county ad
 1882 valorem taxes.

1883 (d) Maintenance special assessments.--To maintain and
 1884 preserve the facilities and projects of the district, the board
 1885 may levy a maintenance special assessment. This assessment may
 1886 be evidenced to and certified to the property appraiser by the
 1887 governing board not later than August 31 of each year and shall
 1888 be entered by the property appraiser on the county tax rolls and
 1889 shall be collected and enforced by the tax collector in the.
 1890 same manner and at the same time as county taxes, and the
 1891 proceeds therefrom shall be paid to the district. However, this

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1892 subsection shall not prohibit the district in its discretion
 1893 from using the method prescribed in section 197.363, section
 1894 197.3631, or section 197.3632, Florida Statutes, for collecting
 1895 and enforcing these assessments. These maintenance special
 1896 assessments shall be a lien on the property against which
 1897 assessed until paid and shall be enforceable in like manner as
 1898 county taxes. The amount of the maintenance special assessment
 1899 for the exercise of the district's powers under this section
 1900 shall be determined by the board based upon a report of the
 1901 district's engineer and assessed by the board upon such lands,
 1902 which may be all of the lands within the district benefited by
 1903 the maintenance thereof, apportioned between the benefited lands
 1904 in proportion to the benefits received by each tract of land.

1905 (e) Special assessments.--To levy and impose any special
 1906 assessments pursuant to this subsection.

1907 (f) Enforcement of taxes.--The collection and enforcement
 1908 of all taxes levied by the district shall be at the same time
 1909 and in like manner as county taxes, and the provisions of
 1910 general law relating to the sale of lands for unpaid and
 1911 delinquent county taxes; the issuance, sale, and delivery of tax
 1912 certificates for such unpaid and delinquent county taxes; the
 1913 redemption thereof; the issuance to individuals of tax deeds
 1914 based thereon; and all other procedures in connection therewith
 1915 shall be applicable to the district to the same extent as if
 1916 such statutory provisions were expressly set forth herein. All
 1917 taxes shall be subject to the same discounts as county taxes.

1918 (g) When unpaid tax is delinquent; penalty.--All taxes
 1919 provided for in this act shall become delinquent and bear

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1920 penalties on the amount of such taxes in the same manner as
1921 county taxes.

1922 (h) Status of assessments.--Benefit special assessments,
1923 maintenance special assessments, and special assessments are
1924 hereby found and determined to be non-ad valorem assessments as
1925 defined by section 197.3632, Florida Statutes. Maintenance taxes
1926 are non-ad valorem taxes and are not special assessments.

1927 (i) Assessments constitute liens; collection.--Any and all
1928 assessments, including special assessments, benefit special
1929 assessments, and maintenance special assessments authorized by
1930 this section, and including special assessments as defined in
1931 this act and granted and authorized by this subsection, and
1932 including maintenance taxes if authorized by general law, shall
1933 constitute a lien on the property against which assessed from
1934 the date of levy and imposition thereof until paid, coequal with
1935 the lien of state, county, municipal, and school board taxes.
1936 These assessments may be collected, at the district's
1937 discretion, under authority of section 197.3631, Florida
1938 Statutes, by the tax collector pursuant to the provisions of
1939 sections 197.3632 and 197.3635, Florida Statutes, or in
1940 accordance with other collection measures provided by law. In
1941 addition to, and not in limitation of, any powers otherwise set
1942 forth herein or in general law, these assessments may also be
1943 enforced pursuant to the provisions of chapter 173, Florida
1944 Statutes.

1945 (j) Land owned by governmental entity.--Except as
1946 otherwise provided by law, no levy of ad valorem taxes or non-ad
1947 valorem assessments under this act, chapter 170, or chapter 197,

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1948 Florida Statutes, or otherwise, by a board of a district, on
 1949 property of a governmental entity that is subject to a ground
 1950 lease as described in section 190.003(13), Florida Statutes,
 1951 shall constitute a lien or encumbrance on the underlying fee
 1952 interest of such governmental entity.

1953 (13) SPECIAL ASSESSMENTS.--

1954 (a) As an alternative method to the levy and imposition of
 1955 special assessments pursuant to chapter 170, Florida Statutes,
 1956 pursuant to the authority of section 197.3631, Florida Statutes,
 1957 or pursuant to other provisions of general law, now or hereafter
 1958 enacted, which provide a supplemental means or authority to
 1959 impose, levy, and collect special assessments as otherwise
 1960 authorized under this act, the board may levy and impose special
 1961 assessments to finance the exercise of any of its powers
 1962 permitted under this act using the following uniform procedures:

1963 1. At a noticed meeting, the governing board of the
 1964 district may consider and review an engineer's report on the
 1965 costs of the systems, facilities, and services to be provided, a
 1966 preliminary assessment methodology, and a preliminary roll based
 1967 on acreage or platted lands, depending upon whether platting has
 1968 occurred.

1969 a. The assessment methodology shall address and discuss
 1970 and the board shall consider whether the systems, facilities,
 1971 and services being contemplated will result in special benefits
 1972 peculiar to the property, different in kind and degree than
 1973 general benefits, as a logical connection between the systems,
 1974 facilities, and services themselves and the property, and
 1975 whether the duty to pay the assessments by the property owners

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1976 is apportioned in a manner that is fair and equitable and not in
 1977 excess of the special benefit received. It shall be fair and
 1978 equitable to designate a fixed proportion of the annual debt
 1979 service, together with interest thereon, on the aggregate
 1980 principal amount of bonds issued to finance such systems,
 1981 facilities, and services that give rise to unique, special, and
 1982 peculiar benefits to property of the same or similar
 1983 characteristics under the assessment methodology so long as such
 1984 fixed proportion does not exceed the unique, special, and
 1985 peculiar benefits enjoyed by such property from such systems,
 1986 facilities, and services.

1987 b. The engineer's cost report shall identify the nature of
 1988 the proposed systems, facilities, and services, their location,
 1989 a cost breakdown plus a total estimated cost, including cost of
 1990 construction or reconstruction, labor, and materials, lands,
 1991 property, rights, easements, franchises, or systems, facilities,
 1992 and services to be acquired, cost of plans and specifications,
 1993 surveys of estimates of costs and revenues, costs of
 1994 engineering, legal, and other professional consultation
 1995 services, and other expenses or costs necessary or incident to
 1996 determining the feasibility or practicability of such
 1997 construction, reconstruction, or acquisition, administrative
 1998 expenses, relationship to the authority and power of the
 1999 district in its charter, and such other expenses or costs as may
 2000 be necessary or incident to the financing to be authorized by
 2001 the governing board.

2002 c. The preliminary assessment roll to be prepared will be
 2003 in accordance with the method of assessment provided for in the

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2004 assessment methodology and as may be adopted by the governing
 2005 board; the assessment roll shall be completed as promptly as
 2006 possible and shall show the acreage, lots, lands, or plats
 2007 assessed and the amount of the fairly and reasonably apportioned
 2008 assessment based on special and peculiar benefit to the
 2009 property, lot, parcel, or acreage of land; and, if the
 2010 assessment against each such lot, parcel, acreage, or portion of
 2011 land is to be paid in installments, the number of annual
 2012 installments in which the assessment is divided shall be entered
 2013 into and shown upon the assessment roll.

2014 2. The governing board of the district may determine and
 2015 declare by an initial assessment resolution to levy and assess
 2016 the assessments with respect to assessable improvements stating
 2017 the nature of the systems, facilities, and services,
 2018 improvements, projects, or infrastructure constituting such
 2019 assessable improvements, the information in the engineer's cost
 2020 report, the information in the assessment methodology as
 2021 determined by the board at the noticed meeting and referencing
 2022 and incorporating as part of the resolution the engineer's cost
 2023 report, the preliminary assessment methodology, and the
 2024 preliminary assessment roll as referenced exhibits to the
 2025 resolution by reference. If the board determines to declare and
 2026 levy the special assessments by the initial assessment
 2027 resolution, the board shall also adopt and declare a notice
 2028 resolution that shall provide and cause the initial assessment
 2029 resolution to be published once a week for a period of 2 weeks
 2030 in a newspaper of general circulation published in Charlotte
 2031 County and said board shall by the same resolution fix a time

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2032 and place at which the owner or owners of the property to be
 2033 assessed or any other persons interested therein may appear
 2034 before said board and be heard as to the propriety and
 2035 advisability of making such improvements, as to the costs
 2036 thereof, as to the manner of payment therefor, and as to the
 2037 amount thereof to be assessed against each property so improved.
 2038 Thirty days' notice in writing of such time and place shall be
 2039 given to such property owners. The notice shall include the
 2040 amount of the assessment and shall be served by mailing a copy
 2041 to each assessed property owner at his or her last known
 2042 address, the names and addresses of such property owners to be
 2043 obtained from the record of the property appraiser of the county
 2044 political subdivision in which the land is located or from such
 2045 other sources as the district manager or engineer deems
 2046 reliable, and proof of such mailing shall be made by the
 2047 affidavit of the manager of the district or by the engineer,
 2048 said proof to be filed with the district manager, provided that
 2049 failure to mail said notice or notices shall not invalidate any
 2050 of the proceedings hereunder. It is provided further that the
 2051 last publication shall be at least 1 week prior to the date of
 2052 the hearing on the final assessment resolution. Said notice
 2053 shall describe the general areas to be improved and advise all
 2054 persons interested that the description of each property to be
 2055 assessed and the amount to be assessed to each piece, parcel,
 2056 lot, or acre of property may be ascertained at the office of the
 2057 manager of the district. Such service by publication shall be
 2058 verified by the affidavit of the publisher and filed with the
 2059 manager of the district. Moreover, the initial assessment

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2060 resolution with its attached, referenced, and incorporated
 2061 engineer's cost report, preliminary assessment methodology, and
 2062 preliminary assessment roll, along with the notice resolution,
 2063 shall be available for public inspection at the office of the
 2064 manager and the office of the engineer or any other office
 2065 designated by the governing board in the notice resolution.
 2066 Notwithstanding the foregoing, the landowners of all of the
 2067 property that is proposed to be assessed may give the district
 2068 written notice of waiver of any notice and publication provided
 2069 for in this subparagraph and such notice and publication shall
 2070 not be required, provided, however, that any meeting of the
 2071 governing board to consider such resolution shall be a publicly
 2072 noticed meeting.

2073 3. At the time and place named in the noticed resolution
 2074 as provided for in subparagraph 2., the governing board of the
 2075 district shall meet and hear testimony from affected property
 2076 owners as to the propriety and advisability of making the
 2077 systems, facilities, services, projects, works, improvements, or
 2078 infrastructure and funding them with assessments referenced in
 2079 the initial assessment resolution on the property. Following the
 2080 testimony and questions from the members of the board or any
 2081 professional advisors to the district of the preparers of the
 2082 engineer's cost report, the assessment methodology, and the
 2083 assessment roll, the governing board shall make a final decision
 2084 on whether to levy and assess the particular assessments.
 2085 Thereafter, the governing board shall meet as an equalizing
 2086 board to hear and to consider any and all complaints as to the

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2087 particular assessments and shall adjust and equalize the
 2088 assessments on the basis of justice and right.

2089 4. When so equalized and approved by resolution or
 2090 ordinance by the governing board, to be called the final
 2091 assessment resolution, a final assessment roll shall be filed
 2092 with the clerk of the board and such assessment shall stand
 2093 confirmed and remain legal, valid, and binding first liens on
 2094 the property against which such assessments are made until paid,
 2095 equal in dignity to the first liens of ad valorem taxation of
 2096 county and municipal governments and school boards. However,
 2097 upon completion of the systems, facilities, service, project,
 2098 improvement, works, or infrastructure, the district shall credit
 2099 to each of the assessments the difference in the assessment as
 2100 originally made, approved, levied, assessed, and confirmed and
 2101 the proportionate part of the actual cost of the improvement to
 2102 be paid by the particular special assessments as finally
 2103 determined upon the completion of the improvement; but in no
 2104 event shall the final assessment exceed the amount of the
 2105 special and peculiar benefits as apportioned fairly and
 2106 reasonably to the property from the system, facility, or service
 2107 being provided as originally assessed. Promptly after such
 2108 confirmation, the assessment shall be recorded by the clerk of
 2109 the district in the minutes of the proceedings of the district,
 2110 and the record of the lien in this set of minutes shall
 2111 constitute prima facie evidence of its validity. The governing
 2112 board, in its sole discretion, may, by resolution, grant a
 2113 discount equal to all or a part of the payee's proportionate
 2114 share of the cost of the project consisting of bond financing

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2115 cost, such as capitalized interest, funded reserves, and bond
 2116 discounts included in the estimated cost of the project, upon
 2117 payment in full of any assessments during such period prior to
 2118 the time such financing costs are incurred as may be specified
 2119 by the governing board in such resolution.

2120 5. District assessments may be made payable in
 2121 installments over no more than 30 years from the date of the
 2122 payment of the first installment thereof and may bear interest
 2123 at fixed or variable rates.

2124 (b) Notwithstanding any provision of this act or of
 2125 chapter 170 or section 170.09, Florida Statutes, which provide
 2126 that assessments may be paid without interest at any time within
 2127 30 days after the improvement is completed and a resolution
 2128 accepting the same has been adopted by the governing authority,
 2129 such provision shall not be applicable to any district
 2130 assessments, whether imposed, levied, and collected pursuant to
 2131 the provisions of this act or other provisions of general law,
 2132 including, but not limited to, chapter 170, Florida Statutes.

2133 (c) In addition, the district is authorized expressly in
 2134 the exercise of its rulemaking power to adopt a rule or rules
 2135 that provide for notice, levy, imposition, equalization, and
 2136 collection of assessments.

2137 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 2138 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

2139 (a) The board may, after any special assessments or
 2140 benefit special assessments for assessable improvements are
 2141 made, determined, and confirmed as provided in this act, issue
 2142 certificates of indebtedness for the amount so assessed against

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2143 the abutting property or property otherwise benefited, as the
 2144 case may be, and separate certificates shall be issued against
 2145 each part or parcel of land or property assessed, which
 2146 certificates shall state the general nature of the improvement
 2147 for which the assessment is made. The certificates shall be
 2148 payable in annual installments in accordance with the
 2149 installments of the special assessment for which they are
 2150 issued. The board may determine the interest to be borne by such
 2151 certificates, not to exceed the maximum rate allowed by general
 2152 law, and may sell such certificates at either private or public
 2153 sale and determine the form, manner of execution, and other
 2154 details of such certificates. The certificates shall recite that
 2155 they are payable only from the special assessments levied and
 2156 collected from the part or parcel of land or property against
 2157 which they are issued. The proceeds of such certificates may be
 2158 pledged for the payment of principal of and interest on any
 2159 revenue bonds or general obligation bonds issued to finance in
 2160 whole or in part such assessable improvement, or, if not so
 2161 pledged, may be used to pay the cost or part of the cost of such
 2162 assessable improvements.

2163 (b) The district may also issue assessment bonds, revenue
 2164 bonds, or other obligations payable from a special fund into
 2165 which such certificates of indebtedness referred to in the
 2166 preceding subsection may be deposited or, if such certificates
 2167 of indebtedness have not been issued, the district may assign to
 2168 such special fund for the benefit of the holders of such
 2169 assessment bonds or other obligations, or to a trustee for such
 2170 bondholders, the assessment liens provided for in this act

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2171 unless such certificates of indebtedness or assessment liens
 2172 have been theretofore pledged for any bonds or other obligations
 2173 authorized hereunder. In the event of the creation of such
 2174 special fund and the issuance of such assessment bonds or other
 2175 obligations, the proceeds of such certificates of indebtedness
 2176 or assessment liens deposited therein shall be used only for the
 2177 payment of the assessment bonds or other obligations issued as
 2178 provided in this section. The district is authorized to covenant
 2179 with the holders of such assessment bonds, revenue bonds, or
 2180 other obligations that it will diligently and faithfully enforce
 2181 and collect all the special assessments, and interest and
 2182 penalties thereon, for which such certificates of indebtedness
 2183 or assessment liens have been deposited in or assigned to such
 2184 fund; to foreclose such assessment liens so assigned to such
 2185 special fund or represented by the certificates of indebtedness
 2186 deposited in the special fund, after such assessment liens have
 2187 become delinquent, and deposit the proceeds derived from such
 2188 foreclosure, including interest and penalties, in such special
 2189 fund; and to make any other covenants deemed necessary or
 2190 advisable in order to properly secure the holders of such
 2191 assessment bonds or other obligations.

2192 (c) The assessment bonds, revenue bonds, or other
 2193 obligations issued pursuant to this section shall have such
 2194 dates of issue and maturity as shall be deemed advisable by the
 2195 board; however, the maturities of such assessment bonds or other
 2196 obligations shall not be more than 2 years after the due date of
 2197 the last installment that will be payable on any of the special
 2198 assessments for which such assessment liens, or the certificates

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2199 of indebtedness representing such assessment liens, are assigned
2200 to or deposited in such special fund.

2201 (d) Such assessment bonds, revenue bonds, or other
2202 obligations issued under this section shall bear such interest
2203 as the board may determine, not to exceed the maximum rate
2204 allowed by general law, and shall be executed, shall have such
2205 provisions for redemption prior to maturity, shall be sold in
2206 the manner, and shall be subject to all of the applicable
2207 provisions contained in this act for revenue bonds, except as
2208 the same may be inconsistent with the provisions of this
2209 section.

2210 (e) All assessment bonds, revenue bonds, or other
2211 obligations issued under the provisions of this section shall
2212 be, shall constitute, and shall have all the qualities and
2213 incidents of negotiable instruments under the law merchant and
2214 the laws of the state.

2215 (15) TAX LIENS.--All taxes of the district provided for in
2216 this act, except together with all penalties for default in the
2217 payment of the same and all costs in collecting the same,
2218 including a reasonable attorney's fee fixed by the court and
2219 taxed as a cost in the action brought to enforce payment, shall,
2220 from January 1 for each year the property is liable to
2221 assessment and until paid, constitute a lien of equal dignity
2222 with the liens for state and county taxes and other taxes of
2223 equal dignity with state and county taxes upon all the lands
2224 against which such taxes shall be levied. A sale of any of the
2225 real property within the district for state and county or other
2226 taxes shall not operate to relieve or release the property so

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2227 sold from the lien for subsequent district taxes or installments
 2228 of district taxes, which lien may be enforced against such
 2229 property as though no such sale thereof had been made. In
 2230 addition to, and not in limitation of, the preceding, for
 2231 purposes of section 197.552, Florida Statutes, the lien of all
 2232 special assessments levied by the district shall constitute a
 2233 lien of record held by a municipal or county governmental unit.
 2234 The provisions of sections 194.171, 197.122, 197.333, and
 2235 197.432, Florida Statutes, shall be applicable to district taxes
 2236 with the same force and effect as if such provisions were
 2237 expressly set forth in this act.

2238 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2239 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2240 (a) The district shall have the power and right to:

2241 1. Pay any delinquent state, county, district, municipal,
 2242 or other tax or assessment upon lands located wholly or
 2243 partially within the boundaries of the district.

2244 2. Redeem or purchase any tax sales certificates issued or
 2245 sold on account of any state, county, district, municipal, or
 2246 other taxes or assessments upon lands located wholly or
 2247 partially within the boundaries of the district.

2248 (b) Delinquent taxes paid, or tax sales certificates
 2249 redeemed or purchased, by the district, together with all
 2250 penalties for the default in payment of the same and all costs
 2251 in collecting the same and a reasonable attorney's fee, shall
 2252 constitute a lien in favor of the district of equal dignity with
 2253 the liens of state and county taxes and other taxes of equal
 2254 dignity with state and county taxes upon all the real property

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2255 against which the taxes were levied. The lien of the district
2256 may be foreclosed in the manner provided in this act.

2257 (c) In any sale of land pursuant to section 197.542,
2258 Florida Statutes, the district may certify to the clerk of the
2259 circuit court of the county holding such sale the amount of
2260 taxes due to the district upon the lands sought to be sold, and
2261 the district shall share in the disbursement of the sales
2262 proceeds in accordance with the provisions of this act and under
2263 the laws of the state.

2264 (17) FORECLOSURE OF LIENS.--Any lien in favor of the
2265 district arising under this act may be foreclosed by the
2266 district by foreclosure proceedings in the name of the district
2267 in a court of competent jurisdiction as provided by general law
2268 in a like manner as provided in chapter 173, Florida Statutes,
2269 and the provisions of that chapter shall be applicable to such
2270 proceedings with the same force and effect as if those
2271 provisions were expressly set forth in this act. Any act
2272 required or authorized to be done by or on behalf of a
2273 municipality in foreclosure proceedings under chapter 173,
2274 Florida Statutes, may be performed by such officer or agent of
2275 the district as the governing board may designate. Such
2276 foreclosure proceedings may be brought at any time after the
2277 expiration of 1 year from the date any tax, or installment
2278 thereof, becomes delinquent; however, no lien shall be
2279 foreclosed against any political subdivision or agency of the
2280 state. Other legal remedies shall remain available.

2281 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
2282 FACILITIES, AND SERVICES.--To the full extent permitted by law,

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2283 the district shall require all lands, buildings, premises,
 2284 persons, firms, and corporations within the district to use the
 2285 water management and control facilities and water and sewer
 2286 facilities of the district.

2287 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 2288 PROVISIONS REQUIRED.--

2289 (a) No contract shall be let by the board for any goods,
 2290 supplies, or materials to be purchased when the amount thereof
 2291 to be paid by the district shall exceed the amount provided in
 2292 section 287.017, Florida Statutes, for category four, unless
 2293 notice of bids shall be advertised once in a newspaper in
 2294 general circulation in Charlotte County. Any board seeking to
 2295 construct or improve a public building, structure, or other
 2296 public works shall comply with the bidding procedures of section
 2297 255.20, Florida Statutes, and other applicable general law. In
 2298 each case, the bid of the lowest responsive and responsible
 2299 bidder shall be accepted unless all bids are rejected because
 2300 the bids are too high or the board determines it is in the best
 2301 interests of the district to reject all bids. The board may
 2302 require the bidders to furnish bond with a responsible surety to
 2303 be approved by the board. Nothing in this section shall prevent
 2304 the board from undertaking and performing the construction,
 2305 operation, and maintenance of any project or facility authorized
 2306 by this act by the employment of labor, material, and machinery.

2307 (b) The provisions of the Consultants' Competitive
 2308 Negotiation Act, section 287.055, Florida Statutes, apply to
 2309 contracts for engineering, architecture, landscape architecture,
 2310 or registered surveying and mapping services let by the board.

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2311 (c) Contracts for maintenance services for any district
 2312 facility or project shall be subject to competitive bidding
 2313 requirements when the amount thereof to be paid by the district
 2314 exceeds the amount provided in section 287.017, Florida
 2315 Statutes, for category four. The district shall adopt rules,
 2316 policies, or procedures establishing competitive bidding
 2317 procedures for maintenance services. Contracts for other
 2318 services shall not be subject to competitive bidding unless the
 2319 district adopts a rule, policy, or procedure applying
 2320 competitive bidding procedures to said contracts. Nothing herein
 2321 shall preclude the use of requests for proposal instead of
 2322 invitations to bid as determined by the district to be in its
 2323 best interest.

2324 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 2325 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

2326 (a) The district is authorized to prescribe, fix,
 2327 establish, and collect rates, fees, rentals, or other charges,
 2328 hereinafter sometimes referred to as "revenues," and to revise
 2329 the same from time to time, for the systems, facilities, and
 2330 services furnished by the district, within the limits of the
 2331 district, including, but not limited to, recreational
 2332 facilities, water management and control facilities, water,
 2333 sewer, and reuse systems, and solid waste collection and
 2334 disposal; to recover the costs of making connection with any
 2335 district service, facility, or system; and to provide for
 2336 reasonable penalties against any user or property for any such
 2337 rates, fees, rentals, or other charges that are delinquent.

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2338 (b) No such rates, fees, rentals, or other charges for any
 2339 of the facilities or services of the district shall be fixed
 2340 until after a public hearing at which all the users of the
 2341 proposed facility or services or owners, tenants, or occupants
 2342 served or to be served thereby and all other interested persons
 2343 shall have an opportunity to be heard concerning the proposed
 2344 rates, fees, rentals, or other charges. Rates, fees, rentals,
 2345 and other charges shall be adopted under the administrative
 2346 rulemaking authority of the district, but shall not apply to
 2347 district leases. Notice of such public hearing setting forth the
 2348 proposed schedule or schedules of rates, fees, rentals, and
 2349 other charges shall have been published in a newspaper of
 2350 general circulation in Charlotte County at least once and at
 2351 least 10 days prior to such public hearing. The rulemaking
 2352 hearing may be adjourned from time to time. After such hearing,
 2353 such schedule or schedules, either as initially proposed or as
 2354 modified or amended, may be finally adopted. A copy of the
 2355 schedule or schedules of such rates, fees, rentals, or charges
 2356 as finally adopted shall be kept on file in an office designated
 2357 by the board and shall be open at all reasonable times to public
 2358 inspection. The rates, fees, rentals, or charges so fixed for
 2359 any class of users or property served shall be extended to cover
 2360 any additional users or properties thereafter served that shall
 2361 fall in the same class, without the necessity of any notice or
 2362 hearing.

2363 (c) Such rates, fees, rentals, and charges shall be just
 2364 and equitable and uniform for users of the same class, and when
 2365 appropriate may be based or computed either upon the amount of

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2366 service furnished, upon the average number of persons residing
 2367 or working in or otherwise occupying the premises served, or
 2368 upon any other factor affecting the use of the facilities
 2369 furnished, or upon any combination of the foregoing factors, as
 2370 may be determined by the board on an equitable basis.

2371 (d) The rates, fees, rentals, or other charges prescribed
 2372 shall be such as will produce revenues, together with any other
 2373 assessments, taxes, revenues, or funds available or pledged for
 2374 such purpose, at least sufficient to provide for the items
 2375 hereinafter listed, but not necessarily in the order stated:

2376 1. To provide for all expenses of operation and
 2377 maintenance of such facility or service.

2378 2. To pay when due all bonds and interest thereon for the
 2379 payment of which such revenues are, or shall have been, pledged
 2380 or encumbered, including reserves for such purpose.

2381 3. To provide for any other funds that may be required
 2382 under the resolution or resolutions authorizing the issuance of
 2383 bonds pursuant to this act.

2384 (e) The board shall have the power to enter into contracts
 2385 for the use of the projects of the district and with respect to
 2386 the services, systems, and facilities furnished or to be
 2387 furnished by the district.

2388 (21) RECOVERY OF DELINQUENT CHARGES.--In the event that
 2389 any rates, fees, rentals, charges, or delinquent penalties shall
 2390 not be paid as and when due and shall be in default for 60 days
 2391 or more, the unpaid balance thereof and all interest accrued
 2392 thereon, together with reasonable attorney's fees and costs, may
 2393 be recovered by the district in a civil action.

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2394 (22) DISCONTINUANCE OF SERVICE.--In the event the fees,
 2395 rentals, or other charges for water and sewer services, or
 2396 either of them, are not paid when due, the board shall have the
 2397 power, under such reasonable rules and regulations as the board
 2398 may adopt, to discontinue and shut off both water and sewer
 2399 services until such fees, rentals, or other charges, including
 2400 interest, penalties, and charges for the shutting off and
 2401 discontinuance and the restoration of such water and sewer
 2402 services or both, are fully paid; and, for such purposes, the
 2403 board may enter on any lands, waters, or premises of any person,
 2404 firm, corporation, or body, public or private, within the
 2405 district limits. Such delinquent fees, rentals, or other
 2406 charges, together with interest, penalties, and charges for the
 2407 shutting off and discontinuance and the restoration of such
 2408 services and facilities and reasonable attorney's fees and other
 2409 expenses, may be recovered by the district, which may also
 2410 enforce payment of such delinquent fees, rentals, or other
 2411 charges by any other lawful method of enforcement.

2412 (23) ENFORCEMENT AND PENALTIES.--The board or any
 2413 aggrieved person may have recourse to such remedies in law and
 2414 at equity as may be necessary to ensure compliance with the
 2415 provisions of this act, including injunctive relief to enjoin or
 2416 restrain any person violating the provisions of this act or any
 2417 bylaws, resolutions, regulations, rules, codes, or orders
 2418 adopted under this act. In case any building or structure is
 2419 erected, constructed, reconstructed, altered, repaired,
 2420 converted, or maintained, or any building, structure, land, or
 2421 water is used, in violation of this act or of any code, order,

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2422 resolution, or other regulation made under authority conferred
 2423 by this act or under law, the board or any citizen residing in
 2424 the district may institute any appropriate action or proceeding
 2425 to prevent such unlawful erection, construction, reconstruction,
 2426 alteration, repair, conversion, maintenance, or use; to
 2427 restrain, correct, or avoid such violation; to prevent the
 2428 occupancy of such building, structure, land, or water; and to
 2429 prevent any illegal act, conduct, business, or use in or about
 2430 such premises, land, or water.

2431 (24) SUITS AGAINST THE DISTRICT.--Any suit or action
 2432 brought or maintained against the district for damages arising
 2433 out of tort, including, without limitation, any claim arising
 2434 upon account of an act causing an injury or loss of property,
 2435 personal injury, or death, shall be subject to the limitations
 2436 provided in section 768.28, Florida Statutes.

2437 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
 2438 district property shall be exempt from levy and sale by virtue
 2439 of an execution, and no execution or other judicial process
 2440 shall issue against such property, nor shall any judgment
 2441 against the district be a charge or lien on its property or
 2442 revenues; however, nothing contained herein shall apply to or
 2443 limit the rights of bondholders to pursue any remedy for the
 2444 enforcement of any lien or pledge given by the district in
 2445 connection with any of the bonds or obligations of the district.

2446 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

2447 (a) The board may ask the Legislature through its local
 2448 legislative delegations in and for Charlotte County to amend

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2449 this act to contract, to expand or to contract, and to expand
2450 the boundaries of the district.

2451 (b) The district shall remain in existence until:

2452 1. The district is terminated and dissolved pursuant to
2453 amendment to this act by the Legislature.

2454 2. The district has become inactive pursuant to section
2455 189.4044, Florida Statutes.

2456 (27) INCLUSION OF TERRITORY.--The inclusion of any or all
2457 territory of the district within a municipality does not change,
2458 alter, or affect the boundary, territory, existence, or
2459 jurisdiction of the district.

2460 (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
2461 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
2462 district under this act, each contract for the initial sale of a
2463 parcel of real property and each contract for the initial sale
2464 of a residential unit within the district shall include,
2465 immediately prior to the space reserved in the contract for the
2466 signature of the purchaser, the following disclosure statement
2467 in boldfaced and conspicuous type that is larger than the type
2468 in the remaining text of the contract: "THE BABCOCK RANCH
2469 COMMUNITY INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES
2470 OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
2471 THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION,
2472 AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND
2473 SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING
2474 BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN
2475 ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND

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2476 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY
2477 LAW."

2478 (29) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
2479 after the election of the first governing board of the district,
2480 the district shall cause to be recorded in the grantor-grantee
2481 index of the property records in the county in which it is
2482 located a "Notice of Creation and Establishment of the Babcock
2483 Ranch Community Independent Special District." The notice shall,
2484 at a minimum, include the legal description of the property
2485 covered by this act.

2486 (30) DISTRICT PROPERTY PUBLIC; FEES.--Any system,
2487 facility, service, works, improvement, project, or other
2488 infrastructure owned by the district, or funded by federal tax
2489 exempt bonding issued by the district, is public; and the
2490 district by rule may regulate, and may impose reasonable charges
2491 or fees for, the use thereof but not to the extent that such
2492 regulation or imposition of such charges or fees constitutes
2493 denial of reasonable access.

2494 Section 7. If any provision of this act is determined
2495 unconstitutional or otherwise determined invalid by a court of
2496 law, all the rest and remainder of the act shall remain in full
2497 force and effect as the law of this state.

2498 Section 8. In the election provided for in section 9, each
2499 landowner present in person or by proxy shall be entitled to
2500 cast one vote for each assessable acre or fraction of an acre of
2501 land owned by him or her and located within the district.

2502 Section 9. This section and section 8 shall take effect
2503 upon this act becoming law, and the remaining sections shall

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2504 take effect upon approval by a majority vote of the owners of
2505 land within the district who are not exempt from ad valorem
2506 taxes or non-ad valorem assessments and who are present in
2507 person or by proxy at a landowners' meeting to be held within 90
2508 days after the effective date of this act. Such landowners'
2509 meeting shall be noticed as provided in section 5 for the
2510 initial landowners' meeting and may be combined with such
2511 meeting. However, the provisions of this act that authorize the
2512 levy of ad valorem taxation and issuance of general obligation
2513 bonds shall take effect only upon express approval by a majority
2514 vote of those qualified electors of the Babcock Ranch Community
2515 Independent Special District voting in a referendum election
2516 held at such time as all members of the board are qualified
2517 electors who are elected by qualified electors of the district
2518 as provided in this act.