

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,

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 as limited by section 13, for the
 118 purposes of exercising its powers for the provision of services
 119 to the district, subject to the approval of the City of North
 120 Port Commission or its designee, or if otherwise required by
 121 another governmental entity or agency. Any property interests
 122 owned by the district which are used for nonpublic or private
 123 commercial purposes shall be subject to all ad valorem taxes,
 124 intangible personal property taxes, or non-ad valorem
 125 assessments, as would be applicable if said property were
 126 privately owned.

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

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

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

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

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

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

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

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

224 (k) To finance, plan (consistent with the City of North
 225 Port Comprehensive Plan as amended and implementing ordinances,
 226 studies, and plans, or those of other appropriate local or state
 227 governments), design, acquire, construct, install, operate,
 228 equip, upgrade, replace, extend, renovate, reclaim, mitigate,
 229 protect, and remove exotics and maintain improvements, works,
 230 landscaping, systems, structures, buildings, and facilities for
 231 community or public preserves, uplands, wetlands, playgrounds,
 232 parks, gymnasiums, stadiums, ball fields, greenways, waterways,
 233 and facilities for indoor and outdoor recreational, sport,
 234 cultural, and educational uses.

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

251 and turn over operation of all or any portion of said water
 252 system to the City of North Port.

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

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

278 (o) To finance, plan (consistent with the City of North
 279 Port Comprehensive Plan as amended and implementing ordinances,
 280 studies, and plans, or those of other appropriate local or state
 281 governments), design, acquire, construct, install, operate,
 282 equip, upgrade, replace, extend, renovate, and maintain lands,
 283 works, systems, landscaping, and facilities for preservation
 284 areas, conservation areas, environmental areas, mitigation
 285 areas, and wildlife habitat or sanctuaries, including the
 286 maintenance of any plant or animal species, and any related
 287 interest in real or personal property. The district shall allow
 288 the City of North Port access to all such improvements and shall
 289 allow access by the public when appropriate.

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

304 (q) To levy non-ad valorem assessments; to prescribe, fix,
 305 establish, and collect rates, fees, rentals, fares, or other

306 charges, and revise the same from time to time, for property,
307 facilities, and services made available, furnished, or to be
308 furnished by the district; and to recover the cost of making or
309 authorizing the connection to any district facility or system or
310 installing works or improvements on or within district property
311 interests. However, no rates, fares, charges, or fees shall be
312 established until after a public hearing of the board at the
313 district at which all affected persons shall be given an
314 opportunity to be heard.

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

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

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

334 assessments, and revenues to secure such bonds, notes, or
 335 obligations, and sell, discount, negotiate, and dispose of the
 336 same.

337 (u) To provide for safety enhancements, including, but not
 338 limited to, security, guardhouses, fences, gates, and electronic
 339 intrusion detection systems. The district shall not be
 340 authorized or empowered to exercise any police power but may
 341 contract with the appropriate local general-purpose government
 342 agencies for an increased level of such service. Notwithstanding
 343 anything to the contrary, nothing herein shall allow the
 344 district to limit the level of law enforcement provided by
 345 federal, state, or local governmental agencies.

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

361 (w) To submit for and obtain permits, make and enter into
362 contracts and agreements as are necessary or incidental to the
363 performance of the duties imposed and the execution of the
364 powers granted under this act, and employ such consulting and
365 other engineers, superintendents, managers, administrators,
366 construction and financial experts, attorneys, and such
367 employees and agents as may, in the judgment of the district, be
368 necessary, and fix their compensation.

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

389 governmental building and construction permits and approvals.
390 Any conflict between City of North Port and district plans,
391 rules, regulations, policies, and specifications shall be
392 resolved in favor of the City of North Port.

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

409 (z) To provide in a plan of improvements, the engineer's
410 report, or chapter 170 authorizing documents that in assessing
411 the benefits and damages to be incurred by lands of the district
412 from the implementation, provision, or construction of a plan of
413 improvements or improvements or services, pursuant to chapter
414 170 authorizing documents, the varying types of existing or
415 proposed land uses of the land within the unit or affected by
416 such construction or implementation, as the case may be, may be

417 considered and be entitled to so assess the benefits and
418 damages. The district may levy non-ad valorem assessments based
419 upon the benefits assessed in such manner, taking into account
420 the varying existing or proposed land uses of the land affected
421 by such construction as shall provide for the equitable
422 apportionment of such assessments. Such assessments may be
423 levied on the basis of lots, units, acreage, parcels, equivalent
424 connection, or uses or as otherwise set forth in the engineer's
425 report or in the chapter 170 authorizing documents.

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

441 (bb) Notwithstanding any authority contained within this
442 section, the development, operation, or maintenance of any
443 district facilities or services shall comply with the adopted

444 comprehensive plan, unified land development code, zoning code,
445 and any other city codes of the City of North Port.

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

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

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

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

463 (gg) Following methodology consistent with the county's
464 concurrency management regulations, or the concurrency
465 regulations of an adjacent county impacted by the development,
466 and notwithstanding any authority contained within this section,
467 the district shall not construct any improvements within the
468 district pursuant to any development order where that
469 development would cause the level of service on any concurrency
470 regulated facility in Sarasota County, Charlotte County, or
471 Desoto County to drop below the level of service adopted as of

472 the effective date of this act, or a subsequently reduced level
473 of service, in any affected county's comprehensive plan pursuant
474 to chapter 163, Florida Statutes, without paying its fair share
475 contribution to improving that facility. Affected counties shall
476 have the right under section 163.3215, Florida Statutes, to
477 contest any such development order on the basis that it fails to
478 require the district to pay its fair share contribution. The
479 fair share contribution shall include both the contribution to
480 the county from the fair share collected by the City of North
481 Port pursuant to the county's impact fee ordinance and
482 interlocal agreements between Sarasota County, affected
483 counties, and the City of North Port, as well as direct
484 contributions made to the counties by the district. Nothing
485 contained herein shall be construed as limiting the obligations
486 of the district or property owners therein as set forth in
487 Florida Statutes and applicable rules or to limit the
488 development of infrastructure, roads, or public improvements.

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

497 (3) To include in a plan of improvements the engineer's
498 report, chapter 170 authorizing documents, or otherwise provide
499 for the exercise of the district's powers, services, facilities,

500 and improvements beyond the territorial boundaries of the
501 district, when necessary and appropriate to provide a benefit on
502 behalf of lands located within the district and pursuant to an
503 approved plan of improvements or chapter 170 authorizing
504 documents. Any such construction must be in accordance with the
505 city's master plans and requirements. Any such construction
506 within Sarasota County must be in accordance with the county's
507 comprehensive plan, master plans, and thoroughfare plan. The
508 North Port Orange Hammock Improvement District shall cooperate
509 and coordinate its activities with the units of general-purpose
510 local government in which it is located, including the City of
511 North Port and Sarasota County, as well as Charlotte and DeSoto
512 Counties, with regard to roadway and traffic issues that may
513 arise. The district is authorized to enter into interlocal
514 agreements with the City of North Port, Sarasota County,
515 Charlotte County, Desoto County, or any other units of
516 government. Whenever the district intends to utilize its powers
517 to construct or cause to be constructed infrastructure projects
518 or programs within the district or as necessary and permitted
519 outside the district boundaries, the district shall provide
520 copies of all plans and infrastructure permit applications to
521 the appropriate county planning director or development services
522 business center at such time as the district submits such plans
523 or permit applications to the City of North Port or other
524 permitting authority, but, in any event, at least 30 days before
525 the City of North Port or other permitting authority issues
526 permits for those projects. The district shall allow Sarasota
527 County, and adjacent counties where appropriate, 30 days after

528 submission to the county to comment on those plans and permit
529 applications, but, as to construction or improvements that are
530 not within Sarasota County, the county's approval is not
531 required for the district to proceed with the project. Sarasota
532 County shall not unduly interfere with the district's exercise
533 of its powers conferred by this act.

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

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

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

543 (3) The first board of supervisors shall be composed of
544 five persons, two of whom shall hold office for 4 years each,
545 one of whom shall hold office for 3 years, one of whom shall
546 hold office for 2 years, and one of whom shall hold office for 1
547 year, which terms shall terminate in June of their applicable
548 final year. Within 120 days after this act becomes a law, a
549 special meeting of landowners of the North Port Orange Hammock
550 Improvement District shall be held for the purpose of electing
551 the first board of supervisors as herein provided. Notice of
552 such special meeting of landowners shall be given by causing
553 publication thereof to be made once a week for 2 consecutive
554 weeks prior to such meeting in the newspaper of general paid
555 circulation that the City of North Port publishes notices of

556 city meetings, and, prior to the meeting, provision of 2 weeks'
557 advance written notice to the City of North Port Manager,
558 including the agenda and any backup material. Such special
559 meeting of landowners shall be held in a public place in the
560 City of North Port, and the place, date, and hour of holding
561 such meeting and the purpose thereof shall be stated in the
562 notice. The landowners, when assembled, shall organize by
563 electing a chair who shall preside at the meeting and a vice
564 chair, secretary, and treasurer. At such meeting, each and every
565 acre, or any fraction thereof, of land in the district shall
566 represent one vote, and each owner shall be entitled to one vote
567 in person or by written proxy for every acre of land, or any
568 fraction thereof, owned by such owner in the district.
569 Candidates must be citizens of the United States and shall be
570 nominated prior to commencement of the initial election. The
571 landowners shall first vote for the two supervisors who are to
572 hold office for the two seats for initial terms of 4 years as
573 herein provided, and the persons receiving the highest and next
574 highest number of votes for such supervisor offices shall be
575 declared and elected as the supervisors for said two seats. The
576 landowners shall next vote for the supervisor who is to hold
577 office for that seat for a term of 3 years as provided herein,
578 and the person receiving the highest number of votes for such
579 supervisor shall be declared and elected as such supervisor for
580 said seat. Said landowners shall continue to so vote for each
581 remaining seat until the supervisor who is to hold office for
582 the term of 1 year as herein provided is elected for said seat.

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583 The landowners present or voting by proxy at the meeting shall
584 constitute a quorum.

585 (4) Each year during the month of June, beginning with
586 June of the second year following the first election, a
587 supervisor shall be elected, as hereinafter provided, by the
588 landowners of said district to take the place of the retiring
589 supervisor. All vacancies or expirations on said board shall be
590 filled as provided by this act. All supervisors of the district
591 shall be citizens of the United States. In order to be eligible
592 for election following the initial election of supervisors, a
593 candidate for an office of supervisor shall be required to file
594 a written notice of intention to be a candidate in said office
595 of the district at least 30 calendar days but not earlier than
596 90 calendar days before, but not including, the day of the
597 annual meeting of the landowners. In case of a vacancy in the
598 office of any supervisor, the remaining supervisors within 90
599 calendar days of the vacancy shall fill such vacancy until the
600 expiration of that seat's outstanding term when a successor
601 shall be elected by the landowners.

602 (5) As soon as practicable after their election and the
603 taking of oaths of office, the board of supervisors shall
604 organize by choosing a chair and vice chair of the board of
605 supervisors and by electing some suitable persons, who may or
606 may not be members of the board, secretary and treasurer. The
607 board of supervisors shall adopt a seal that shall be the seal
608 of the district.

609 (6) Each supervisor shall hold office until his or her
610 successor shall be elected and qualified. Whenever any election

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611 shall be authorized or required by this act to be held by the
612 landowners at any particular or stated time or day, and if for
613 any reason such election shall not or cannot be held at such
614 time or on such day, then, in such event and in all and every
615 such event, the power or duty to hold such election shall not
616 cease or lapse, but such election shall be held thereafter as
617 soon as practicable and consistent with this act.

618 (7) The supervisors shall not receive any compensation for
619 their services.

620 Section 6. Meetings of landowners.--

621 (1) Each year during the month of June, a meeting of the
622 landowners of the district shall be held, when necessary, for
623 the purpose of electing a supervisor and hearing reports of the
624 board of supervisors and considering any matters upon which the
625 board of supervisors may request the advice and views of the
626 landowners. The board of supervisors shall have the power to
627 call special meetings of the landowners at any time to consider
628 and act upon any matter upon which the board of supervisors may
629 request action, direction, or advice. Notice of all meetings of
630 the landowners shall be given by the board of supervisors by
631 causing publication thereof to be made for 2 consecutive weeks
632 prior to such meeting in the newspaper of general paid
633 circulation that the City of North Port publishes notices of
634 city meetings, and, prior to the meeting, provision of 2 weeks'
635 advance written notice to the City of North Port Manager,
636 including the agenda and any backup material. The meetings of
637 the landowners shall be held in a public place in the City of
638 North Port, and the place, day, and hour of holding such

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639 meetings shall be stated in the notice. The landowners, when
640 assembled, shall organize by electing a chair who shall preside
641 at the meeting. The secretary of the board of supervisors shall
642 be the secretary of such meeting. At all such meetings, each and
643 every acre, or any fraction thereof, of land in the district
644 shall represent one vote, and each owner shall be entitled to
645 one vote in person or by written proxy for every acre, or any
646 fraction thereof, of land owned by such owner in the district.
647 The person receiving the highest number of votes for a
648 supervisor position shall be declared and elected as such
649 supervisor. Those landowners present or voting by proxy at the
650 meeting, including the initial meeting, shall constitute a
651 quorum at any meeting of the landowners.

652 (2) Guardians may represent their wards, and personal
653 representatives may represent the estates of deceased persons.
654 Trustees may represent lands held by them in trust, and private
655 and municipal corporations may be represented by their officers
656 or duly authorized agents. Guardians, personal representatives,
657 trustees, and corporations may vote by proxy.

658 Section 7. Installment assessments; levied and
659 apportioned; collection.--

660 (1) The board of supervisors shall determine, order, and
661 levy the amount of the annual installments of the non-ad valorem
662 assessments levied under section 298.305, Florida Statutes,
663 which shall become due and collected during each year at the
664 same time that county taxes are due and collected, which levy
665 shall be evidenced to and certified by the board to the Tax
666 Collector of Sarasota County, pursuant to sections 197.3631,

667 197.3632, and 197.3635, Florida Statutes. Said non-ad valorem
668 assessments shall be extended by the county tax collector on the
669 tax roll and shall be collected by the tax collector and the net
670 proceeds thereof paid to said district. Said non-ad valorem
671 assessments shall be a lien until paid on the property against
672 which it is assessed and enforceable in like manner as county
673 taxes.

674 (2) As an alternative, in addition to, or in combination
675 with the above levy and assessment procedure for non-ad valorem
676 assessments, the district shall have, and the board of
677 supervisors may exercise, the power to determine, order, levy,
678 impose, collect, and enforce special assessments pursuant to
679 chapter 170, Florida Statutes. Such special assessments may, at
680 the discretion of the district, be collected and enforced
681 pursuant to the provisions of sections 197.3631, 197.3632, and
682 197.3635, Florida Statutes, chapter 170, Florida Statutes, or as
683 otherwise determined by the board.

684 Section 8. Maintenance assessment.--

685 (1) In lieu of any maintenance assessment provision of
686 chapter 298, Florida Statutes, when, in order to operate,
687 maintain, and preserve the improvements made, constructed,
688 installed, acquired, or received pursuant to this act and to
689 repair, upgrade, replace, extend, and restore the same, when
690 needed, and for the purpose of defraying the expenses, including
691 administration, of the district, the board of supervisors may
692 levy annually an assessment on specified property in the
693 district, to be known as a "maintenance assessment." Said
694 maintenance assessment shall be evidenced to and certified by

695 the board to the Tax Collector of Sarasota County in the same
 696 fashion and manner as other district non-ad valorem assessments
 697 and shall be collected by the tax collector in the same manner
 698 and time as county taxes and the proceeds therefrom paid to said
 699 district. Said assessments shall be a lien until paid on the
 700 property against which assessed and enforceable in like manner
 701 as county taxes.

702 (2) Provisions may be made for the financing, acquisition,
 703 replacement, and maintenance of capital improvements necessary
 704 for the operation of the district as a part of the maintenance
 705 assessment.

706 Section 9. Compensation of property appraiser and tax
 707 collector.--The property appraiser and tax collector shall be
 708 entitled to compensation for services performed in connection
 709 with assessments of said district as provided by general law.

710 Section 10. Acreage assessment for payment of initial
 711 formation and organization expenses.--There is hereby authorized
 712 by the Legislature upon each and every acre of land within the
 713 territorial boundary of the district, the authority through its
 714 said board of supervisors, and for the purpose of paying
 715 expenses incurred or to be incurred in organizing the district,
 716 the authority to levy such non-ad valorem assessments as may be
 717 determined by said board of supervisors, before said board of
 718 supervisors shall otherwise be able to obtain funds under the
 719 provisions of this act or the general laws of the state. Such
 720 organizing assessments shall become due and payable as
 721 determined by the board of supervisors and shall become
 722 delinquent 90 days thereafter. Said assessment shall be a lien

723 upon the lands in said district from the date of the enactment
724 of this act and may be collected in the same manner as the
725 annual installment of non-ad valorem assessments or as otherwise
726 determined by the board of supervisors. If it shall appear to
727 the board of supervisors to be necessary to obtain funds to pay
728 any expenses incurred or to be incurred in organizing said
729 district, preparing a plan of improvements or chapter 170
730 authorizing documents, or other expenses of the conduct and
731 operation of the district before a sufficient sum can be
732 obtained by the collection of the organization assessment
733 authorized by this section, said board of supervisors may also
734 borrow a sufficient sum of money for any of said purposes at a
735 statutory lawful rate of the interest and may issue negotiable
736 notes or bonds therefor and may pledge any and all assessments
737 of the formation assessment that may be levied under the
738 provisions of this section for the repayment thereof.

739 Section 11. Bonds may be issued, sale and disposition of
740 proceeds; interest; levy to pay bonds; bonds and duties of
741 treasurer.--

742 (1) The provisions of this section shall constitute full
743 and complete authority for the issuance of bonds by the
744 district.

745 (2) Provided that any and all loans or bonds of the
746 district are nonrecourse as to the City of North Port, the board
747 of supervisors may issue bonds not to exceed the lesser of \$500
748 million in principal at any time or 90 percent of the total
749 amount of the non-ad valorem assessments levied under the
750 provisions of section 298.305, Florida Statutes, or equal to the

751 total amount levied under chapter 170, Florida Statutes, bearing
752 interest from date at a rate not to exceed the statutory lawful
753 maximum per annum, payable annually or semiannually, to mature
754 at annual intervals within 40 years commencing after a period of
755 not later than 10 years, to be determined by the board of
756 supervisors, with both principal and interest payable at some
757 convenient place designated by the board of supervisors to be
758 named in said bonds, which bonds shall be signed by the chair of
759 the board of supervisors, and attested with the seal of the
760 district and by the signature of the secretary of the board. All
761 of said bonds shall be executed and delivered to the district or
762 its agent, which shall sell the same in such quantities and at
763 such dates as the board of supervisors may deem necessary to
764 meet the payments for the works, services, and improvements in
765 and of the district. A sufficient amount of the non-ad valorem
766 assessment shall be appropriated by the board of supervisors for
767 the purpose of paying the principal, premium, if any, and
768 interest of said bonds, and the same shall, when collected, be
769 preserved in a separate fund for that purpose and no other. All
770 bonds not paid at maturity shall bear interest at a rate not to
771 exceed the statutory lawful maximum per annum from maturity
772 until paid, or until sufficient funds have been deposited at the
773 place of payment, and said interest shall be appropriated by the
774 board of supervisors out of the penalties and interest collected
775 on delinquent assessments or other available funds of the
776 district. Provided, however, that it may, at the discretion of
777 said board, be provided that at any time after such date as
778 shall be fixed by the said board, said bonds may be redeemed

779 before maturity at the option of said board, or their successors
780 in office, by being made callable prior to maturity at such
781 times and upon such prices and terms and other conditions as
782 said board shall determine. If any bond so issued subject to
783 redemption before maturity shall not be presented when called
784 for redemption, it shall cease to bear interest from and after
785 the date so fixed for redemption.

786 (3) The board of supervisors shall have authority to issue
787 refunding bonds to take up any outstanding bonds and any
788 interest accrued thereon when, in the judgment of said board, it
789 shall be for the best interest of said district so to do. The
790 said board is hereby authorized and empowered to issue refunding
791 bonds to take up and refund all bonds of said district
792 outstanding that are subject to call and prior redemption, all
793 interest accrued to the date of such call or prior redemption,
794 and all bonds of said district that are not subject to call or
795 redemption, together with all accrued interest thereon, where
796 the surrender of said bonds can be procured from the holders
797 thereof at prices satisfactory to the board or can be exchanged
798 for such outstanding bonds with the consent of the holder
799 thereof. Such refunding bonds may mature at any time or times at
800 the discretion of said board, not later, however, than 40 years
801 from the date of issuance of said refunding bonds. Said
802 refunding bonds shall bear such date of issue and such other
803 details as the board shall determine, and may, at the discretion
804 of said board, be made callable prior to maturity at such times
805 and upon such prices and terms and other conditions as said
806 board shall determine. All the other applicable provisions of

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807 this act not inconsistent therewith shall apply fully to said
808 refunding bonds, and the holders thereof shall have all the
809 rights, remedies, and security of the outstanding bonds
810 refunded, except as may be provided otherwise in the resolution
811 of the board authorizing the issuance of such refunding bonds.
812 Any funds available in the sinking fund for the payment of the
813 principal, premium, if any, and interest of outstanding bonds
814 may be retained in the fund to be used for the payment of the
815 principal, premium, if any, and interest of the refunding bonds
816 at the discretion of the board of supervisors. Any expenses
817 incurred in buying any or all bonds authorized under the
818 provisions of this section, and the interest thereon and a
819 reasonable compensation for paying same, shall be paid out of
820 the funds in the hands of the district and collected for the
821 purpose of meeting the expenses of administration. It shall be
822 the duty of the said board of supervisors in making the annual
823 non-ad valorem assessment levy as heretofore provided to take
824 into account the maturing bonds and interest on all bonds and
825 expenses and to make provisions in advance for the payment of
826 same.

827 (4) In addition to the other powers provided the district,
828 and not in limitation thereof, the district shall have the
829 power, at any time, and from time to time after the issuance of
830 any bonds of the district shall have been authorized, to borrow
831 money for the purposes for which such bonds are to be issued in
832 anticipation of the receipt of the proceeds of the sale of such
833 bonds and to issue bond anticipation notes in a principal sum

834 not in excess of the authorized maximum amount of such bond
835 issue.

836 (5) The district shall have the power to issue revenue
837 bonds from time to time without limitation as to amount for the
838 purpose of financing its systems and facilities. Such revenue
839 bonds may be secured by, or payable from, the gross or net
840 pledge of the revenues to be derived from any project or
841 combination of projects; from the rates, fees, or other charges
842 to be collected from the users of any project or projects; from
843 any revenue-producing undertaking or activity of the district;
844 from special assessments; or from any other source or pledged
845 security. Such bonds shall not constitute an indebtedness of the
846 district, and the approval of qualified electors shall not be
847 required unless such bonds are additionally secured by the full
848 faith and credit and assessing power of the district.

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

862 board shall have the right to provide that the floating debt
863 shall be payable from the proceeds arising from the sale of
864 bonds or from the proceeds of any such assessment, or both.
865 After the issuance of any bonds of the district under the
866 provisions of this act, the power to create such floating debt
867 and pledge the assessments or revenue therefor shall continue.

868 (7) (a) Pursuant to this act, the district shall have the
869 power from time to time to issue general obligation bonds to
870 finance or refinance capital projects or to refund outstanding
871 bonds in an aggregate principal amount of bonds outstanding at
872 any one time not in excess of 35 percent of the assessed value
873 of the taxable property within the district as shown on the
874 pertinent property appraiser valuation records at the time of
875 the authorization of the general obligation bonds for which the
876 full faith and credit of the district is pledged. Except for
877 refunding bonds, no general obligation bonds shall be issued
878 unless the bonds are issued to finance or refinance a capital
879 project, and the issuance has been approved at an election held
880 in accordance with the requirements for such election as
881 prescribed by the State Constitution. Such elections shall be
882 called to be held in the district, with the expenses of calling
883 and holding an election to be at the expense of the district.

884 (b) The district may pledge its full faith and credit for
885 the payment of the principal and interest on such general
886 obligation bonds and for any reserve funds provided therefor and
887 may unconditionally and irrevocably pledge its assessments or
888 revenues on all taxable property within the district, to the

889 extent necessary for the payment thereof, without limitations as
 890 to greater amount.

891 (c) If the board determines to issue general obligation
 892 bonds for more than one capital project, the approval of the
 893 issuance of the bonds for each and all such projects may be
 894 submitted to the electorate on one and the same ballot. The
 895 failure of the electors to approve the issuance of bonds for any
 896 one or more of the capital projects shall not defeat the
 897 approval of bonds for any capital project that has been approved
 898 by the electors.

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

903 1. Special assessments levied in the amount sufficient to
 904 pay the principal and interest on a general obligation bond so
 905 additionally secured, which assessments have been equalized and
 906 confirmed by resolution or ordinance of the board pursuant to
 907 section 170.08, Florida Statutes.

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

913 3. Any combination of assessments and revenues described
 914 in subparagraphs 1 and 2.

915 (8) In case the proceeds of the original assessment and
 916 levy made under the provisions of section 298.305, Florida

917 Statutes, or chapter 170, Florida Statutes, is not sufficient to
 918 pay the principal, premium, if any, and interest of all bonds
 919 issued, then the board of supervisors shall make such additional
 920 levy or levies upon the benefits assessed as are necessary for
 921 this purpose, and under no circumstances shall any levies be
 922 made that will in any manner or to any extent impair the
 923 security of said bonds or the fund available for the payment of
 924 the principal and interest of the same.

925 (9) After the several bonds are paid and retired as herein
 926 provided, they shall be returned and canceled and an appropriate
 927 record thereof made in a book to be kept for that purpose, which
 928 record of paid and canceled bonds shall be kept at the office of
 929 the treasurer and shall be open for inspection by any bondholder
 930 at any time.

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

945 moneys and for the employment of consulting engineers in
 946 connection with such acquisition, construction, reconstruction,
 947 improvement, maintenance, repair, or operation.

948 (11) Bonds of each issue shall be dated; shall bear
 949 interest at such rate or rates, including variable rates, which
 950 interest may be tax exempt or taxable for federal income tax
 951 purposes; shall mature at such time or times from their date or
 952 dates; and may be made redeemable before maturity at such price
 953 or prices and under such terms and conditions as may be
 954 determined by the board.

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

958 Section 12. Unit development; powers of supervisors to
 959 designate units of development and adopt systems of progressive
 960 development by units; plan of improvements and financing
 961 assessments for each unit.--

962 (1) Upon written petition signed by the owners of 51
 963 percent of the acreage in any area, the board of supervisors of
 964 the district shall have the power and is hereby authorized in
 965 its discretion to exercise such powers authorized in this act,
 966 the lands in said designated area or part of the district to be
 967 called a "unit." The units into which said district may be so
 968 divided shall be given appropriate numbers or names by said
 969 board of supervisors, so that said units may be readily
 970 identified and distinguished. The board of supervisors shall
 971 have the power to fix and determine the location, area, and
 972 boundaries of and lands to be included in each and all such

973 units with the consent of the owners of 51 percent of the
974 acreage in any area, and the method of carrying on the work in
975 each unit. If the board of supervisors shall determine that it
976 is advisable to conduct the work of the district by units, as
977 authorized by this section, said board shall, by resolution duly
978 adopted and entered upon its minutes, declare its purpose to
979 conduct such work accordingly and, upon petition of the owners
980 of 51 percent of the acreage in any area, shall at the same time
981 and manner fix the number, location, and boundaries of and
982 description of lands within such unit or units and give
983 appropriate numbers or names, which unit or units may overlay or
984 overlap one or more other units. As soon as practicable after
985 the adoption and recording of a resolution as to any unit, said
986 board of supervisors shall publish a notice once a week for 2
987 consecutive weeks in a newspaper of general paid circulation in
988 which the City of North Port publishes notices of city meetings
989 and, by provision of 2 weeks' advance written notice to the City
990 of North Port Manager, briefly describing the unit or units into
991 which the district has been divided and the lands embraced in
992 each unit, giving the name, number, or other designation of such
993 units, requiring all owners of lands in the district to show
994 cause in writing before said board of supervisors at a time and
995 place to be stated in such notice why such division of said
996 district into such unit or units should not be approved, and why
997 the proceedings and powers authorized by this section should not
998 be had, taken, and exercised. At the time and place stated in
999 said notice, said board of supervisors shall hear all objections
1000 or causes of objection, all of which shall be in writing, of any

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1001 landowner in the district to the matters mentioned and referred
1002 to in such notice, and if no objections are made, or if said
1003 objections, if made, shall be overruled by said board, then said
1004 board shall enter in its minutes its finding and order
1005 confirming said resolution and may thereafter proceed with the
1006 development of the district by unit or units pursuant to such
1007 resolution and to the provisions of this act. If, however, said
1008 board of supervisors shall find as a result of such objections,
1009 or any of them, or the hearing thereon, that the division of the
1010 district into such unit or units as aforesaid should not be
1011 approved, or that the proceedings and powers authorized by this
1012 section should not be had, taken, or exercised, or that any
1013 other matter or thing embraced in said resolution would not be
1014 in the best interest of the landowners of said unit or units or
1015 would be unjust or unfair to any landowner therein or otherwise
1016 inconsistent with fair and equal protection and enforcement of
1017 the rights of every landowner in said unit or units, then the
1018 board of supervisors shall not proceed further under such
1019 resolution; but said board of supervisors may, as a result of
1020 such hearing, modify or amend said resolution so as to meet such
1021 objections so made, and thereupon said board may confirm said
1022 resolution as so modified or amended and may thereafter proceed
1023 accordingly. If said board of supervisors shall overrule or
1024 refuse to sustain any such objections in whole or in part made
1025 by any landowner in the district, or if any such landowner shall
1026 deem himself or herself aggrieved by any action of the board of
1027 supervisors in respect to any objections so filed, such
1028 landowner may, within 10 days after the ruling of said board,

1029 file his or her complaint in the Circuit Court of Sarasota
 1030 County against said district, praying an injunction or other
 1031 appropriate relief against the action or any part of such action
 1032 proposed by such resolution or resolutions of said board, and
 1033 such suits shall be conducted like other suits, except that said
 1034 suits shall have preference over all other pending actions
 1035 except criminal actions and writs of habeas corpus. Upon the
 1036 hearing of said cause, the circuit court shall have the power to
 1037 hear the objections and receive the evidence thereon of all
 1038 parties to such cause and approve or disapprove said resolutions
 1039 and action of the board in whole or in part, and to render such
 1040 decree in such cause as right and justice require.

1041 (2) When said resolutions creating said unit or units
 1042 shall be confirmed by the board of supervisors (or by the
 1043 Circuit Court of Sarasota County, if such proposed action shall
 1044 be challenged by a landowner by the judicial proceedings
 1045 hereinabove authorized), the board of supervisors may adopt a
 1046 plan of improvements or chapter 170 authorizing documents for
 1047 and in respect to any or all such units and to have the benefits
 1048 and damages resulting therefrom assessed and apportioned as is
 1049 provided by law in regard to a plan of improvements or chapter
 1050 170 authorizing documents for and assessments for benefits and
 1051 damages of the entire district. With respect to the plan of
 1052 improvements, notices, appointment of engineer to prepare a
 1053 report assessing the benefits and damages, the engineer's report
 1054 and notice and confirmation thereof, the levy of assessments,
 1055 including maintenance assessments, the issuance of bonds, the
 1056 exercise or use of chapter 170, Florida Statutes, proceedings

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1057 and all other proceedings as to each and all of such units, said
1058 board shall follow and comply with the same procedure as is
1059 provided by law with respect to the entire district, and said
1060 board of supervisors shall have the same powers in respect to
1061 each and all of such units as is vested in them with respect to
1062 the entire district. All the provisions of this act shall apply
1063 to the improvement of each, any, and all of such units, and the
1064 enumeration of or reference to specific powers or duties of the
1065 supervisors or any other officers or other matters in this act
1066 as hereinabove set forth, shall not limit or restrict the
1067 application of any and all of the proceedings and powers herein
1068 for such units as fully and completely as if such unit or units
1069 were specifically and expressly named in every section and
1070 clause of this act where the entire district is mentioned or
1071 referred to. All assessments, levies, bonds, and other
1072 obligations made, levied, assessed, or issued for or in respect
1073 to any such unit or units shall be a lien and charge solely and
1074 only upon the lands in such unit or units, respectively, for the
1075 benefit of which the same shall be levied, made, or issued, and
1076 not upon the remaining units or lands in the district. The board
1077 of supervisors, upon an affirmative vote of a simple majority of
1078 qualified electors, as defined in chapter 189, Florida Statutes,
1079 within said unit voting in a referendum, or upon approval of the
1080 landowners of 51 percent of the acreage in said unit if there
1081 are no residents in said unit, may at any time amend its
1082 resolutions by changing the location and description of lands in
1083 any such unit or units and provided, further, that if the
1084 location or description of lands located in any such unit or

1085 units is so changed, notice of such change shall be published as
 1086 hereinabove required in this section for notice of the formation
 1087 or organization of such unit or units; provided, however, that
 1088 no lands against which benefits shall have been assessed may be
 1089 detached from any such unit after the final adoption of the
 1090 engineer's report of benefits or chapter 170 authorizing
 1091 document, in such unit or units or the issuance of bonds or
 1092 other obligations which are payable from assessments for
 1093 benefits levied upon the lands within such unit or units.

1094 (3) If, after adoption of the engineer's report of
 1095 benefits and chapter 170 authorizing documents in such unit or
 1096 units, or the issuance of bonds or other obligations that are
 1097 payable from assessments for benefits levied upon lands within
 1098 such unit or units, the board of supervisors finds the plan of
 1099 improvements, engineer's report, or chapter 170 authorizing
 1100 documents for any such unit or units insufficient or inadequate
 1101 for efficient development, the same may be amended or changed as
 1102 provided in this act or chapter 170 or chapter 298, Florida
 1103 Statutes, and the unit or units may be amended or changed as
 1104 provided in this section by changing the location and
 1105 description of lands in any such unit or units by detaching
 1106 lands therefrom or by adding land thereto, upon the approval of
 1107 at least 51 percent of the landowners according to acreage in
 1108 any such unit, and provided that in such event all assessments,
 1109 levies, fees, bonds, and other obligations made, levied,
 1110 assessed, incurred, or issued for or in respect to any such unit
 1111 or units may be allocated and apportioned to the amended unit or
 1112 units in proportion to the benefits assessed by the engineer's

1113 report, for the amended plan of improvements and said report
 1114 shall specifically provide for such allocation and
 1115 apportionment. The landowners shall file their approval of or
 1116 objections to such amended plan of improvements within the time
 1117 provided in section 298.301, Florida Statutes, or, when used,
 1118 such applicable deadline provision, if any, of chapter 170,
 1119 Florida Statutes, and shall file their approval of or objections
 1120 to the amendment of such unit as provided in this section.

1121 (4) No assessable lands shall be detached from any unit
 1122 after the issuance of bonds or other obligations for such unit
 1123 except upon the consent of a majority of the holders, based on
 1124 face value of the outstanding bonds, of such bonds or other
 1125 obligations. In the event of the change of the boundaries of any
 1126 unit as provided herein and the allocation and apportionment to
 1127 the amended unit or units of assessments, levies, fees, bonds,
 1128 and other obligations in proportion to the benefits assessed,
 1129 the holder of the bonds or other obligations heretofore issued
 1130 for the original unit who consents to such allocation and
 1131 apportionment shall be entitled to all rights and remedies
 1132 against any lands added to the amended unit or units as fully
 1133 and to the same extent as if such added lands had formed and
 1134 constituted a part of the original unit or units at the time of
 1135 the original issuance of such bonds or other obligations, and
 1136 regardless of whether the holders of such bonds or other
 1137 obligations are the original holders thereof or the holders from
 1138 time to time hereafter, and the rights and remedies of such
 1139 holders against the lands in the amended unit or units,
 1140 including any lands added thereto, under such allocation and

1141 apportionment, shall constitute vested and irrevocable rights
 1142 and remedies to the holders from time to time of such bonds or
 1143 other obligations as fully and to the same extent as if such
 1144 bonds or other obligations had been originally issued to finance
 1145 the improvements in such amended unit or units.

1146 (5) Upon the formation of a unit, the board is authorized
 1147 to levy a one-time organizational special assessment tax per
 1148 acre on the lands in a unit sufficient to prepare a plan of
 1149 improvements or chapter 170 authorizing documents and have the
 1150 benefits assessed as provided herein.

1151 (6) The territorial limits of a unit may be expanded to
 1152 include additional land by agreement between the district and
 1153 all of the landowners of the land to be included in the unit,
 1154 provided that, at the time of the execution of the agreement,
 1155 the additional land is contained within the jurisdictional
 1156 boundaries of the district. Land included in the unit by
 1157 agreement shall thereafter be subject to the payment of all
 1158 assessments or fees levied by the district in the unit and shall
 1159 be subject to the provisions of all laws under which the
 1160 district operates. The agreement shall be in recordable form and
 1161 filed in the official records.

1162 (7) The district shall not amend any plan of improvement
 1163 for any unit in which any real property has been sold to the
 1164 general public at large for residential and noncommercial
 1165 purposes in such a way that said amendment results in any
 1166 increase in the principal amount of debt then authorized for
 1167 that unit, without an affirmative vote of a simple majority of

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1168 qualified electors, as defined in chapter 189, Florida Statutes,
 1169 within said unit voting in a referendum.

1170 Section 13. Eminent domain.--The board of supervisors is
 1171 hereby authorized, when reasonably necessary for the
 1172 implementation of the powers granted to it under section 4, or
 1173 for the implementation of district-authorized public
 1174 infrastructure works, facilities, services, or roads and rights-
 1175 of-way, to exercise its right and power of eminent domain:

1176 (1) Within the district with prior approval by resolution
 1177 of the governing body of the district and the City of North Port
 1178 Commission.

1179 (2) Further provided that the powers set forth in
 1180 subsection (1) shall be exercised pursuant to the provisions of
 1181 chapters 73 and 74, Florida Statutes, over any property within
 1182 the district, except municipal, county, School District of
 1183 Sarasota County, state, and federal property. Such right and
 1184 power of eminent domain shall be subject to approval, by
 1185 resolution, of the governing body of the affected county or
 1186 municipality.

1187 Section 14. Definition of 51 percent of acreage in any
 1188 area.--When the consent of 51 percent of the acreage is required
 1189 in any described geographical area for any purpose, in
 1190 determining the acreage in the area, the lands and rights-of-way
 1191 of the district and all lands which are or will be exempt or
 1192 excluded from payment of the district assessments shall not be
 1193 included in the acreage to determine the 51 percent consent
 1194 requirements.

1195 Section 15. Amending plan of improvements, engineer's
 1196 report, or chapter 170 authorizing documents.--In addition to,
 1197 and as an alternative to, the provisions of chapters 298 and
 1198 170, Florida Statutes, a plan of improvements, the engineer's
 1199 report, or chapter 170 authorizing document may be amended,
 1200 modified, corrected, and changed from time to time in the
 1201 following manner:

1202 (1) The intent of this section, in part, is to give the
 1203 board of supervisors power with broad latitude to make
 1204 additional and such other improvements to the plan of
 1205 improvements or chapter 170 authorizing documents that the board
 1206 of supervisors considers appropriate to implement the purpose
 1207 and intent of the plan of improvements or chapter 170
 1208 authorizing documents and that, in the opinion of the board,
 1209 results in a benefit to the land and will not increase the cost
 1210 in excess of the total benefits assessed as provided herein. The
 1211 district may accept for operation maintenance additional
 1212 facilities which are within or outside its boundaries and
 1213 supplement a plan of improvements or chapter 170 authorizing
 1214 documents.

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

1223 cost of constructing the plan of improvements, including the
 1224 changes or amendments to it, the engineer's report, or chapter
 1225 170 authorizing documents do not exceed the total benefits
 1226 assessed. Said resolution shall be filed with the secretary of
 1227 the district and shall be binding upon the owners of lands
 1228 subject to the plan of improvements, the engineer's report, or
 1229 chapter 170 authorizing documents, as applicable, including
 1230 their successors and assigns.

1231 (3) When a plan of improvements, engineer's report, or
 1232 chapter 170 authorizing document is amended, modified, or
 1233 changed by any authorized procedure, the approval or consent of
 1234 the holders of the bonds issued in respect to such plan,
 1235 engineer's report, or chapter 170 authorizing document shall not
 1236 be required, and amendments, modifications, and changes may be
 1237 made to the plan of improvements, engineer's report, or chapter
 1238 170 authorizing document without bondholders' approval or
 1239 consent.

1240 (4) The district shall not amend any plan of improvement
 1241 for any unit in which any real property has been sold to the
 1242 general public at large for residential and noncommercial
 1243 purposes, in such a way that said amendment results in any
 1244 increase in the principal amount of debt then authorized for
 1245 that unit, without an affirmative vote of a simple majority of
 1246 qualified electors, as defined in chapter 189, Florida Statutes,
 1247 within said unit voting in a referendum.

1248 Section 16. Meetings and notices.--All meetings of the
 1249 board of supervisors of the district shall be held in the City
 1250 of North Port and shall be audio or video taped. Further, all

1251 meetings shall be conducted under the procedures set forth in
1252 Robert's Rules of Order (the "Rules"), especially when making
1253 and discussing motions. Each board member shall receive a copy
1254 of the Rules and the board shall name a Parliamentarian who is
1255 well-versed in the application of the Rules to ensure adherence.
1256 The chairperson shall be responsible for preparing an agenda for
1257 each meeting and shall supply the agenda to all board members
1258 and make the same available to the residents and landowners at
1259 least 10 days prior to each meeting. Moreover, the right to
1260 public comment must be made available to the residents and
1261 landowners before the board of supervisors has made a decision.
1262 All public records held by the district shall be made available
1263 to the public pursuant to chapter 119, Florida Statutes,
1264 including exemptions thereto. Except as otherwise specifically
1265 set forth in the act, the board of supervisors shall hold its
1266 meetings pursuant to sections 189.416 and 189.417, Florida
1267 Statutes.

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

1279 provided to the City of North Port Finance Director at least 3
 1280 weeks prior to the semiannual meeting of the board of
 1281 supervisors. The district shall prepare and submit reports,
 1282 budgets, and audits as provided in sections 189.415 and 189.418,
 1283 Florida Statutes.

1284 Section 18. Territorial boundaries.--The territorial
 1285 boundaries of the district shall be as follows, to wit:

1286
 1287 All of Sections 1, 2, 11, 12, 13, 14 and a portion of
 1288 Sections 3, 4, 9, 10, 15 and 16, Township 39 South,
 1289 Range 22 East, Sarasota County, Florida, being more
 1290 particularly described as follows:

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

1307 DISTANCE OF 555.38 FEET; THENCE S.07°21'16"E., A
 1308 DISTANCE OF 672.34 FEET; THENCE S.10°44'03"E., A
 1309 DISTANCE OF 651.24 FEET; THENCE S.10°36'13"W., A
 1310 DISTANCE OF 530.75 FEET; THENCE S.01°14'47"W., A
 1311 DISTANCE OF 820.24 FEET; THENCE S.03°22'21"E., A
 1312 DISTANCE OF 253.99 FEET; THENCE S.08°05'01"E., A
 1313 DISTANCE OF 925.01 FEET; THENCE S.12°02'12"E., A
 1314 DISTANCE OF 324.13 FEET TO A POINT ON THE NORTH LINE
 1315 OF SECTION 15, BEARING S.89°40'03"E., A DISTANCE OF
 1316 536.06 FEET FROM THE NORTHWEST CORNER OF SAID SECTION
 1317 15; THENCE THROUGH SECTION 15, S.12°02'12"E., A
 1318 DISTANCE OF 127.44 FEET; THENCE S.09°19'36"E., A
 1319 DISTANCE OF 688.88 FEET; THENCE S.04°17'39"E., A
 1320 DISTANCE OF 145.23 FEET; THENCE S.11°04'54"E., A
 1321 DISTANCE OF 278.80 FEET; THENCE S.18°24'37"W., A
 1322 DISTANCE OF 118.03 FEET; THENCE S.27°30'33"W., A
 1323 DISTANCE OF 170.26 FEET; THENCE S.05°11'15"E., A
 1324 DISTANCE OF 86.33 FEET; THENCE S.07°05'59"W., A
 1325 DISTANCE OF 206.26 FEET; THENCE S.03°47'11"E., A
 1326 DISTANCE OF 108.15 FEET; THENCE S.15°38'29"W., A
 1327 DISTANCE OF 229.08 FEET; THENCE S.11°11'29"W., A
 1328 DISTANCE OF 651.33 FEET; THENCE S.04°17'53"W., A
 1329 DISTANCE OF 74.25 FEET; THENCE S.16°13'07"W., A
 1330 DISTANCE OF 79.94 FEET; THENCE S.06°56'07"W., A
 1331 DISTANCE OF 292.06 FEET; THENCE S.19°33'24"W., A
 1332 DISTANCE OF 62.42 FEET; THENCE S.51°48'15"W., A
 1333 DISTANCE OF 177.50 FEET; THENCE S.35°17'02"W., A
 1334 DISTANCE OF 182.82 FEET; THENCE S.51°44'00"W., A

1335 DISTANCE OF 129.18 FEET TO A POINT ON THE EAST LINE OF
 1336 SECTION 16, BEARING N.00°16'13"E., A DISTANCE OF
 1337 1734.15 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION
 1338 16; THENCE S.51°44'00"W. THROUGH SECTION 16, A
 1339 DISTANCE OF 18.84 FEET; THENCE S.35°17'35"W., A
 1340 DISTANCE OF 203.28 FEET TO A POINT ON THE NORTHERLY
 1341 LIMITED ACCESS RIGHT-OF-WAY LINE FOR INTERSTATE
 1342 HIGHWAY #75; THENCE S.44°57'25"E., ALONG SAID RIGHT-
 1343 OF-WAY LINE A DISTANCE OF 186.37 FEET TO A POINT ON
 1344 THE WEST LINE OF SECTION 15, BEARING N.00°06'13"E., A
 1345 DISTANCE OF 1424.68 FEET FROM THE SOUTHWEST CORNER OF
 1346 SAID SECTION 15, THENCE S.44°57'25"E. ALONG SAID
 1347 RIGHT-OF-WAY LINE A DISTANCE OF 2023.63 FEET TO AN
 1348 INTERSECTION WITH THE SOUTH LINE OF SECTION 15,
 1349 BEARING S.89°42'25"E. A DISTANCE OF 1432.44 FEET FROM
 1350 THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE
 1351 S.89°42'25"E., ALONG THE SOUTH LINE OF SAID SECTION 15
 1352 A DISTANCE OF 3869.24 FEET TO THE SOUTHWEST CORNER OF
 1353 SECTION 14; THENCE S.89°42'24"E., ALONG THE SOUTH LINE
 1354 OF SAID SECTION 14 A DISTANCE OF 5321.72 FEET TO THE
 1355 SOUTHWEST CORNER OF SECTION 13; THENCE S.89°42'24"E.,
 1356 ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF
 1357 5413.63 FEET TO THE SOUTHEAST CORNER OF SAID SECTION
 1358 13 AND THE EAST RANGE LINE OF SAID TOWNSHIP 39 SOUTH,
 1359 RANGE 22 EAST; THENCE N.00°14'50"E., ALONG THE EAST
 1360 LINE OF SAID SECTION 13 A DISTANCE OF 5325.52 FEET TO
 1361 THE SOUTHEAST CORNER OF SECTION 12; THENCE
 1362 N.00°14'45"E., ALONG THE EAST LINE OF SAID SECTION 12

1363 A DISTANCE OF 5324.68 FEET TO THE SOUTHEAST CORNER OF
 1364 SECTION 1; THENCE N.00°14'30"E., ALONG THE EAST LINE
 1365 OF SAID SECTION 1 A DISTANCE OF 5324.24 FEET TO THE
 1366 NORTHEAST CORNER OF SAID SECTION 1 AND THE NORTHEAST
 1367 CORNER OF TOWNSHIP 39 SOUTH, RANGE 22 EAST; THENCE
 1368 N.89°44'59"W., ALONG THE NORTH LINE OF THE NORTHEAST
 1369 QUARTER OF SAID SECTION 1 A DISTANCE OF 2655.22 FEET
 1370 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF
 1371 SAID SECTION 1; THENCE N.89°44'46"W., ALONG THE NORTH
 1372 LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2655.22
 1373 FEET TO THE NORTHEAST CORNER OF SECTION 2; THENCE
 1374 N.89°44'34"W., ALONG THE NORTH LINE OF THE NORTHEAST
 1375 QUARTER OF SAID SECTION 2 A DISTANCE OF 2655.22 FEET
 1376 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF
 1377 SAID SECTION 2; THENCE N.89°44'21"W., ALONG THE NORTH
 1378 LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2655.22
 1379 FEET TO THE NORTHWEST CORNER OF SECTION 2; WHICH IS
 1380 THE NORTHEAST CORNER OF SECTION 3; THENCE
 1381 N.89°43'55"W. ALONG THE NORTH LINE OF THE NORTHEAST
 1382 QUARTER OF SAID SECTION 3 A DISTANCE OF 2655.22 FEET
 1383 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF
 1384 SAID SECTION 3; THENCE N.89°43'42"W. ALONG THE NORTH
 1385 LINE OF THE NORTHWEST QUARTER OF SECTION 3 A DISTANCE
 1386 OF 2655.22 FEET TO THE NORTHWEST CORNER OF SECTION 3;
 1387 THENCE S.00°47'59"W. ALONG THE WEST LINE OF THE NORTH
 1388 HALF OF SECTION 3 A DISTANCE OF 2663.2 FEET TO THE
 1389 SOUTHWEST CORNER OF THE NORTH HALF OF SAID SECTION 3
 1390 AND THE SOUTHEAST CORNER OF THE NORTH HALF OF SECTION

1391 4; THENCE N.89°49'42"W. ALONG THE SOUTH LINE OF THE
 1392 NORTH HALF OF SECTION 4 A DISTANCE OF 32.18 FEET TO A
 1393 POINT IN THE ALDERMAN SLOUGH; THENCE FOLLOWING SAID
 1394 ALDERMAN SLOUGH IN A SOUTHERLY DIRECTION, THE
 1395 FOLLOWING COURSES: S.19°46'12"W. A DISTANCE OF 384.63
 1396 FEET; THENCE S.06°17'38"E. A DISTANCE OF 74.84 FEET;
 1397 THENCE S.16°26'43"E. A DISTANCE OF 499.12 FEET TO A
 1398 POINT ON THE WEST LINE OF SAID SECTION 3 BEARING
 1399 N.00°47'59"E. A DISTANCE OF 1748.17 FEET FROM THE
 1400 SOUTHWEST CORNER OF SAID SECTION 3; THENCE
 1401 S.16°26'43"E. THROUGH SECTION 3 A DISTANCE OF 211.62
 1402 FEET; THENCE S.03°07'54"W. A DISTANCE OF 225.97 FEET;
 1403 THENCE S.07°53'10"W. A DISTANCE OF 216.17 FEET; THENCE
 1404 S.18°35'25"W. A DISTANCE OF 87.96 FEET TO A POINT ON
 1405 THE EAST LINE OF SECTION 4 BEARING N.00°47'59"E. A
 1406 DISTANCE OF 1022.0 FEET FROM THE SOUTHEAST CORNER OF
 1407 SAID SECTION 4; THENCE S.18°20'50"W. A DISTANCE OF
 1408 1076.23 FEET TO A POINT ON THE SOUTH LINE OF SAID
 1409 SECTION 4; THENCE S.89°56'00"E. A DISTANCE OF 324.51
 1410 FEET TO THE SOUTHWEST CORNER OF SECTION 3 AND THE
 1411 NORTHEAST CORNER OF SECTION 9 AND THE POINT OF
 1412 BEGINNING.

1413
 1414 CONTAINING NOT LESS THAN 5,771.37 ACRES.

1415
 1416 THE ABOVE DESCRIBED PROPERTY IS COMPOSED OF THAT
 1417 PROPERTY DESCRIBED IN A WARRANTY DEED FROM MCK FARMS,
 1418 LTD. AND RECORDED IN THE OFFICIAL RECORDS OF SARASOTA

1419 COUNTY, FLORIDA, AS INSTRUMENT NO 2000076815, AND A
 1420 PORTION OF THE PROPERTY DESCRIBED IN A SPECIAL
 1421 WARRANTY DEED FROM CARLTON SARASOTA, L.L.C., et al, to
 1422 GLAWSON INVESTMENTS CORP. DATED JUNE 16, 2000, AND
 1423 RECORDED IN THE OFFICIAL RECORDS OF SARASOTA COUNTY,
 1424 FLORIDA, AS INSTRUMENT NO. 2000164425.

1425
 1426 A PORTION OF SECTION 4, TOWNSHIP 39 SOUTH, RANGE 22
 1427 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE
 1428 PARTICULARLY DESCRIBED AS FOLLOWS;

1429
 1430 COMMENCE AT THE SOUTHEAST CORNER OF THE NORTH HALF OF
 1431 SAID SECTION 4; THENCE NORTH 88°49'42" WEST ALONG THE
 1432 SOUTH LINE OF SAID NORTH HALF A DISTANCE OF 32.18 FEET
 1433 TO THE POINT OF BEGINNING; THENCE SOUTH 19°46'12" WEST
 1434 A DISTANCE OF 173.97 FEET TO AN INTERSECTION WITH A
 1435 NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS
 1436 OF 550.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE
 1437 TO THE RIGHT THROUGH A CENTRAL ANGLE OF 26°22'34", AN
 1438 ARC DISTANCE OF 253.19 FEET (CHORD=250.96 FEET
 1439 BEARING=NORTH 49°03'24" WEST) TO THE INTERSECTION WITH
 1440 THE AFORESAID SOUTH LINE OF THE NORTH HALF; THENCE
 1441 SOUTH 89°49'42" EAST ALONG SAID SOUTH LINE A DISTANCE
 1442 OF 248.41 FEET TO THE POINT OF BEGINNING.

1443
 1444 THIS IS A PORTION OF THE SAME PROPERTY CONVEYED TO
 1445 GLAWSON INVESTMENTS CORP. BY CARLTON SARASOTA, L.L.C.,
 1446 DAVID SARASOTA, L.L.C., PALLARDY SARASOTA, L.L.C. AND

1447 NORTHPORT MATERIALS, L.L.C. BY SPECIAL WARRANTY DEED
 1448 DATED MARCH 14, 2002, AND FILED IN THE OFFICIAL
 1449 RECORDS OF THE CIRCUIT COURT OF SARASOTA COUNTY,
 1450 FLORIDA AS INSTRUMENT 2002056489.

1451
 1452 Section 19. Severability.--In case any one or more of the
 1453 sections or provisions of this act or the application of such
 1454 sections or provisions to any situation, circumstance, or person
 1455 shall for any reason be held to be unconstitutional, such
 1456 unconstitutionality shall not affect any other sections or
 1457 provisions of this act or the application of such sections or
 1458 provisions to any other situation, circumstance, or person, and
 1459 it is intended that this law shall be construed and applied as
 1460 if such section or provision had not been included herein for
 1461 any unconstitutional application.

1462 Section 20. Public disclosures.--

1463 (1) The district shall be required to comply with all
 1464 current or future requirements, if any, to provide disclosure to
 1465 the public and current or potential property owners concerning
 1466 the district and its assessments.

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

1475 annually upon the subject real property. Said disclosure must be
 1476 presented prominently and specifically acknowledged in writing
 1477 by the buyer in the sales and closing documents.

1478 (3) Prior to the closing, the developer, builder, or
 1479 current landowner shall inform the potential buyer of the
 1480 current annual operating maintenance budget assessment and any
 1481 identified planned increases to that assessment required to be
 1482 paid by the purchaser upon taking ownership of the real estate.

1483 (4) Any property owners' association created within the
 1484 district by a land developer or builder shall contain language
 1485 in its charter or a declaration of covenants disclosing the
 1486 existence and purpose of the district.

1487 (5) The district shall cause to be recorded in the public
 1488 records of Sarasota County the formation of any unit created
 1489 pursuant to section 12 and, upon of the sale of any debt, the
 1490 principal amount of bonded indebtedness incurred for that unit.

1491 (6) Any land developer or builder who maintains a sales
 1492 office for the purpose of the initial sale of homes or lots
 1493 within the district to the general public at large shall post a
 1494 readily visible sign of not less than 24 inches by 36 inches in
 1495 the sales office that advises potential buyers of the existence
 1496 and purpose of the district.

1497 Section 21. Sale of lands.--In the event that any part of
 1498 the lands described in Section 18 are sold to the state or any
 1499 executive branch department thereof or the Southwest Florida
 1500 Water Management District:

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1501 (1) The seller of said land shall be able to utilize any
1502 such lands sold for open space mitigation, wetland mitigation,
1503 and stormwater mitigation for development within the district.

1504 (2) Any development within the district that shall be
1505 required to obtain any permits from any executive branch
1506 department of the state or the Southwest Florida Water
1507 Management District shall receive expedited review of those
1508 permits.

1509 Section 22. This act shall take effect upon becoming a
1510 law.