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1 A bill to be entitled

2 An act relating to the North Port Orange Hammock
3 Improvement District, City of North Port, Sarasota County;
4 providing a short title; providing an exception to general
5 law; providing a district charter; creating an independent
6 special district; providing district boundaries; providing
7 for charter amendment; providing powers, functions, and
8 duties; providing for a governing board, elections,
9 qualifications, terms of office, removal from office, and
10 filling of vacancies; providing for election of a chair,
11 vice chair, and secretary-treasurer; providing a quorum;
12 providing requirements for meetings and notice; providing
13 requirements for reports, budgets, and audits; providing
14 for liberal construction; authorizing the levy of non-ad
15 valorem assessments; specifying method of collection and
16 enforcement of non-ad valorem assessments; authorizing
17 property appraiser's and tax collector's fees or
18 commissions; providing for collection and enforcement of
19 fees, costs, and expenses; providing for issuance of
20 revenue bonds, assessment bonds, bond anticipation notes,
21 and general obligation bonds; providing boundaries;
22 providing for the applicability of provisions of chapters
23 189 and 298, Florida Statutes, and other general laws;
24 providing for the board's limited power of eminent domain;
25 providing for severability; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Popular name.--This act may be cited as the
 30 "North Port Orange Hammock Improvement District Act."

31 Section 2. District; creation, jurisdiction, and
 32 purpose.--

33 (1) The North Port Orange Hammock Improvement District,
 34 the "district," is created and incorporated as an independent
 35 special district pursuant to chapter 189, Florida Statutes, to
 36 be known as the "North Port Orange Hammock Improvement
 37 District," in the City of North Port, Sarasota County, which
 38 independent special district shall be a public body corporate
 39 and politic.

40 (2) The district's territorial boundary shall embrace and
 41 include that real property described in section 18.

42 (3) The district is created for all purposes as shall be
 43 liberally construed from and set forth in this act, under
 44 sections 189.401-189.429 and chapter 298, Florida Statutes,
 45 provided that section 189.4045(2), Florida Statutes, is
 46 specifically excluded and not applicable to the district or the
 47 City of North Port and may perform such acts as shall be
 48 necessary, convenient, incidental, or proper for the provision,
 49 acquisition, development, operation, and maintenance of those
 50 public infrastructure works and services authorized herein,
 51 including all facilities necessary and incidental thereto.

52 (4) The district charter created by this act may be
 53 amended only by special act of the Legislature. Any expansion of
 54 the powers or the boundaries of the district within the City of
 55 North Port shall require prior approval of the City of North
 56 Port Commission or its designee.

57 (5) The definition of terms and phrases shall be as set
58 forth in chapters 189 and 298, Florida Statutes, unless
59 otherwise herein defined.

60 Section 3. Limitations of powers.--All governmental
61 planning, environmental, and land development laws, regulations,
62 and ordinances apply to all development of the land within the
63 district. The district does not have the power of a local
64 government to adopt a comprehensive plan, building code, zoning
65 code, or land development code, as those terms are defined in
66 the Local Government Comprehensive Planning and Land Development
67 Regulation Act. The district shall take no action that is
68 inconsistent with applicable comprehensive plans, ordinances, or
69 regulations of the applicable local general-purpose government.
70 Nothing in this act shall create any delegation of any
71 responsibilities or authorities from the City of North Port to
72 the district. Notwithstanding anything to the contrary, the
73 district shall be required to obtain any and all permits for
74 infrastructure planning and construction from the City of North
75 Port that would otherwise be required of a private entity
76 performing the same work. The district shall not have the power
77 to supersede, contravene, or overrule any development or
78 annexation agreements entered into by landowners within or
79 outside of the district or any City of North Port joint planning
80 agreements or interlocal agreements with Sarasota County or any
81 other governmental entities. The district shall be subject to,
82 as appropriate, any development order encompassing the entirety
83 of the district or any part thereof and shall be bound by the
84 terms of such development orders. Additionally, in order to seek

85 the input of the appropriate unit of local government, the
86 district shall consult with, and provide notice to, Charlotte
87 County, Desoto County, Sarasota County, or any appropriate unit
88 of state or local government, regarding any actions that may
89 affect them prior to taking the proposed action.

90 Section 4. District powers, functions, and duties.--

91 (1) In addition to any powers, functions, and duties set
92 forth in this act, the district shall have the authority to
93 exercise such powers, functions, and duties as may be set forth
94 in chapter 298, Florida Statutes.

95 (2) The district is hereby authorized and empowered as
96 follows:

97 (a) To adopt by resolution bylaws for the regulation of
98 its affairs and the conduct of its business.

99 (b) To adopt by resolution rules as necessary for
100 implementation, regulation, and enforcement as are consistent
101 with the purposes of the district and this act.

102 (c) To adopt an official seal reflecting the name and
103 nature of the district.

104 (d) To acquire by grant, loan, purchase, gift, transfer,
105 exchange, dedication, lease, devise, or, when reasonably
106 necessary for the implementation of district-authorized public
107 infrastructure works, facilities, or services by means of the
108 exercise of the right of eminent domain pursuant to the laws of
109 the state and in accordance with section 13, all property, real
110 or personal, or any easement, license, estate, or interest
111 therein necessary, desirable, or convenient for the purposes of
112 this act, and to sell, convey, transfer, gift, lease, rent,

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113 dedicate, forfeit, abandon, exchange, or assign all or any part
114 thereof to or with other entities, including governmental
115 entities and agencies, and to exercise all of its powers and
116 authority with respect thereto. The district shall have the
117 right of eminent domain outside of the boundaries of the
118 district in Charlotte, Desoto, and Sarasota Counties, as limited
119 by section 13, for the purposes of exercising its powers for the
120 provision of services to the district, subject to the approval
121 of the City of North Port Commission or its designee, or if
122 otherwise required by another governmental entity or agency. Any
123 property interests owned by the district which are used for
124 nonpublic or private commercial purposes shall be subject to all
125 ad valorem taxes, intangible personal property taxes, or non-ad
126 valorem assessments, as would be applicable if said property
127 were privately owned.

128 (e) To finance, plan (consistent with the City of North
129 Port Comprehensive Plan as amended and implementing ordinances,
130 studies, and plans, or those of other appropriate local or state
131 governments), design, acquire, construct, install, operate,
132 equip, upgrade, reclaim, replace, extend, renovate, mitigate,
133 and maintain canals, swales, outfalls, dams, control structures,
134 pumps and pumping systems, aerators, seawalls, berms, ditches,
135 telemetry and monitoring equipment, retention areas, holding
136 basins, marshes, wetlands, uplands, drains, levees, lakes,
137 ponds, and other works or elements for modern comprehensive
138 water management drainage, environmental, mitigation
139 preservation, erosion, quality, and control purposes, and,
140 further, that the district shall agree, at the request of the

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

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141 City of North Port Commission or its designee, subject to a
142 developer's agreement with the City of North Port (neither
143 party's consent to said developer's agreement shall be
144 unreasonably withheld), to donate and turn over operation of all
145 or any portion of said water management system to the City of
146 North Port.

147 (f) To regulate, modify, control, and redirect the supply
148 and level of water within the district if consistent with City
149 of North Port and Southwest Florida Water Management District
150 rules and regulations, including the diversion of waters from
151 one area, lake, pond, river, stream, basin, or water control
152 facility to another; to control and restrict the development and
153 use of natural or artificial streams or bodies of water, lakes,
154 or ponds; and to take all measures determined by the board to be
155 necessary or desirable to prevent or alleviate land erosion,
156 flooding, or water quality problems or issues, provided all such
157 activity shall be carried out in accordance with applicable
158 federal, state, and local government rules and regulations.

159 (g) To finance the implementation of appropriate studies,
160 whether by the district or in conjunction with other agencies or
161 entities; to assist in implementing the district's powers,
162 authorities, and purposes as set forth herein; and to facilitate
163 the orderly management of the district and its works and
164 facilities.

165 (h) To finance, plan (consistent with the City of North
166 Port Comprehensive Plan as amended and implementing ordinances,
167 studies, and plans, or those of other appropriate local or state
168 governments), design, acquire, construct, install, operate,

169 equip, upgrade, replace, extend, renovate, and maintain
170 irrigation works, machinery, plants, and appurtenances.

171 (i) To finance, plan (consistent with the City of North
172 Port Comprehensive Plan as amended and implementing ordinances,
173 studies, and plans, or those of other appropriate local or state
174 governments), design, acquire, construct, install, operate,
175 equip, upgrade, replace, extend, renovate, and maintain
176 roadways; and to include, either as a component of such roads or
177 independently by themselves, parkways, bridges, landscaping,
178 irrigation, bicycle and jogging paths, street lighting, entry
179 features, traffic signals, road striping, and all other
180 customary elements or appurtenances of a modern road system as
181 fulfillment of a requirement pursuant to any development
182 agreement, development order, or plat or for the exclusive use
183 and benefit of the district, a unit of development, and its
184 landowners, residents, and invitees to control ingress and
185 egress; to finance and maintain said roads and their associated
186 elements and components as part of a plan of improvements; to
187 construct and maintain security structures to control the use of
188 said roads; to make provision for access by fire, police, and
189 emergency vehicles and personnel for the protection of life and
190 property; to include, in the annual assessment of non-ad valorem
191 assessments as authorized, sufficient funds to finance and
192 maintain said roads as a part of a plan of improvements; and to
193 adopt, by resolution of the board, rules and regulations for the
194 control of traffic, noise levels, crime, and the use of the
195 roads by those authorized. Provided that in the event the
196 district should construct all or any portion of a major

197 thoroughfare or transportation route as identified in section
 198 163.3177(6)(b), Florida Statutes, the district will not be
 199 permitted to limit said thoroughfare or transportation route for
 200 the exclusive use and benefit of the district, a unit of
 201 development, or its residents without the written consent of the
 202 applicable local general government. Notwithstanding anything to
 203 the contrary herein, construction of roads by the district shall
 204 not be in conflict with City of North Port rules, master plans,
 205 plans, specifications, or regulations, or those of other
 206 appropriate units of state or local government. The district
 207 shall agree, at the request of the City of North Port Commission
 208 or its designee, subject to applicable impact fee ordinances and
 209 a developer's agreement with the City of North Port, neither
 210 party's consent to said developer's agreement shall be
 211 unreasonably withheld, to donate and turn over operation of all
 212 or any portion of any public roadway system to the City of North
 213 Port or appropriate units of state or local government.

214 (j) To finance, plan (consistent with the City of North
 215 Port Comprehensive Plan as amended and implementing ordinances,
 216 studies, and plans, or those of other appropriate local or state
 217 governments), design, acquire, construct, install, operate,
 218 equip, upgrade, replace, extend, renovate, and maintain entry
 219 features, garages, parking facilities, district offices,
 220 buildings, facilities, and structures.

221 (k) To finance, plan (consistent with the City of North
 222 Port Comprehensive Plan as amended and implementing ordinances,
 223 studies, and plans, or those of other appropriate local or state
 224 governments), design, acquire, construct, install, operate,

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225 equip, upgrade, replace, extend, renovate, reclaim, mitigate,
226 protect, and remove exotics and maintain improvements, works,
227 landscaping, systems, structures, buildings, and facilities for
228 community or public preserves, uplands, wetlands, playgrounds,
229 parks, gymnasiums, stadiums, ball fields, greenways, waterways,
230 and facilities for indoor and outdoor recreational, sport,
231 cultural, and educational uses.

232 (l) To finance, plan (consistent with the City of North
233 Port Comprehensive Plan as amended and implementing ordinances,
234 studies, and plans, or those of other appropriate local or state
235 governments), design, acquire, construct, install, operate, set,
236 and charge by resolution access, user, or connection fees and
237 charges, equip, upgrade, replace, store, extend, renovate, and
238 maintain water plants and systems, plus appurtenances, to
239 produce, desalinate, purify, sell, and distribute water for
240 consumption, irrigation, or other purposes. The exercise of such
241 construction, operation, fee establishment, and production
242 powers by the district shall require the prior approval of the
243 City of North Port Commission or its designee, and the district
244 shall agree, at the request of the City of North Port Commission
245 or its designee, subject to a utility developer's agreement with
246 the City of North Port (neither party's consent to said
247 developer's agreement shall be unreasonably withheld), to donate
248 and turn over operation of all or any portion of said water
249 system to the City of North Port.

250 (m) To finance, plan (consistent with the City of North
251 Port Comprehensive Plan as amended and implementing ordinances,
252 studies, and plans, or those of other appropriate local or state

253 governments), design, acquire, construct, install, operate, set,
 254 and charge by resolution access, user, or connection fees and
 255 charges, equip, upgrade, replace, extend, renovate, and maintain
 256 sewer systems, plus appurtenances, for the collection, disposal,
 257 and reuse of effluent, waste, residue, or other byproducts of
 258 such system; prevent pollution; and improve water quality. The
 259 exercise of such construction, operation, and fee establishment
 260 powers by the district shall require the prior approval of the
 261 City of North Port Commission or its designee, and the district
 262 shall agree, at the request of the City of North Port Commission
 263 or its designee and subject to a utility developer's agreement
 264 with the City of North Port (neither party's consent to said
 265 developer's agreement shall be unreasonably withheld), to donate
 266 and turn over operation of all or any portion of said wastewater
 267 system to the City of North Port.

268 (n) To finance, plan (if not inconsistent with other
 269 responsible agencies or authorities, or those of other
 270 appropriate local or state governments), design, acquire,
 271 construct, install, operate, equip, upgrade, replace, extend,
 272 renovate, and maintain improvements and facilities for and take
 273 measures to control mosquitoes or other insects and arthropods
 274 of public health importance.

275 (o) To finance, plan (consistent with the City of North
 276 Port Comprehensive Plan as amended and implementing ordinances,
 277 studies, and plans, or those of other appropriate local or state
 278 governments), design, acquire, construct, install, operate,
 279 equip, upgrade, replace, extend, renovate, and maintain lands,
 280 works, systems, landscaping, and facilities for preservation

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281 areas, conservation areas, environmental areas, mitigation
282 areas, and wildlife habitat or sanctuaries, including the
283 maintenance of any plant or animal species, and any related
284 interest in real or personal property. The district shall allow
285 the City of North Port access to all such improvements and shall
286 allow access by the public when appropriate.

287 (p) To finance, plan (consistent with the City of North
288 Port Comprehensive Plan as amended and implementing ordinances,
289 studies, and plans, or those of other appropriate local or state
290 governments), design, acquire, construct, install, equip,
291 upgrade, replace, extend, renovate, and maintain additional
292 systems and facilities for school buildings and related
293 structures that may be donated to a public school district,
294 subject to a developer's agreement (neither party's consent to
295 said developer's agreement shall be unreasonably withheld), for
296 use in the educational system; provided that donation of any
297 land and the exercise of such construction powers by the
298 district shall require the prior approval of the School Board of
299 Sarasota County and the City of North Port Commission or its
300 designee.

301 (q) To levy non-ad valorem assessments; to prescribe, fix,
302 establish, and collect rates, fees, rentals, fares, or other
303 charges, and revise the same from time to time, for property,
304 facilities, and services made available, furnished, or to be
305 furnished by the district; and to recover the cost of making or
306 authorizing the connection to any district facility or system or
307 installing works or improvements on or within district property
308 interests. However, no rates, fares, charges, or fees shall be

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309 established until after a public hearing of the board at the
310 district at which all affected persons shall be given an
311 opportunity to be heard.

312 (r) To provide for the discontinuance of service and
313 reasonable penalties, including reasonable attorney's fees,
314 against any user or property for any such rates, fees, rentals,
315 fares, or other charges that become delinquent and require
316 collection.

317 (s) To enter into agreements with any person, firm,
318 entity, partnership, or corporation, whether public, private, or
319 governmental, for the furnishing by such person, firm, entity,
320 partnership, or corporation of any facilities and services of
321 the type provided for, authorized, or necessarily implied as
322 being authorized in this act.

323 (t) To borrow money and issue negotiable or other bonds of
324 said district as hereinafter provided; to borrow money, from
325 time to time, and issue negotiable or other notes of said
326 district therefore, bearing interest at not exceeding the
327 maximum interest allowable by law, in anticipation of the
328 collection of levies, fees, penalties, charges, fares, and
329 assessments or revenues of said district; and to pledge or
330 hypothecate such non-ad valorem assessments, levies,
331 assessments, and revenues to secure such bonds, notes, or
332 obligations, and sell, discount, negotiate, and dispose of the
333 same.

334 (u) To provide for safety enhancements, including, but not
335 limited to, security, guardhouses, fences, gates, and electronic
336 intrusion detection systems. The district shall not be

337 authorized or empowered to exercise any police power but may
338 contract with the appropriate local general-purpose government
339 agencies for an increased level of such service. Notwithstanding
340 anything to the contrary, nothing herein shall allow the
341 district to limit the level of law enforcement provided by
342 federal, state, or local governmental agencies.

343 (v) To provide, at the request of local general-purpose
344 governments consistent with the plans of the local general-
345 purpose government, systems and facilities for fire prevention
346 and control and emergency medical services, including the
347 construction of a hospital and police stations, and construction
348 or purchase of fire stations, water mains and fire hydrants,
349 fire trucks, and other vehicles and equipment consistent with
350 any adopted local general-purpose government ordinances, rules,
351 or regulations. The district shall agree, at the request of the
352 local general-purpose government, subject to a developer's
353 agreement with the City of North Port (neither party's consent
354 to said developer's agreement shall be unreasonably withheld),
355 to donate and turn over operation of all or any portion of said
356 equipment and facilities to the local general-purpose
357 government.

358 (w) To submit for and obtain permits, make and enter into
359 contracts and agreements as are necessary or incidental to the
360 performance of the duties imposed and the execution of the
361 powers granted under this act, and employ such consulting and
362 other engineers, superintendents, managers, administrators,
363 construction and financial experts, attorneys, and such

364 employees and agents as may, in the judgment of the district, be
365 necessary, and fix their compensation.

366 (x) To require any individual or entity desiring to
367 construct any structure in, over, under, upon, or occupying
368 district property or right-of-way or connecting to or utilizing
369 the works of the district to first obtain written authorization
370 from the district and comply with all City of North Port and
371 district plans, rules, regulations, policies, and
372 specifications, provided that said written authorization shall
373 be issued upon compliance with such applicable City of North
374 Port and district plans, rules, regulations, policies, and
375 specifications. The board of supervisors shall be permitted the
376 discretion to deny or revoke any written authorization or
377 application for same if it is found that the matter for which
378 the authorization is sought or granted does not comply with the
379 City of North Port and district plans, rules, regulations, or
380 policies. All fees and costs, including construction, review,
381 inspection, copying, engineering, legal, and administrative
382 expenses of the district, shall be paid by the applicant seeking
383 the authorization. Any such district's written authorization
384 shall not be deemed or construed as being an alternative to or
385 in place of the applicant's obligation to also obtain all other
386 governmental building and construction permits and approvals.
387 Any conflict between City of North Port and district plans,
388 rules, regulations, policies, and specifications shall be
389 resolved in favor of the City of North Port.

390 (y) To include in a plan of improvements, the engineer's
391 report, or the authorizing and implementing documents under

392 chapter 170, Florida Statutes, which shall include, but are not
393 limited to, all applicable resolutions, assessment maps, and
394 assessment rolls ("chapter 170 authorizing documents"), all or
395 one or more of the various powers and functions, including
396 individual parts or components thereof, of the district or any
397 combination of same, and to construct and finance said
398 individual or a combination of such powers and functions,
399 including individual parts or components thereof. It is the
400 intent of this section that a plan of improvements, the
401 engineer's report, or chapter 170 authorizing documents may
402 provide for a single benefit to the land authorized by the laws
403 pertaining to the district or one or more of all of said
404 benefits or a combination thereof as long as there are benefits
405 accruing to the land.

406 (z) To provide in a plan of improvements, the engineer's
407 report, or chapter 170 authorizing documents that in assessing
408 the benefits and damages to be incurred by lands of the district
409 from the implementation, provision, or construction of a plan of
410 improvements or improvements or services, pursuant to chapter
411 170 authorizing documents, the varying types of existing or
412 proposed land uses of the land within the unit or affected by
413 such construction or implementation, as the case may be, may be
414 considered and be entitled to so assess the benefits and
415 damages. The district may levy non-ad valorem assessments based
416 upon the benefits assessed in such manner, taking into account
417 the varying existing or proposed land uses of the land affected
418 by such construction as shall provide for the equitable
419 apportionment of such assessments. Such assessments may be

420 levied on the basis of lots, units, acreage, parcels, equivalent
 421 connection, or uses or as otherwise set forth in the engineer's
 422 report or in the chapter 170 authorizing documents.

423 (aa) To establish and create such departments, committees,
 424 boards, or other agencies, including a public relations
 425 committee, as from time to time the board of supervisors may
 426 deem necessary or desirable in the performance of the acts or
 427 other things necessary to the exercise of the powers provided in
 428 this act, and to delegate to such departments, committees,
 429 boards, or other agencies such administrative duties and other
 430 powers as the board of supervisors may deem necessary and to
 431 exercise all other powers necessary, convenient, or proper in
 432 connection with any of the powers or duties of said district
 433 stated in this act by and through the board of supervisors.
 434 Notwithstanding anything contained herein, no such departments,
 435 committees, boards, or other agencies shall have the power or
 436 authority to supersede any powers or authorities of the City of
 437 North Port.

438 (bb) Notwithstanding any authority contained within this
 439 section, the development, operation, or maintenance of any
 440 district facilities or services shall comply with the adopted
 441 comprehensive plan, unified land development code, zoning code,
 442 and any other city codes of the City of North Port.

443 (cc) To establish, or otherwise make available, a plan for
 444 retirement, disability, dental, death, hospitalization, and
 445 other appropriate benefits for employees of the district.

446 (dd) To invest surplus funds of the district consistent
447 with the Investment of Local Government Surplus Funds Act, part
448 IV, chapter 218, Florida Statutes.

449 (ee) To submit to the City of North Port the plan of
450 improvement for major government infrastructure capital elements
451 that may eventually be dedicated or donated to the City of North
452 Port so that the city can rely on and incorporate said plan of
453 improvement into the city's capital improvement plan.

454 (ff) To apply for, obtain, and utilize any grants from
455 other entities consistent with the powers of the district;
456 provided, however, that the district shall coordinate with and
457 obtain timely authorization from the City of North Port
458 Commission or its designee prior to the submittal of any grant
459 application.

460 (gg) Following methodology consistent with the county's
461 concurrency management regulations and notwithstanding any
462 authority contained within this section, the district shall not
463 construct any improvements within the district pursuant to any
464 development order where that development would cause the level
465 of service on any concurrency regulated facility in Sarasota
466 County to drop below the level of service adopted as of the
467 effective date of this act, or subsequently reduced level of
468 service, in the Sarasota County Comprehensive Plan pursuant to
469 chapter 163, Florida Statutes, without paying its fair share
470 contribution to improving that facility. Sarasota County shall
471 have the right under section 163.3215, Florida Statutes, to
472 contest any such development order on the basis that it fails to
473 require the district to pay its fair share contribution. The

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474 fair share contribution shall include both the contribution to
475 the county from the fair share collected by the City of North
476 Port pursuant to the county's impact fee ordinance and
477 interlocal agreements between Sarasota County and the City of
478 North Port, as well as direct contributions made to the county
479 by the district. Nothing contained herein shall be construed as
480 limiting the obligations of the district or property owners
481 therein as set forth in Florida Statutes and applicable rules or
482 to limit the development of infrastructure, roads, or public
483 improvements.

484 (hh) To collect fair share contributions from Sarasota
485 County should Sarasota County approve any development order in
486 Sarasota County that creates impacts to concurrency regulated
487 facilities within the district, which would cause the level of
488 service on any concurrency regulated facility in the district to
489 drop below the level of service adopted by the City of North
490 Port for such facility as of the effective date of this act, or
491 subsequently reduced level of service.

492 (3) To include in a plan of improvements the engineer's
493 report, chapter 170 authorizing documents, or otherwise provide
494 for the exercise of the district's powers, services, facilities,
495 and improvements beyond the territorial boundaries of the
496 district, when necessary and appropriate to provide a benefit on
497 behalf of lands located within the district and pursuant to an
498 approved plan of improvements or chapter 170 authorizing
499 documents. Any such construction must be in accordance with the
500 city's master plans and requirements. Any such construction
501 within Sarasota County must be in accordance with the county's

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502 comprehensive plan, master plans, and thoroughfare plan. The
503 North Port Orange Hammock Improvement District shall cooperate
504 and coordinate its activities with the units of general-purpose
505 local government in which it is located, including the City of
506 North Port and Sarasota County. The district is authorized to
507 enter into interlocal agreements with the City of North Port,
508 Sarasota County, or any other units of government. Whenever the
509 district intends to utilize its powers to construct or cause to
510 be constructed infrastructure projects or programs within the
511 district or, as necessary and permitted outside the district
512 boundaries, the district shall provide copies of all plans and
513 infrastructure permit applications to the appropriate county
514 planning director or development services business center at
515 such time as the district submits such plans or permit
516 applications to the City of North Port or other permitting
517 authority, but, in any event, no less than 30 days before the
518 City of North Port or other permitting authority issues permits
519 for those projects. The district shall allow the county 20 days
520 after submission to the county to comment on those plans and
521 permit applications, but, as to construction or improvements
522 that are not within Sarasota County, the county's approval is
523 not required for the district to proceed with the project.
524 Sarasota County shall not unduly interfere with the district's
525 exercise of its powers conferred by this act.

526 Section 5. Board of supervisors; election, organization,
527 powers, duties, and terms of office.--

528 (1) There is hereby created the board of supervisors of
529 the North Port Orange Hammock Improvement District, which shall
530 be the governing body of said district.

531 (2) Said board of supervisors shall consist of five
532 persons who, except as herein otherwise provided, shall hold
533 office for terms of 4 years each and until their successors
534 shall be duly elected and qualified.

535 (3) The first board of supervisors shall be composed of
536 five persons, two of whom shall hold office for 4 years each,
537 one of whom shall hold office for 3 years, one of whom shall
538 hold office for 2 years, and one of whom shall hold office for 1
539 year, which terms shall terminate in June of their applicable
540 final year. Within 120 days after this act becomes a law, a
541 special meeting of landowners of the North Port Orange Hammock
542 Improvement District shall be held for the purpose of electing
543 the first board of supervisors as herein provided. Notice of
544 such special meeting of landowners shall be given by causing
545 publication thereof to be made once a week for 2 consecutive
546 weeks prior to such meeting in the newspaper of general paid
547 circulation that the City of North Port publishes notices of
548 city meetings, and, prior to the meeting, provision of 2 weeks'
549 advance written notice to the City of North Port Manager,
550 including the agenda and any backup material. Such special
551 meeting of landowners shall be held in a public place in the
552 City of North Port, and the place, date, and hour of holding
553 such meeting and the purpose thereof shall be stated in the
554 notice. The landowners, when assembled, shall organize by
555 electing a chair who shall preside at the meeting and a vice

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556 chair, secretary, and treasurer. At such meeting, each and every
557 acre, or any fraction thereof, of land in the district shall
558 represent one vote, and each owner shall be entitled to one vote
559 in person or by written proxy for every acre of land, or any
560 fraction thereof, owned by such owner in the district.

561 Candidates must be citizens of the United States and shall be
562 nominated prior to commencement of the initial election. The
563 landowners shall first vote for the two supervisors who are to
564 hold office for the two seats for initial terms of 4 years as
565 herein provided, and the persons receiving the highest and next
566 highest number of votes for such supervisor offices shall be
567 declared and elected as the supervisors for said two seats. The
568 landowners shall next vote for the supervisor who is to hold
569 office for that seat for a term of 3 years as provided herein,
570 and the person receiving the highest number of votes for such
571 supervisor shall be declared and elected as such supervisor for
572 said seat. Said landowners shall continue to so vote for each
573 remaining seat until the supervisor who is to hold office for
574 the term of 1 year as herein provided is elected for said seat.
575 The landowners present or voting by proxy at the meeting shall
576 constitute a quorum.

577 (4) Each year during the month of June, beginning with
578 June of the second year following the first election, a
579 supervisor shall be elected, as hereinafter provided, by the
580 landowners of said district to take the place of the retiring
581 supervisor. All vacancies or expirations on said board shall be
582 filled as provided by this act. All supervisors of the district
583 shall be citizens of the United States. In order to be eligible

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584 for election following the initial election of supervisors, a
585 candidate for an office of supervisor shall be required to file
586 a written notice of intention to be a candidate in said office
587 of the district at least 30 calendar days but not earlier than
588 90 calendar days before, but not including, the day of the
589 annual meeting of the landowners. In case of a vacancy in the
590 office of any supervisor, the remaining supervisors within 90
591 calendar days of the vacancy shall fill such vacancy until the
592 expiration of that seat's outstanding term when a successor
593 shall be elected by the landowners.

594 (5) As soon as practicable after their election and the
595 taking of oaths of office, the board of supervisors shall
596 organize by choosing a chair and vice chair of the board of
597 supervisors and by electing some suitable persons, who may or
598 may not be members of the board, secretary and treasurer. The
599 board of supervisors shall adopt a seal that shall be the seal
600 of the district.

601 (6) Each supervisor shall hold office until his or her
602 successor shall be elected and qualified. Whenever any election
603 shall be authorized or required by this act to be held by the
604 landowners at any particular or stated time or day, and if for
605 any reason such election shall not or cannot be held at such
606 time or on such day, then, in such event and in all and every
607 such event, the power or duty to hold such election shall not
608 cease or lapse, but such election shall be held thereafter as
609 soon as practicable and consistent with this act.

610 (7) The supervisors shall not receive any compensation for
611 their services.

612 Section 6. Meetings of landowners.--

613 (1) Each year during the month of June, a meeting of the
614 landowners of the district shall be held, when necessary, for
615 the purpose of electing a supervisor and hearing reports of the
616 board of supervisors and considering any matters upon which the
617 board of supervisors may request the advice and views of the
618 landowners. The board of supervisors shall have the power to
619 call special meetings of the landowners at any time to consider
620 and act upon any matter upon which the board of supervisors may
621 request action, direction, or advice. Notice of all meetings of
622 the landowners shall be given by the board of supervisors by
623 causing publication thereof to be made for 2 consecutive weeks
624 prior to such meeting in the newspaper of general paid
625 circulation that the City of North Port publishes notices of
626 city meetings, and, prior to the meeting, provision of 2 weeks'
627 advance written notice to the City of North Port Manager,
628 including the agenda and any backup material. The meetings of
629 the landowners shall be held in a public place in the City of
630 North Port, and the place, day, and hour of holding such
631 meetings shall be stated in the notice. The landowners, when
632 assembled, shall organize by electing a chair who shall preside
633 at the meeting. The secretary of the board of supervisors shall
634 be the secretary of such meeting. At all such meetings, each and
635 every acre, or any fraction thereof, of land in the district
636 shall represent one vote, and each owner shall be entitled to
637 one vote in person or by written proxy for every acre, or any
638 fraction thereof, of land owned by such owner in the district.
639 The person receiving the highest number of votes for a

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640 supervisor position shall be declared and elected as such
641 supervisor. Those landowners present or voting by proxy at the
642 meeting, including the initial meeting, shall constitute a
643 quorum at any meeting of the landowners.

644 (2) Guardians may represent their wards, and personal
645 representatives may represent the estates of deceased persons.
646 Trustees may represent lands held by them in trust, and private
647 and municipal corporations may be represented by their officers
648 or duly authorized agents. Guardians, personal representatives,
649 trustees, and corporations may vote by proxy.

650 Section 7. Installment assessments; levied and
651 apportioned; collection.--

652 (1) The board of supervisors shall determine, order, and
653 levy the amount of the annual installments of the non-ad valorem
654 assessments levied under section 298.305, Florida Statutes,
655 which shall become due and collected during each year at the
656 same time that county taxes are due and collected, which levy
657 shall be evidenced to and certified by the board to the Tax
658 Collector of Sarasota County, pursuant to sections 197.3631,
659 197.3632, and 197.3635, Florida Statutes. Said non-ad valorem
660 assessments shall be extended by the county tax collector on the
661 tax roll and shall be collected by the tax collector and the net
662 proceeds thereof paid to said district. Said non-ad valorem
663 assessments shall be a lien until paid on the property against
664 which it is assessed and enforceable in like manner as county
665 taxes.

666 (2) As an alternative, in addition to, or in combination
667 with the above levy and assessment procedure for non-ad valorem

668 assessments, the district shall have, and the board of
 669 supervisors may exercise, the power to determine, order, levy,
 670 impose, collect, and enforce special assessments pursuant to
 671 chapter 170, Florida Statutes. Such special assessments may, at
 672 the discretion of the district, be collected and enforced
 673 pursuant to the provisions of sections 197.3631, 197.3632, and
 674 197.3635, Florida Statutes, chapter 170, Florida Statutes, or as
 675 otherwise determined by the board.

676 Section 8. Maintenance assessment.--

677 (1) In lieu of any maintenance assessment provision of
 678 chapter 298, Florida Statutes, when, in order to operate,
 679 maintain, and preserve the improvements made, constructed,
 680 installed, acquired, or received pursuant to this act and to
 681 repair, upgrade, replace, extend, and restore the same, when
 682 needed, and for the purpose of defraying the expenses, including
 683 administration, of the district, the board of supervisors may
 684 levy annually an assessment on specified property in the
 685 district, to be known as a "maintenance assessment." Said
 686 maintenance assessment shall be evidenced to and certified by
 687 the board to the Tax Collector of Sarasota County in the same
 688 fashion and manner as other district non-ad valorem assessments
 689 and shall be collected by the tax collector in the same manner
 690 and time as county taxes and the proceeds therefrom paid to said
 691 district. Said assessments shall be a lien until paid on the
 692 property against which assessed and enforceable in like manner
 693 as county taxes.

694 (2) Provisions may be made for the financing, acquisition,
 695 replacement, and maintenance of capital improvements necessary

696 for the operation of the district as a part of the maintenance
 697 assessment.

698 Section 9. Compensation of property appraiser and tax
 699 collector.--The property appraiser and tax collector shall be
 700 entitled to compensation for services performed in connection
 701 with assessments of said district as provided by general law.

702 Section 10. Acreage assessment for payment of initial
 703 formation and organization expenses.--There is hereby authorized
 704 by the Legislature upon each and every acre of land within the
 705 territorial boundary of the district, the authority through its
 706 said board of supervisors, and for the purpose of paying
 707 expenses incurred or to be incurred in organizing the district,
 708 the authority to levy such non-ad valorem assessments as may be
 709 determined by said board of supervisors, before said board of
 710 supervisors shall otherwise be able to obtain funds under the
 711 provisions of this act or the general laws of the state. Such
 712 organizing assessments shall become due and payable as
 713 determined by the board of supervisors and shall become
 714 delinquent 90 days thereafter. Said assessment shall be a lien
 715 upon the lands in said district from the date of the enactment
 716 of this act and may be collected in the same manner as the
 717 annual installment of non-ad valorem assessments or as otherwise
 718 determined by the board of supervisors. If it shall appear to
 719 the board of supervisors to be necessary to obtain funds to pay
 720 any expenses incurred or to be incurred in organizing said
 721 district, preparing a plan of improvements or chapter 170
 722 authorizing documents, or other expenses of the conduct and
 723 operation of the district before a sufficient sum can be

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724 obtained by the collection of the organization assessment
725 authorized by this section, said board of supervisors may also
726 borrow a sufficient sum of money for any of said purposes at a
727 statutory lawful rate of the interest and may issue negotiable
728 notes or bonds therefor and may pledge any and all assessments
729 of the formation assessment that may be levied under the
730 provisions of this section for the repayment thereof.

731 Section 11. Bonds may be issued, sale and disposition of
732 proceeds; interest; levy to pay bonds; bonds and duties of
733 treasurer.--

734 (1) The provisions of this section shall constitute full
735 and complete authority for the issuance of bonds by the
736 district.

737 (2) Provided that any and all loans or bonds of the
738 district are nonrecourse as to the City of North Port, the board
739 of supervisors may issue bonds not to exceed the lesser of \$500
740 million in principal at any time or 90 percent of the total
741 amount of the non-ad valorem assessments levied under the
742 provisions of section 298.305, Florida Statutes, or equal to the
743 total amount levied under chapter 170, Florida Statutes, bearing
744 interest from date at a rate not to exceed the statutory lawful
745 maximum per annum, payable annually or semiannually, to mature
746 at annual intervals within 40 years commencing after a period of
747 not later than 10 years, to be determined by the board of
748 supervisors, with both principal and interest payable at some
749 convenient place designated by the board of supervisors to be
750 named in said bonds, which bonds shall be signed by the chair of
751 the board of supervisors, and attested with the seal of the

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752 district and by the signature of the secretary of the board. All
753 of said bonds shall be executed and delivered to the district or
754 its agent, which shall sell the same in such quantities and at
755 such dates as the board of supervisors may deem necessary to
756 meet the payments for the works, services, and improvements in
757 and of the district. A sufficient amount of the non-ad valorem
758 assessment shall be appropriated by the board of supervisors for
759 the purpose of paying the principal, premium, if any, and
760 interest of said bonds, and the same shall, when collected, be
761 preserved in a separate fund for that purpose and no other. All
762 bonds not paid at maturity shall bear interest at a rate not to
763 exceed the statutory lawful maximum per annum from maturity
764 until paid, or until sufficient funds have been deposited at the
765 place of payment, and said interest shall be appropriated by the
766 board of supervisors out of the penalties and interest collected
767 on delinquent assessments or other available funds of the
768 district. Provided, however, that it may, at the discretion of
769 said board, be provided that at any time after such date as
770 shall be fixed by the said board, said bonds may be redeemed
771 before maturity at the option of said board, or their successors
772 in office, by being made callable prior to maturity at such
773 times and upon such prices and terms and other conditions as
774 said board shall determine. If any bond so issued subject to
775 redemption before maturity shall not be presented when called
776 for redemption, it shall cease to bear interest from and after
777 the date so fixed for redemption.

778 (3) The board of supervisors shall have authority to issue
779 refunding bonds to take up any outstanding bonds and any

780 interest accrued thereon when, in the judgment of said board, it
 781 shall be for the best interest of said district so to do. The
 782 said board is hereby authorized and empowered to issue refunding
 783 bonds to take up and refund all bonds of said district
 784 outstanding that are subject to call and prior redemption, all
 785 interest accrued to the date of such call or prior redemption,
 786 and all bonds of said district that are not subject to call or
 787 redemption, together with all accrued interest thereon, where
 788 the surrender of said bonds can be procured from the holders
 789 thereof at prices satisfactory to the board or can be exchanged
 790 for such outstanding bonds with the consent of the holder
 791 thereof. Such refunding bonds may mature at any time or times at
 792 the discretion of said board, not later, however, than 40 years
 793 from the date of issuance of said refunding bonds. Said
 794 refunding bonds shall bear such date of issue and such other
 795 details as the board shall determine, and may, at the discretion
 796 of said board, be made callable prior to maturity at such times
 797 and upon such prices and terms and other conditions as said
 798 board shall determine. All the other applicable provisions of
 799 this act not inconsistent therewith shall apply fully to said
 800 refunding bonds, and the holders thereof shall have all the
 801 rights, remedies, and security of the outstanding bonds
 802 refunded, except as may be provided otherwise in the resolution
 803 of the board authorizing the issuance of such refunding bonds.
 804 Any funds available in the sinking fund for the payment of the
 805 principal, premium, if any, and interest of outstanding bonds
 806 may be retained in the fund to be used for the payment of the
 807 principal, premium, if any, and interest of the refunding bonds

808 at the discretion of the board of supervisors. Any expenses
809 incurred in buying any or all bonds authorized under the
810 provisions of this section, and the interest thereon and a
811 reasonable compensation for paying same, shall be paid out of
812 the funds in the hands of the district and collected for the
813 purpose of meeting the expenses of administration. It shall be
814 the duty of the said board of supervisors in making the annual
815 non-ad valorem assessment levy as heretofore provided to take
816 into account the maturing bonds and interest on all bonds and
817 expenses and to make provisions in advance for the payment of
818 same.

819 (4) In addition to the other powers provided the district,
820 and not in limitation thereof, the district shall have the
821 power, at any time, and from time to time after the issuance of
822 any bonds of the district shall have been authorized, to borrow
823 money for the purposes for which such bonds are to be issued in
824 anticipation of the receipt of the proceeds of the sale of such
825 bonds and to issue bond anticipation notes in a principal sum
826 not in excess of the authorized maximum amount of such bond
827 issue.

828 (5) The district shall have the power to issue revenue
829 bonds from time to time without limitation as to amount for the
830 purpose of financing its systems and facilities. Such revenue
831 bonds may be secured by, or payable from, the gross or net
832 pledge of the revenues to be derived from any project or
833 combination of projects; from the rates, fees, or other charges
834 to be collected from the users of any project or projects; from
835 any revenue-producing undertaking or activity of the district;

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836 from special assessments; or from any other source or pledged
837 security. Such bonds shall not constitute an indebtedness of the
838 district, and the approval of qualified electors shall not be
839 required unless such bonds are additionally secured by the full
840 faith and credit and assessing power of the district.

841 (6) Prior to the issuance of bonds under the provisions of
842 this act, the board of supervisors may from time to time issue
843 warrants or negotiable notes or other evidences of debt of the
844 district, all of which shall be termed "floating indebtedness"
845 in order to distinguish the same from the bonded debt provided
846 for. The notes or other evidences of indebtedness shall be
847 payable at such times and shall bear interest at a rate not
848 exceeding the lawful statutory maximum per annum and may be sold
849 or discounted at such price or on such terms as the board may
850 deem advisable. The board shall have the right, in order to
851 provide for the payment thereof, to pledge the whole or any part
852 of the assessments or revenues provided for in this act, whether
853 the same shall be theretofore or thereafter levied, and said
854 board shall have the right to provide that the floating debt
855 shall be payable from the proceeds arising from the sale of
856 bonds or from the proceeds of any such assessment, or both.
857 After the issuance of any bonds of the district under the
858 provisions of this act, the power to create such floating debt
859 and pledge the assessments or revenue therefor shall continue.

860 (7) (a) Pursuant to this act, the district shall have the
861 power from time to time to issue general obligation bonds to
862 finance or refinance capital projects or to refund outstanding
863 bonds in an aggregate principal amount of bonds outstanding at

864 any one time not in excess of 35 percent of the assessed value
865 of the taxable property within the district as shown on the
866 pertinent property appraiser valuation records at the time of
867 the authorization of the general obligation bonds for which the
868 full faith and credit of the district is pledged. Except for
869 refunding bonds, no general obligation bonds shall be issued
870 unless the bonds are issued to finance or refinance a capital
871 project, and the issuance has been approved at an election held
872 in accordance with the requirements for such election as
873 prescribed by the State Constitution. Such elections shall be
874 called to be held in the district, with the expenses of calling
875 and holding an election to be at the expense of the district.

876 (b) The district may pledge its full faith and credit for
877 the payment of the principal and interest on such general
878 obligation bonds and for any reserve funds provided therefor and
879 may unconditionally and irrevocably pledge its assessments or
880 revenues on all taxable property within the district, to the
881 extent necessary for the payment thereof, without limitations as
882 to greater amount.

883 (c) If the board determines to issue general obligation
884 bonds for more than one capital project, the approval of the
885 issuance of the bonds for each and all such projects may be
886 submitted to the electorate on one and the same ballot. The
887 failure of the electors to approve the issuance of bonds for any
888 one or more of the capital projects shall not defeat the
889 approval of bonds for any capital project that has been approved
890 by the electors.

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891 (d) In arriving at the amount of general obligation bonds
892 permitted to be outstanding at any one time pursuant to
893 paragraph (a), there shall not be included any general
894 obligation bonds that are additionally secured by the pledge of:

895 1. Special assessments levied in the amount sufficient to
896 pay the principal and interest on a general obligation bond so
897 additionally secured, which assessments have been equalized and
898 confirmed by resolution or ordinance of the board pursuant to
899 section 170.08, Florida Statutes.

900 2. Water revenues, sewer revenues, or water and sewer
901 revenues of the district to be derived from user fees that have
902 been approved by the City of North Port Commission or its
903 designee and in an amount sufficient to pay the principal and
904 interest on the general obligation bond so additionally secured.

905 3. Any combination of assessments and revenues described
906 in subparagraphs 1 and 2.

907 (8) In case the proceeds of the original assessment and
908 levy made under the provisions of section 298.305, Florida
909 Statutes, or chapter 170, Florida Statutes, is not sufficient to
910 pay the principal, premium, if any, and interest of all bonds
911 issued, then the board of supervisors shall make such additional
912 levy or levies upon the benefits assessed as are necessary for
913 this purpose, and under no circumstances shall any levies be
914 made that will in any manner or to any extent impair the
915 security of said bonds or the fund available for the payment of
916 the principal and interest of the same.

917 (9) After the several bonds are paid and retired as herein
918 provided, they shall be returned and canceled and an appropriate

919 record thereof made in a book to be kept for that purpose, which
 920 record of paid and canceled bonds shall be kept at the office of
 921 the treasurer and shall be open for inspection by any bondholder
 922 at any time.

923 (10) Any issue of bonds may be secured by a trust
 924 agreement by and between the district and a corporate trustee or
 925 trustees, which may be any trust company or bank having the
 926 powers of a trust company within or without the state. The
 927 resolution authorizing the issuance of the bonds or such trust
 928 agreement may pledge the revenues to be received from any
 929 projects of the district and may contain such provisions for
 930 protecting and enforcing the rights and remedies of the
 931 bondholders as the board may approve, including, without
 932 limitation, covenants setting forth the duties of the district
 933 in relation to the acquisition, construction, reconstruction,
 934 improvement, maintenance, repair, operation, and insurance of
 935 any projects; the fixing and revising of the rates, fees, and
 936 charges; and the custody, safeguarding, and application of all
 937 moneys and for the employment of consulting engineers in
 938 connection with such acquisition, construction, reconstruction,
 939 improvement, maintenance, repair, or operation.

940 (11) Bonds of each issue shall be dated; shall bear
 941 interest at such rate or rates, including variable rates, which
 942 interest may be tax exempt or taxable for federal income tax
 943 purposes; shall mature at such time or times from their date or
 944 dates; and may be made redeemable before maturity at such price
 945 or prices and under such terms and conditions as may be
 946 determined by the board.

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947 (12) No bonds issued by the district shall be required to
948 be validated under chapter 75, Florida Statutes, or other
949 provision of law.

950 Section 12. Unit development; powers of supervisors to
951 designate units of development and adopt systems of progressive
952 development by units; plan of improvements and financing
953 assessments for each unit.--

954 (1) Upon written petition signed by the owners of 51
955 percent of the acreage in any area, the board of supervisors of
956 the district shall have the power and is hereby authorized in
957 its discretion to exercise such powers authorized in this act,
958 the lands in said designated area or part of the district to be
959 called a "unit." The units into which said district may be so
960 divided shall be given appropriate numbers or names by said
961 board of supervisors, so that said units may be readily
962 identified and distinguished. The board of supervisors shall
963 have the power to fix and determine the location, area, and
964 boundaries of and lands to be included in each and all such
965 units with the consent of the owners of 51 percent of the
966 acreage in any area, and the method of carrying on the work in
967 each unit. If the board of supervisors shall determine that it
968 is advisable to conduct the work of the district by units, as
969 authorized by this section, said board shall, by resolution duly
970 adopted and entered upon its minutes, declare its purpose to
971 conduct such work accordingly and, upon petition of the owners
972 of 51 percent of the acreage in any area, shall at the same time
973 and manner fix the number, location, and boundaries of and
974 description of lands within such unit or units and give

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975 appropriate numbers or names, which unit or units may overlay or
976 overlap one or more other units. As soon as practicable after
977 the adoption and recording of a resolution as to any unit, said
978 board of supervisors shall publish a notice once a week for 2
979 consecutive weeks in a newspaper of general paid circulation in
980 which the City of North Port publishes notices of city meetings
981 and, by provision of 2 weeks' advance written notice to the City
982 of North Port Manager, briefly describing the unit or units into
983 which the district has been divided and the lands embraced in
984 each unit, giving the name, number, or other designation of such
985 units, requiring all owners of lands in the district to show
986 cause in writing before said board of supervisors at a time and
987 place to be stated in such notice why such division of said
988 district into such unit or units should not be approved, and why
989 the proceedings and powers authorized by this section should not
990 be had, taken, and exercised. At the time and place stated in
991 said notice, said board of supervisors shall hear all objections
992 or causes of objection, all of which shall be in writing, of any
993 landowner in the district to the matters mentioned and referred
994 to in such notice, and if no objections are made, or if said
995 objections, if made, shall be overruled by said board, then said
996 board shall enter in its minutes its finding and order
997 confirming said resolution and may thereafter proceed with the
998 development of the district by unit or units pursuant to such
999 resolution and to the provisions of this act. If, however, said
1000 board of supervisors shall find as a result of such objections,
1001 or any of them, or the hearing thereon, that the division of the
1002 district into such unit or units as aforesaid should not be

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1003 approved, or that the proceedings and powers authorized by this
1004 section should not be had, taken, or exercised, or that any
1005 other matter or thing embraced in said resolution would not be
1006 in the best interest of the landowners of said unit or units or
1007 would be unjust or unfair to any landowner therein or otherwise
1008 inconsistent with fair and equal protection and enforcement of
1009 the rights of every landowner in said unit or units, then the
1010 board of supervisors shall not proceed further under such
1011 resolution; but said board of supervisors may, as a result of
1012 such hearing, modify or amend said resolution so as to meet such
1013 objections so made, and thereupon said board may confirm said
1014 resolution as so modified or amended and may thereafter proceed
1015 accordingly. If said board of supervisors shall overrule or
1016 refuse to sustain any such objections in whole or in part made
1017 by any landowner in the district, or if any such landowner shall
1018 deem himself or herself aggrieved by any action of the board of
1019 supervisors in respect to any objections so filed, such
1020 landowner may, within 10 days after the ruling of said board,
1021 file his or her complaint in the Circuit Court of Sarasota
1022 County against said district, praying an injunction or other
1023 appropriate relief against the action or any part of such action
1024 proposed by such resolution or resolutions of said board, and
1025 such suits shall be conducted like other suits, except that said
1026 suits shall have preference over all other pending actions
1027 except criminal actions and writs of habeas corpus. Upon the
1028 hearing of said cause, the circuit court shall have the power to
1029 hear the objections and receive the evidence thereon of all
1030 parties to such cause and approve or disapprove said resolutions

1031 and action of the board in whole or in part, and to render such
 1032 decree in such cause as right and justice require.

1033 (2) When said resolutions creating said unit or units
 1034 shall be confirmed by the board of supervisors (or by the
 1035 Circuit Court of Sarasota County, if such proposed action shall
 1036 be challenged by a landowner by the judicial proceedings
 1037 hereinabove authorized), the board of supervisors may adopt a
 1038 plan of improvements or chapter 170 authorizing documents for
 1039 and in respect to any or all such units and to have the benefits
 1040 and damages resulting therefrom assessed and apportioned as is
 1041 provided by law in regard to a plan of improvements or chapter
 1042 170 authorizing documents for and assessments for benefits and
 1043 damages of the entire district. With respect to the plan of
 1044 improvements, notices, appointment of engineer to prepare a
 1045 report assessing the benefits and damages, the engineer's report
 1046 and notice and confirmation thereof, the levy of assessments,
 1047 including maintenance assessments, the issuance of bonds, the
 1048 exercise or use of chapter 170, Florida Statutes, proceedings
 1049 and all other proceedings as to each and all of such units, said
 1050 board shall follow and comply with the same procedure as is
 1051 provided by law with respect to the entire district, and said
 1052 board of supervisors shall have the same powers in respect to
 1053 each and all of such units as is vested in them with respect to
 1054 the entire district. All the provisions of this act shall apply
 1055 to the improvement of each, any, and all of such units, and the
 1056 enumeration of or reference to specific powers or duties of the
 1057 supervisors or any other officers or other matters in this act
 1058 as hereinabove set forth, shall not limit or restrict the

1059 application of any and all of the proceedings and powers herein
 1060 for such units as fully and completely as if such unit or units
 1061 were specifically and expressly named in every section and
 1062 clause of this act where the entire district is mentioned or
 1063 referred to. All assessments, levies, bonds, and other
 1064 obligations made, levied, assessed, or issued for or in respect
 1065 to any such unit or units shall be a lien and charge solely and
 1066 only upon the lands in such unit or units, respectively, for the
 1067 benefit of which the same shall be levied, made, or issued, and
 1068 not upon the remaining units or lands in the district. The board
 1069 of supervisors, upon an affirmative vote of a simple majority of
 1070 qualified electors, as defined in chapter 189, Florida Statutes,
 1071 within said unit voting in a referendum, or upon approval of the
 1072 landowners of 51 percent of the acreage in said unit if there
 1073 are no residents in said unit, may at any time amend its
 1074 resolutions by changing the location and description of lands in
 1075 any such unit or units and provided, further, that if the
 1076 location or description of lands located in any such unit or
 1077 units is so changed, notice of such change shall be published as
 1078 hereinabove required in this section for notice of the formation
 1079 or organization of such unit or units; provided, however, that
 1080 no lands against which benefits shall have been assessed may be
 1081 detached from any such unit after the final adoption of the
 1082 engineer's report of benefits or chapter 170 authorizing
 1083 document, in such unit or units or the issuance of bonds or
 1084 other obligations which are payable from assessments for
 1085 benefits levied upon the lands within such unit or units.

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1086 (3) If, after adoption of the engineer's report of
1087 benefits and chapter 170 authorizing documents in such unit or
1088 units, or the issuance of bonds or other obligations that are
1089 payable from assessments for benefits levied upon lands within
1090 such unit or units, the board of supervisors finds the plan of
1091 improvements, engineer's report, or chapter 170 authorizing
1092 documents for any such unit or units insufficient or inadequate
1093 for efficient development, the same may be amended or changed as
1094 provided in this act or chapter 170 or chapter 298, Florida
1095 Statutes, and the unit or units may be amended or changed as
1096 provided in this section by changing the location and
1097 description of lands in any such unit or units by detaching
1098 lands therefrom or by adding land thereto, upon the approval of
1099 at least 51 percent of the landowners according to acreage in
1100 any such unit, and provided that in such event all assessments,
1101 levies, fees, bonds, and other obligations made, levied,
1102 assessed, incurred, or issued for or in respect to any such unit
1103 or units may be allocated and apportioned to the amended unit or
1104 units in proportion to the benefits assessed by the engineer's
1105 report, for the amended plan of improvements and said report
1106 shall specifically provide for such allocation and
1107 apportionment. The landowners shall file their approval of or
1108 objections to such amended plan of improvements within the time
1109 provided in section 298.301, Florida Statutes, or, when used,
1110 such applicable deadline provision, if any, of chapter 170,
1111 Florida Statutes, and shall file their approval of or objections
1112 to the amendment of such unit as provided in this section.

1113 (4) No assessable lands shall be detached from any unit
 1114 after the issuance of bonds or other obligations for such unit
 1115 except upon the consent of a majority of the holders, based on
 1116 face value of the outstanding bonds, of such bonds or other
 1117 obligations. In the event of the change of the boundaries of any
 1118 unit as provided herein and the allocation and apportionment to
 1119 the amended unit or units of assessments, levies, fees, bonds,
 1120 and other obligations in proportion to the benefits assessed,
 1121 the holder of the bonds or other obligations heretofore issued
 1122 for the original unit who consents to such allocation and
 1123 apportionment shall be entitled to all rights and remedies
 1124 against any lands added to the amended unit or units as fully
 1125 and to the same extent as if such added lands had formed and
 1126 constituted a part of the original unit or units at the time of
 1127 the original issuance of such bonds or other obligations, and
 1128 regardless of whether the holders of such bonds or other
 1129 obligations are the original holders thereof or the holders from
 1130 time to time hereafter, and the rights and remedies of such
 1131 holders against the lands in the amended unit or units,
 1132 including any lands added thereto, under such allocation and
 1133 apportionment, shall constitute vested and irrevocable rights
 1134 and remedies to the holders from time to time of such bonds or
 1135 other obligations as fully and to the same extent as if such
 1136 bonds or other obligations had been originally issued to finance
 1137 the improvements in such amended unit or units.

1138 (5) Upon the formation of a unit, the board is authorized
 1139 to levy a one-time organizational special assessment tax per
 1140 acre on the lands in a unit sufficient to prepare a plan of

1141 improvements or chapter 170 authorizing documents and have the
 1142 benefits assessed as provided herein.

1143 (6) The territorial limits of a unit may be expanded to
 1144 include additional land by agreement between the district and
 1145 all of the landowners of the land to be included in the unit,
 1146 provided that, at the time of the execution of the agreement,
 1147 the additional land is contained within the jurisdictional
 1148 boundaries of the district. Land included in the unit by
 1149 agreement shall thereafter be subject to the payment of all
 1150 assessments or fees levied by the district in the unit and shall
 1151 be subject to the provisions of all laws under which the
 1152 district operates. The agreement shall be in recordable form and
 1153 filed in the official records.

1154 (7) The district shall not amend any plan of improvement
 1155 for any unit in which any real property has been sold to the
 1156 general public at large for residential and noncommercial
 1157 purposes in such a way that said amendment results in any
 1158 increase in the principal amount of debt then authorized for
 1159 that unit, without an affirmative vote of a simple majority of
 1160 qualified electors, as defined in chapter 189, Florida Statutes,
 1161 within said unit voting in a referendum.

1162 Section 13. Eminent domain.-- The board of supervisors is
 1163 hereby authorized, when reasonably necessary for the
 1164 implementation of the powers granted to it under section 4, or
 1165 for the implementation of district-authorized public
 1166 infrastructure works, facilities, services, or roads and rights-
 1167 of-way, to exercise its right and power of eminent domain:

1168 (1) Within the district with prior approval by resolution
 1169 of the governing body of the district and the City of North Port
 1170 Commission;

1171 (2) Outside of the district's territorial boundaries and
 1172 within the City of North Port or Charlotte County, Desoto
 1173 County, or Sarasota County with prior approval, by resolution,
 1174 of the City of North Port Commission or governing body of the
 1175 county affected; and

1176 (3) Further provided that the powers set forth in
 1177 subsections (1) and (2) shall be exercised pursuant to the
 1178 provisions of chapters 73 and 74, Florida Statutes, over any
 1179 property within Charlotte County, Desoto County, or Sarasota
 1180 County, as well as any property within the district and the City
 1181 of North Port, except municipal, county, School District of
 1182 Sarasota County, state, and federal property. Such right and
 1183 power of eminent domain shall be subject to approval, by
 1184 resolution, of the governing body of the affected county or
 1185 municipality.

1186 Section 14. Definition of 51 percent of acreage in any
 1187 area.--When the consent of 51 percent of the acreage is required
 1188 in any described geographical area for any purpose, in
 1189 determining the acreage in the area, the lands and rights-of-way
 1190 of the district and all lands which are or will be exempt or
 1191 excluded from payment of the district assessments shall not be
 1192 included in the acreage to determine the 51 percent consent
 1193 requirements.

1194 Section 15. Amending plan of improvements, engineer's
 1195 report, or chapter 170 authorizing documents.--In addition to,

1196 and as an alternative to, the provisions of chapters 298 and
 1197 170, Florida Statutes, a plan of improvements, the engineer's
 1198 report, or chapter 170 authorizing document may be amended,
 1199 modified, corrected, and changed from time to time in the
 1200 following manner:

1201 (1) The intent of this section, in part, is to give the
 1202 board of supervisors power with broad latitude to make
 1203 additional and such other improvements to the plan of
 1204 improvements or chapter 170 authorizing documents that the board
 1205 of supervisors considers appropriate to implement the purpose
 1206 and intent of the plan of improvements or chapter 170
 1207 authorizing documents and that, in the opinion of the board,
 1208 results in a benefit to the land and will not increase the cost
 1209 in excess of the total benefits assessed as provided herein. The
 1210 district may accept for operation maintenance additional
 1211 facilities which are within or outside its boundaries and
 1212 supplement a plan of improvements or chapter 170 authorizing
 1213 documents.

1214 (2) As an alternate procedure, the board of supervisors
 1215 shall have the power to change, alter, or amend a previously
 1216 approved or adopted plan of improvements, engineer's report, or
 1217 chapter 170 authorizing documents by duly adopted resolution;
 1218 provided the district engineer certifies that all land subject
 1219 to the previously approved or adopted plan of improvements or
 1220 chapter 170 authorizing documents will receive the same or
 1221 greater benefits as previously assessed and that the estimated
 1222 cost of constructing the plan of improvements, including the
 1223 changes or amendments to it, the engineer's report, or chapter

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1224 170 authorizing documents do not exceed the total benefits
1225 assessed. Said resolution shall be filed with the secretary of
1226 the district and shall be binding upon the owners of lands
1227 subject to the plan of improvements, the engineer's report, or
1228 chapter 170 authorizing documents, as applicable, including
1229 their successors and assigns.

1230 (3) When a plan of improvements, engineer's report, or
1231 chapter 170 authorizing document is amended, modified, or
1232 changed by any authorized procedure, the approval or consent of
1233 the holders of the bonds issued in respect to such plan,
1234 engineer's report, or chapter 170 authorizing document shall not
1235 be required, and amendments, modifications, and changes may be
1236 made to the plan of improvements, engineer's report, or chapter
1237 170 authorizing document without bondholders' approval or
1238 consent.

1239 (4) The district shall not amend any plan of improvement
1240 for any unit in which any real property has been sold to the
1241 general public at large for residential and noncommercial
1242 purposes, in such a way that said amendment results in any
1243 increase in the principal amount of debt then authorized for
1244 that unit, without an affirmative vote of a simple majority of
1245 qualified electors, as defined in chapter 189, Florida Statutes,
1246 within said unit voting in a referendum.

1247 Section 16. Meetings and notices.--All meetings of the
1248 board of supervisors of the district shall be held in the City
1249 of North Port and shall be audio or video taped. Further, all
1250 meetings shall be conducted under the procedures set forth in
1251 Robert's Rules of Order (the "Rules"), especially when making

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1252 and discussing motions. Each board member shall receive a copy
1253 of the Rules and the board shall name a Parliamentarian who is
1254 well-versed in the application of the Rules to ensure adherence.
1255 The chairperson shall be responsible for preparing an agenda for
1256 each meeting and shall supply the agenda to all board members
1257 and make the same available to the residents and landowners at
1258 least 10 days prior to each meeting. Moreover, the right to
1259 public comment must be made available to the residents and
1260 landowners before the board of supervisors has made a decision.
1261 All public records held by the district shall be made available
1262 to the public pursuant to chapter 119, Florida Statutes,
1263 including exemptions thereto. Except as otherwise specifically
1264 set forth in the act, the board of supervisors shall hold its
1265 meetings pursuant to sections 189.416 and 189.417, Florida
1266 Statutes.

1267 Section 17. Reports, budgets, audits.--The board of
1268 supervisors shall, on a semiannual basis, prepare a financial
1269 statement setting forth the necessary financial information to
1270 allow the residents and landowners to clearly determine the
1271 manner and methods used to address the needs of the district
1272 while ensuring the financial security of the district. The
1273 financial report shall include, but is not limited to, income
1274 statements, expense statements on a line-item basis, and any
1275 capital expenditures, maintenance expenditures, salaries, and
1276 other ordinary and extraordinary expenses attributed to the
1277 operation of the district. Said financial statements shall be
1278 provided to the City of North Port Finance Director at least 3
1279 weeks prior to the semiannual meeting of the board of

1280 supervisors. The district shall prepare and submit reports,
 1281 budgets, and audits as provided in sections 189.415 and 189.418,
 1282 Florida Statutes.

1283 Section 18. Territorial boundaries.--The territorial
 1284 boundaries of the district shall be as follows, to wit:

1285
 1286 All of Sections 1, 2, 11, 12, 13, 14 and a portion of
 1287 Sections 3, 4, 9, 10, 15 and 16, Township 39 South,
 1288 Range 22 East, Sarasota County, Florida, being more
 1289 particularly described as follows:

1290
 1291 BEGINNING AT THE NORTHEAST CORNER OF SECTION 9,
 1292 TOWNSHIP 39 SOUTH, RANGE 22 EAST ALSO BEING THE
 1293 NORTHWEST CORNER OF SECTION 10; THENCE N.89°56'00"W.,
 1294 (GRID BEARING, FLORIDA TRANSVERSE MERCATOR, WEST ZONE)
 1295 ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF
 1296 324.51 FEET TO A POINT IN THE ALDERMAN SLOUGH; THENCE
 1297 FOLLOWING SAID ALDERMAN SLOUGH IN A SOUTHERLY
 1298 DIRECTION, THE FOLLOWING COURSES: S.18°25'53"W.,
 1299 THROUGH SECTION 9 A DISTANCE OF 85.39 FEET; THENCE
 1300 S.27°12'16"E., A DISTANCE OF 517.18 FEET; THENCE
 1301 S.57°39'41"E., A DISTANCE OF 124.04 FEET TO A POINT ON
 1302 THE WEST LINE OF SECTION 10, BEARING S.00°58'09"W., A
 1303 DISTANCE OF 607.04 FEET FROM THE NORTHWEST CORNER OF
 1304 SAID SECTION 10; THENCE S.57°39'41"E., THROUGH SECTION
 1305 10 A DISTANCE OF 63.21 FEET; THENCE S.10°12'48"E., A
 1306 DISTANCE OF 555.38 FEET; THENCE S.07°21'16"E., A
 1307 DISTANCE OF 672.34 FEET; THENCE S.10°44'03"E., A

1308 DISTANCE OF 651.24 FEET; THENCE S.10°36'13"W., A
 1309 DISTANCE OF 530.75 FEET; THENCE S.01°14'47"W., A
 1310 DISTANCE OF 820.24 FEET; THENCE S.03°22'21"E., A
 1311 DISTANCE OF 253.99 FEET; THENCE S.08°05'01"E., A
 1312 DISTANCE OF 925.01 FEET; THENCE S.12°02'12"E., A
 1313 DISTANCE OF 324.13 FEET TO A POINT ON THE NORTH LINE
 1314 OF SECTION 15, BEARING S.89°40'03"E., A DISTANCE OF
 1315 536.06 FEET FROM THE NORTHWEST CORNER OF SAID SECTION
 1316 15; THENCE THROUGH SECTION 15, S.12°02'12"E., A
 1317 DISTANCE OF 127.44 FEET; THENCE S.09°19'36"E., A
 1318 DISTANCE OF 688.88 FEET; THENCE S.04°17'39"E., A
 1319 DISTANCE OF 145.23 FEET; THENCE S.11°04'54"E., A
 1320 DISTANCE OF 278.80 FEET; THENCE S.18°24'37"W., A
 1321 DISTANCE OF 118.03 FEET; THENCE S.27°30'33"W., A
 1322 DISTANCE OF 170.26 FEET; THENCE S.05°11'15"E., A
 1323 DISTANCE OF 86.33 FEET; THENCE S.07°05'59"W., A
 1324 DISTANCE OF 206.26 FEET; THENCE S.03°47'11"E., A
 1325 DISTANCE OF 108.15 FEET; THENCE S.15°38'29"W., A
 1326 DISTANCE OF 229.08 FEET; THENCE S.11°11'29"W., A
 1327 DISTANCE OF 651.33 FEET; THENCE S.04°17'53"W., A
 1328 DISTANCE OF 74.25 FEET; THENCE S.16°13'07"W., A
 1329 DISTANCE OF 79.94 FEET; THENCE S.06°56'07"W., A
 1330 DISTANCE OF 292.06 FEET; THENCE S.19°33'24"W., A
 1331 DISTANCE OF 62.42 FEET; THENCE S.51°48'15"W., A
 1332 DISTANCE OF 177.50 FEET; THENCE S.35°17'02"W., A
 1333 DISTANCE OF 182.82 FEET; THENCE S.51°44'00"W., A
 1334 DISTANCE OF 129.18 FEET TO A POINT ON THE EAST LINE OF
 1335 SECTION 16, BEARING N.00°16'13"E., A DISTANCE OF

1336 1734.15 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION
 1337 16; THENCE S.51°44'00"W. THROUGH SECTION 16, A
 1338 DISTANCE OF 18.84 FEET; THENCE S.35°17'35"W., A
 1339 DISTANCE OF 203.28 FEET TO A POINT ON THE NORTHERLY
 1340 LIMITED ACCESS RIGHT-OF-WAY LINE FOR INTERSTATE
 1341 HIGHWAY #75; THENCE S.44°57'25"E., ALONG SAID RIGHT-
 1342 OF-WAY LINE A DISTANCE OF 186.37 FEET TO A POINT ON
 1343 THE WEST LINE OF SECTION 15, BEARING N.00°06'13"E., A
 1344 DISTANCE OF 1424.68 FEET FROM THE SOUTHWEST CORNER OF
 1345 SAID SECTION 15, THENCE S.44°57'25"E. ALONG SAID
 1346 RIGHT-OF-WAY LINE A DISTANCE OF 2023.63 FEET TO AN
 1347 INTERSECTION WITH THE SOUTH LINE OF SECTION 15,
 1348 BEARING S.89°42'25"E. A DISTANCE OF 1432.44 FEET FROM
 1349 THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE
 1350 S.89°42'25"E., ALONG THE SOUTH LINE OF SAID SECTION 15
 1351 A DISTANCE OF 3869.24 FEET TO THE SOUTHWEST CORNER OF
 1352 SECTION 14; THENCE S.89°42'24"E., ALONG THE SOUTH LINE
 1353 OF SAID SECTION 14 A DISTANCE OF 5321.72 FEET TO THE
 1354 SOUTHWEST CORNER OF SECTION 13; THENCE S.89°42'24"E.,
 1355 ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF
 1356 5413.63 FEET TO THE SOUTHEAST CORNER OF SAID SECTION
 1357 13 AND THE EAST RANGE LINE OF SAID TOWNSHIP 39 SOUTH,
 1358 RANGE 22 EAST; THENCE N.00°14'50"E., ALONG THE EAST
 1359 LINE OF SAID SECTION 13 A DISTANCE OF 5325.52 FEET TO
 1360 THE SOUTHEAST CORNER OF SECTION 12; THENCE
 1361 N.00°14'45"E., ALONG THE EAST LINE OF SAID SECTION 12
 1362 A DISTANCE OF 5324.68 FEET TO THE SOUTHEAST CORNER OF
 1363 SECTION 1; THENCE N.00°14'30"E., ALONG THE EAST LINE

1364 OF SAID SECTION 1 A DISTANCE OF 5324.24 FEET TO THE
 1365 NORTHEAST CORNER OF SAID SECTION 1 AND THE NORTHEAST
 1366 CORNER OF TOWNSHIP 39 SOUTH, RANGE 22 EAST; THENCE
 1367 N.89°44'59"W., ALONG THE NORTH LINE OF THE NORTHEAST
 1368 QUARTER OF SAID SECTION 1 A DISTANCE OF 2655.22 FEET
 1369 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF
 1370 SAID SECTION 1; THENCE N.89°44'46"W., ALONG THE NORTH
 1371 LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2655.22
 1372 FEET TO THE NORTHEAST CORNER OF SECTION 2; THENCE
 1373 N.89°44'34"W., ALONG THE NORTH LINE OF THE NORTHEAST
 1374 QUARTER OF SAID SECTION 2 A DISTANCE OF 2655.22 FEET
 1375 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF
 1376 SAID SECTION 2; THENCE N.89°44'21"W., ALONG THE NORTH
 1377 LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2655.22
 1378 FEET TO THE NORTHWEST CORNER OF SECTION 2; WHICH IS
 1379 THE NORTHEAST CORNER OF SECTION 3; THENCE
 1380 N.89°43'55"W. ALONG THE NORTH LINE OF THE NORTHEAST
 1381 QUARTER OF SAID SECTION 3 A DISTANCE OF 2655.22 FEET
 1382 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF
 1383 SAID SECTION 3; THENCE N.89°43'42"W. ALONG THE NORTH
 1384 LINE OF THE NORTHWEST QUARTER OF SECTION 3 A DISTANCE
 1385 OF 2655.22 FEET TO THE NORTHWEST CORNER OF SECTION 3;
 1386 THENCE S.00°47'59"W. ALONG THE WEST LINE OF THE NORTH
 1387 HALF OF SECTION 3 A DISTANCE OF 2663.2 FEET TO THE
 1388 SOUTHWEST CORNER OF THE NORTH HALF OF SAID SECTION 3
 1389 AND THE SOUTHEAST CORNER OF THE NORTH HALF OF SECTION
 1390 4; THENCE N.89°49'42"W. ALONG THE SOUTH LINE OF THE
 1391 NORTH HALF OF SECTION 4 A DISTANCE OF 32.18 FEET TO A

1392 POINT IN THE ALDERMAN SLOUGH; THENCE FOLLOWING SAID
 1393 ALDERMAN SLOUGH IN A SOUTHERLY DIRECTION, THE
 1394 FOLLOWING COURSES: S.19°46'12"W. A DISTANCE OF 384.63
 1395 FEET; THENCE S.06°17'38"E. A DISTANCE OF 74.84 FEET;
 1396 THENCE S.16°26'43"E. A DISTANCE OF 499.12 FEET TO A
 1397 POINT ON THE WEST LINE OF SAID SECTION 3 BEARING
 1398 N.00°47'59"E. A DISTANCE OF 1748.17 FEET FROM THE
 1399 SOUTHWEST CORNER OF SAID SECTION 3; THENCE
 1400 S.16°26'43"E. THROUGH SECTION 3 A DISTANCE OF 211.62
 1401 FEET; THENCE S.03°07'54"W. A DISTANCE OF 225.97 FEET;
 1402 THENCE S.07°53'10"W. A DISTANCE OF 216.17 FEET; THENCE
 1403 S.18°35'25"W. A DISTANCE OF 87.96 FEET TO A POINT ON
 1404 THE EAST LINE OF SECTION 4 BEARING N.00°47'59"E. A
 1405 DISTANCE OF 1022.0 FEET FROM THE SOUTHEAST CORNER OF
 1406 SAID SECTION 4; THENCE S.18°20'50"W. A DISTANCE OF
 1407 1076.23 FEET TO A POINT ON THE SOUTH LINE OF SAID
 1408 SECTION 4; THENCE S.89°56'00"E. A DISTANCE OF 324.51
 1409 FEET TO THE SOUTHWEST CORNER OF SECTION 3 AND THE
 1410 NORTHEAST CORNER OF SECTION 9 AND THE POINT OF
 1411 BEGINNING.

1412
 1413 CONTAINING NOT LESS THAN 5,771.37 ACRES.

1414
 1415 THE ABOVE DESCRIBED PROPERTY IS COMPOSED OF THAT
 1416 PROPERTY DESCRIBED IN A WARRANTY DEED FROM MCK FARMS,
 1417 LTD. AND RECORDED IN THE OFFICIAL RECORDS OF SARASOTA
 1418 COUNTY, FLORIDA, AS INSTRUMENT NO 2000076815, AND A
 1419 PORTION OF THE PROPERTY DESCRIBED IN A SPECIAL

1420 WARRANTY DEED FROM CARLTON SARASOTA, L.L.C., et al, to
 1421 GLAWSON INVESMENTS CORP. DATED JUNE 16, 2000, AND
 1422 RECORDED IN THE OFFICIAL RECORDS OF SARASOTA COUNTY,
 1423 FLORIDA, AS INSTRUMENT NO. 2000164425.

1424
 1425 A PORTION OF SECTION 4, TOWNSHIP 39 SOUTH, RANGE 22
 1426 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE
 1427 PARTICULARLY DESCRIBED AS FOLLOWS;

1428
 1429 COMMENCE AT THE SOUTHEAST CORNER OF THE NORTH HALF OF
 1430 SAID SECTION 4; THENCE NORTH 88°49'42" WEST ALONG THE
 1431 SOUTH LINE OF SAID NORTH HALF A DISTANCE OF 32.18 FEET
 1432 TO THE POINT OF BEGINNING; THENCE SOUTH 19°46'12" WEST
 1433 A DISTANCE OF 173.97 FEET TO AN INTERSECTION WITH A
 1434 NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS
 1435 OF 550.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE
 1436 TO THE RIGHT THROUGH A CENTRAL ANGLE OF 26°22'34", AN
 1437 ARC DISTANCE OF 253.19 FEET (CHORD=250.96 FEET
 1438 BEARING=NORTH 49°03'24" WEST) TO THE INTERSECTION WITH
 1439 THE AFORESAID SOUTH LINE OF THE NORTH HALF; THENCE
 1440 SOUTH 89°49'42" EAST ALONG SAID SOUTH LINE A DISTANCE
 1441 OF 248.41 FEET TO THE POINT OF BEGINNING.

1442
 1443 THIS IS A PORTION OF THE SAME PROPERTY CONVEYED TO
 1444 GLAWSON INVESTMENTS CORP. BY CARLTON SARASOTA, L.L.C.,
 1445 DAVID SARASOTA, L.L.C., PALLARDY SARASOTA, L.L.C. AND
 1446 NORTHPORT MATERIALS, L.L.C. BY SPECIAL WARRANTY DEED
 1447 DATED MARCH 14, 2002, AND FILED IN THE OFFICIAL

1448 RECORDS OF THE CIRCUIT COURT OF SARASOTA COUNTY,
 1449 FLORIDA AS INSTRUMENT 2002056489.

1451 Section 19. Severability.--In case any one or more of the
 1452 sections or provisions of this act or the application of such
 1453 sections or provisions to any situation, circumstance, or person
 1454 shall for any reason be held to be unconstitutional, such
 1455 unconstitutionality shall not affect any other sections or
 1456 provisions of this act or the application of such sections or
 1457 provisions to any other situation, circumstance, or person, and
 1458 it is intended that this law shall be construed and applied as
 1459 if such section or provision had not been included herein for
 1460 any unconstitutional application.

1461 Section 20. Public disclosures.--

1462 (1) The district shall be required to comply with all
 1463 current or future requirements, if any, to provide disclosure to
 1464 the public and current or potential property owners concerning
 1465 the district and its assessments.

1466 (2) Any contract for sale of real property within the
 1467 district whereby a land developer or builder is selling property
 1468 to the general public at large for residential and noncommercial
 1469 purposes must contain a disclosure to the potential purchaser
 1470 disclosing the existence and nature of the district, as well as
 1471 actual amounts of bonded indebtedness applicable to that
 1472 property and projected assessments for principal debt repayment
 1473 that the district is then obligated to assess and collect
 1474 annually upon the subject real property. Said disclosure must be

1475 presented prominently and specifically acknowledged in writing
 1476 by the buyer in the sales and closing documents.

1477 (3) Prior to the closing, the developer, builder, or
 1478 current landowner shall inform the potential buyer of the
 1479 current annual operating maintenance budget assessment and any
 1480 identified planned increases to that assessment required to be
 1481 paid by the purchaser upon taking ownership of the real estate.

1482 (4) Any property owners' association created within the
 1483 district by a land developer or builder shall contain language
 1484 in its charter or a declaration of covenants disclosing the
 1485 existence and purpose of the district.

1486 (5) The district shall cause to be recorded in the public
 1487 records of Sarasota County the formation of any unit created
 1488 pursuant to section 12 and, upon of the sale of any debt, the
 1489 principal amount of bonded indebtedness incurred for that unit.

1490 (6) Any land developer or builder who maintains a sales
 1491 office for the purpose of the initial sale of homes or lots
 1492 within the district to the general public at large shall post a
 1493 readily visible sign of not less than 24 inches by 36 inches in
 1494 the sales office that advises potential buyers of the existence
 1495 and purpose of the district.

1496 Section 21. Sale of lands.--In the event that any part of
 1497 the lands described in Section 18 are sold to the state or any
 1498 executive branch department thereof or the Southwest Florida
 1499 Water Management District:

1500 (1) The seller of said land shall be able to utilize any
 1501 such lands sold for open space mitigation, wetland mitigation,
 1502 and stormwater mitigation for development within the district.

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1503 (2) Any development within the district that shall be
1504 required to obtain any permits from any executive branch
1505 department of the state or the Southwest Florida Water
1506 Management District shall receive expedited review of those
1507 permits.

1508 Section 22. This act shall take effect upon becoming a
1509 law.