

By Senator Bennett

21-1814A-07

See HB 1515

1                                   A bill to be entitled

2           An act relating to Charlotte County; creating

3           the Babcock Ranch Community Independent Special

4           District; providing a short title; providing

5           legislative findings and intent; providing

6           definitions; stating legislative policy

7           regarding creation of the district;

8           establishing compliance with minimum

9           requirements in s. 189.404(3), F.S., for

10          creation of an independent special district;

11          providing for creation and establishment of the

12          district; establishing the legal boundaries of

13          the district; providing for the jurisdiction

14          and charter of the district; providing for a

15          governing board and establishing membership

16          criteria and election procedures; providing for

17          board members' terms of office; providing for

18          board meetings; providing for administrative

19          duties of the board; providing a method for

20          transition of the board from landowner control

21          to control by the resident electors of the

22          district; providing for a district manager and

23          district personnel; providing for a district

24          treasurer, selection of a public depository,

25          and district budgets and financial reports;

26          providing for the general powers of the

27          district; providing for the special powers of

28          the district to plan, finance, and provide

29          community infrastructure and services within

30          the district; providing for bonds; providing

31          for borrowing; providing for future ad valorem

1           taxation; providing for special assessments;  
2           providing for issuance of certificates of  
3           indebtedness; providing for tax liens;  
4           providing for competitive procurement;  
5           providing for fees and charges providing for  
6           amendment to charters; providing for required  
7           notices to purchasers of residential units  
8           within the district; defining district public  
9           property; providing severability; providing for  
10          a referendum; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. This act may be cited as the "Babcock Ranch  
15 Community Independent Special District Act."

16           Section 2. Legislative findings and intent;  
17 definitions; policy.--

18           (1) LEGISLATIVE FINDINGS AND INTENT.--

19           (a) The unincorporated area of southeastern Charlotte  
20 County, including the Babcock Ranch lands, are unique and  
21 special with a need towards protecting natural resources and  
22 retaining a viable agricultural system while protecting  
23 private property rights and promoting a sound economy.

24           (b) The Board of Trustees of the Internal Improvement  
25 Trust Fund, the Fish and Wildlife Conservation Commission, and  
26 Lee County have purchased approximately 73,500 acres of the  
27 approximately 91,000-acre Babcock Ranch for the perpetual  
28 preservation of such lands and for establishing a contiguous  
29 wildlife protection area from Lake Okeechobee to the Charlotte  
30 Harbor Estuary Project.

31

1           (c) The Department of Community Affairs, Charlotte  
2 County, Lee County, and the then contract purchaser of the  
3 Babcock Ranch have entered into an Interlocal Planning  
4 Agreement for the Babcock Ranch, dated January 24, 2006, which  
5 outlines the steps necessary to achieve the sale and  
6 preservation of approximately 73,500 acres of the entire  
7 Babcock Ranch and development of the remaining approximately  
8 17,800 acres (the "Babcock Ranch Community") with a new,  
9 sustainable, compact, and mixed-use community that will  
10 provide residents with a balance of living, working,  
11 educational, civic, and recreational opportunities  
12 incorporating greenways, pedestrian ways, and transit  
13 corridors.

14           (d) The district and the district charter, as created  
15 by this act, with its general and special powers are essential  
16 and, for the reasons set forth herein, the best alternative  
17 for planning, constructing, maintaining, operating, financing,  
18 and improving the provision of systems, facilities, and  
19 services necessary to meet the infrastructure needs of the  
20 Babcock Ranch Community.

21           (e) There is a particular need to implement a  
22 specialized and limited single-purpose independent special  
23 district unit of local government in connection with the  
24 development of the Babcock Ranch Community, in order to  
25 prevent urban sprawl by providing sustaining and freestanding  
26 infrastructure and to prevent the needless duplication,  
27 fragmentation, and proliferation of local government services.

28           (f) Management of conservation, environmental,  
29 agricultural, and economic challenges and opportunities in the  
30 Babcock Ranch area transcends the boundaries and  
31

1 responsibilities of both private landowners and individual  
2 units of government.

3 (g) There are two alternatives for the creation of  
4 independent special districts for properties of this size: the  
5 establishment by rule of the Governor and Cabinet of one or  
6 more uniform community development districts over the  
7 property; and the establishment by special act of the  
8 Legislature of a single independent special district meeting  
9 the minimum requirements of chapter 189, Florida Statutes, the  
10 applicable district accountability general law. Use of this  
11 special act, created under chapter 189, Florida Statutes, is  
12 the better of the two alternatives in this case because it  
13 will allow for use of a single special district, with longer  
14 involvement and responsibility on the part of the initial  
15 landowner, which will result in better intergovernmental  
16 coordination and lower administrative costs for Charlotte  
17 County and the district, including its landowners and  
18 residents. Additionally, use of this special act will provide  
19 the flexibility to include within the district, at a later  
20 date, contiguous Babcock Ranch lands within Lee County,  
21 whereas chapter 190, Florida Statutes, would prevent a single  
22 uniform community development district from crossing county  
23 lines. Additionally, use of this special act updates the  
24 charter of a uniform community development district under  
25 chapter 190, Florida Statutes, eliminates potential for its  
26 abuse, clarifies and sets forth certain uniform procedures for  
27 liens on property, and makes other substantial reforms to the  
28 benefit of the people of Charlotte County and future  
29 landowners, residents, and visitors.

30 (h) A longer involvement of the initial landowner with  
31 regard to the provision of systems, facilities, and services

1 for the Babcock Ranch Community, coupled with a severely  
2 limited and highly specialized single purpose of the district,  
3 is in the public interest.

4 (i) Any public or private system to provide  
5 infrastructure improvements, systems, facilities, and services  
6 to the Babcock Ranch Community must be established through a  
7 highly specialized, innovative, responsive, and accountable  
8 mechanism to provide the components of infrastructure at  
9 sustained levels of high quality over the long term.

10 (j) The existence and use of such a limited,  
11 specialized single-purpose local government for the Babcock  
12 Ranch Community, subject to the Charlotte County comprehensive  
13 plan and land development regulations, will result in a higher  
14 propensity to provide for orderly development and prevent  
15 urban sprawl; protect and preserve environmental and  
16 conservation uses and assets; potentially enhance the market  
17 value for both present and future landowners of the property  
18 consistent with the need to protect private property;  
19 potentially enhance the net economic benefit to Charlotte  
20 County, including an enhanced tax base to the benefit of all  
21 present and future taxpayers in Charlotte County; and result  
22 in the sharing of costs of providing certain systems,  
23 facilities, and services in an innovative, sequential, and  
24 flexible manner within the area to be serviced by the  
25 district.

26 (k) The creation and establishment of the district  
27 will encourage local government financial self-sufficiency in  
28 providing public facilities and in identifying and  
29 implementing fiscally sound, innovative, and cost-effective  
30 techniques to provide and finance public facilities while  
31 encouraging development, use, and coordination of capital

1 improvement plans by all levels of government, pursuant to  
2 chapter 187, Florida Statutes.

3 (l) The creation and establishment of the district  
4 will encourage and enhance cooperation among communities that  
5 have unique assets, irrespective of political boundaries, to  
6 bring the private and public sectors together to establish an  
7 orderly and environmentally and economically sound plan for  
8 current and future needs and growth.

9 (m) The creation and establishment of the district is  
10 a legitimate alternative method available to manage, own,  
11 operate, construct, and finance capital infrastructure  
12 systems, facilities, and services.

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

23 (o) The district created and established by this act  
24 shall not exercise or have any comprehensive planning, zoning,  
25 or development permitting power; the establishment of the  
26 district shall not be considered a development order within  
27 the meaning of chapter 380, Florida Statutes; and all  
28 applicable planning and permitting laws, rules, regulations,  
29 agreements, and policies of Charlotte County shall control the  
30 development of the land within the district.

31

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

4           (q) Charlotte County does not object to the creation  
5 of the district.

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

10           (s) It is the legislative intent and purpose that no  
11 local general-purpose government shall be under any obligation  
12 or duty to assume any obligation or commitment made by the  
13 developer or the district.

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

15           (a) "Ad valorem bonds" means bonds that are payable  
16 from the proceeds of ad valorem taxes levied on real and  
17 tangible personal property and that are generally referred to  
18 as general obligation bonds.

19           (b) "Assessable improvements" means, without  
20 limitation, any and all public improvements and community  
21 facilities that the district is empowered to provide in  
22 accordance with this act that provide a special benefit to  
23 property within the district.

24           (c) "Assessment bonds" means special obligations of  
25 the district that are payable solely from proceeds of the  
26 special assessments or benefit special assessments levied for  
27 assessable improvements, provided that, in lieu of issuing  
28 assessment bonds to fund the costs of assessable improvements,  
29 the district may issue revenue bonds for such purposes payable  
30 from special assessments.

31

1           (d) "Assessments" means those nonmillage district  
2 assessments that include special assessments, benefit special  
3 assessments, and maintenance special assessments and a  
4 nonmillage, non-ad valorem maintenance tax if authorized by  
5 general law.

6           (e) "Babcock Ranch" means the approximately 91,000  
7 acres of contiguous lands generally located in southeastern  
8 Charlotte County and in the northeastern portion of Lee  
9 County, the majority of which, approximately 73,500 acres, has  
10 been purchased pursuant to that certain Agreement for Sale and  
11 Purchase entered into by the Board of Trustees of the Internal  
12 Improvement Trust Fund, the Florida Fish and Wildlife  
13 Conservation Commission, and Lee County, as authorized  
14 pursuant to the Babcock Ranch Preserve Act, chapter 2006-231,  
15 Laws of Florida, and the remainder of which, approximately  
16 17,800 acres, known as "Area 6," is to be developed as the  
17 Babcock Ranch Community.

18           (f) "Babcock Ranch Community" means that portion of  
19 the Babcock Ranch to be developed with a new, sustainable,  
20 compact, mixed-use community pursuant to that certain  
21 Interlocal Planning Agreement for the Babcock Ranch, dated  
22 January 24, 2006, among the Florida Department of Community  
23 Affairs, Lee and Charlotte Counties, and the then contract  
24 purchaser of the Babcock Ranch, and pursuant to development  
25 approvals issued or to be issued by Lee County and Charlotte  
26 County, consisting of approximately 17,800 acres. The subject  
27 of this act is that portion of the Babcock Ranch Community  
28 located in Charlotte County, consisting of approximately  
29 13,631 acres, as described in section 4.

30           (g) "Babcock Ranch Community Independent Special  
31 District" means the unit of special and single-purpose local



1 government created and chartered by this act, including the  
2 creation of its charter, and limited to the performance, in  
3 implementing its single purpose, of those general and special  
4 powers authorized by its charter under this act, the  
5 boundaries of which are more specifically set forth in this  
6 act, the governing head of which is created and authorized to  
7 operate with legal existence by this act, and the purpose of  
8 which is as set forth in this act.

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

12 (i) "Bond" includes "certificate," and the provisions  
13 that are applicable to bonds are equally applicable to  
14 certificates. The term "bond" includes any general obligation  
15 bond, assessment bond, refunding bond, revenue bond, and other  
16 such obligation in the nature of a bond as provided for in  
17 this act.

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

20 1. The expenses of determining the feasibility or  
21 practicability of acquisition, construction, or  
22 reconstruction.

23 2. The cost of surveys, estimates, plans, and  
24 specifications.

25 3. The cost of improvements.

26 4. Planning, engineering, designing, fiscal, legal,  
27 and other professional and consultant expenses and charges.

28 5. The cost of all labor, materials, machinery, and  
29 equipment.

30 6. The cost of all lands, properties, rights,  
31 easements, and franchises acquired.

- 1           7. Financing charges.
- 2           8. The creation of initial reserve and debt service  
3 funds.
- 4           9. Working capital.
- 5           10. Interest charges incurred or estimated to be  
6 incurred on money borrowed prior to and during construction  
7 and acquisition and for such reasonable period of time after  
8 completion of construction or acquisition as the board may  
9 determine.
- 10          11. The cost of issuance of bonds pursuant to this  
11 act, including advertisements and printing.
- 12          12. The cost of any bond or tax referendum held  
13 pursuant to this act and all other expenses of issuance of  
14 bonds.
- 15          13. The discount, if any, on the sale or exchange of  
16 bonds.
- 17          14. Administrative expenses.
- 18          15. The costs and expenses associated with the use,  
19 operation, maintenance, and repair of improvements.
- 20          16. Such other expenses as may be necessary or  
21 incidental to the acquisition, disposition, transfer,  
22 construction, operation, maintenance, or reconstruction of any  
23 project or to the financing thereof, or to the development of  
24 any lands within the district.
- 25          17. Payments, contributions, dedications, and any  
26 other exactions required as a condition of receiving any  
27 governmental approval or permit necessary to accomplish any  
28 district purpose.
- 29          (k) "District" means the Babcock Ranch Community  
30 Independent Special District.
- 31

1           (l) "District manager" means the manager of the  
2 district.

3           (m) "General obligation bonds" means bonds that are  
4 secured by, or provide for their payment by, the pledge of the  
5 full faith and credit and taxing power of the district, in  
6 addition to those special taxes levied for their discharge and  
7 such other sources as may be provided for their payment or  
8 pledged as security under the resolution authorizing their  
9 issuance, and for payment of which recourse may be had against  
10 the general fund of the district.

11           (n) "Governing board" or "board" means the governing  
12 board of the district or, if such board has been abolished,  
13 the board, body, or commission assuming the principal  
14 functions thereof or to whom the powers given to the board by  
15 this act have been given by law.

16           (o) "Governing board member" means any member of the  
17 governing board.

18           (p) "Land development regulations" means those  
19 regulations of general purpose local government, adopted under  
20 the Local Government Comprehensive Planning and Land  
21 Development Regulation Act, part II of chapter 163, Florida  
22 Statutes, to which the district is subject and as to which the  
23 district may not do anything that is inconsistent. Land  
24 development regulations shall not mean specific management,  
25 engineering, planning, operating, and other criteria and  
26 standards needed in the daily management, implementation, and  
27 provision by the district of systems, facilities, services,  
28 works, improvements, projects, or infrastructure, including  
29 design criteria and standards, so long as they remain subject  
30 to and are not inconsistent with the applicable land  
31 development regulations.

1           (q) "Landowner" means the owner of a freehold estate  
2 as it appears on the deed record, including a trustee, a  
3 private corporation, and an owner of a condominium unit.  
4 "Landowner" does not include a reversioner, remainderman,  
5 mortgagee, or any governmental entity, who shall not be  
6 counted and need not be notified of proceedings under this  
7 act. "Landowner" also means the owner of a ground lease from a  
8 governmental entity, which leasehold interest has a remaining  
9 term, excluding all renewal options, in excess of 50 years.

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

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

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

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

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

26           2. "Special powers," those powers enumerated by the  
27 district charter to implement its specialized systems,  
28 facilities, services, projects, improvements, and  
29 infrastructure and related functions in order to carry out its  
30 single specialized purpose.

31

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

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

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

13           (x) "Refunding bonds" means bonds issued to refinance  
14 outstanding bonds of any type and the interest and redemption  
15 premium thereon. Refunding bonds shall be issuable and payable  
16 in the same manner as refinanced bonds, except that no  
17 approval by the electorate shall be required unless required  
18 by the State Constitution.

19           (y) "Revenue bonds" means obligations of the district  
20 that are payable from revenues, including, but not limited to,  
21 special assessments and benefit special assessments, derived  
22 from sources other than ad valorem taxes on real or tangible  
23 personal property, and that do not pledge the property,  
24 credit, or general tax revenue of the district.

25           (z) "Sewer system" means any plant, system of pipes or  
26 lines, facility, or property and additions, extensions, and  
27 improvements thereto at any future time constructed or  
28 acquired as part thereof, useful or necessary or having the  
29 present capacity for future use in connection with the  
30 collection, treatment, purification, or disposal of sewage,  
31 including, but not limited to, industrial wastes resulting

1 from any process of industry, manufacture, trade, or business  
2 or from the development of any natural resource. "Sewer  
3 system" also includes treatment plants, pumping stations, lift  
4 stations, valves, force mains, intercepting sewers, laterals,  
5 pressure lines, mains, and all necessary appurtenances and  
6 equipment; all sewer mains, laterals, and other devices for  
7 the reception and collection of sewage from premises connected  
8 therewith; and all real and personal property and any interest  
9 therein, and rights, easements, and franchises of any nature  
10 relating to any such system and necessary or convenient for  
11 operation thereof.

12 (aa) "Special assessments" means assessments as  
13 imposed, levied, and collected by the district for the costs  
14 of assessable improvements pursuant to the provisions of this  
15 act, chapter 170, Florida Statutes, and the additional  
16 authority under section 197.3631, Florida Statutes, or other  
17 provisions of general law that provide or authorize a  
18 supplemental means to impose, levy, or collect special  
19 assessments.

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

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

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

29 (cc) "Water system" means any plant, system of pipes  
30 or lines, facility, or property, and any addition, extension,  
31 or improvement thereto at any future time constructed or

1 acquired as a part thereof, useful, necessary, or having the  
2 present capacity for future use in connection with the  
3 development of sources, treatment, purification, or  
4 distribution of water. "Water system" also includes lakes,  
5 canals, ditches, reservoirs, dams, impoundments, storage  
6 tanks, mains, lines, valves, pumping stations, laterals, and  
7 pipes for the purpose of carrying water to the premises  
8 connected with such system, and all rights, easements, and  
9 franchises of any nature relating to any such system and  
10 necessary or convenient for the operation thereof.

11 (3) POLICY.--Based upon its findings, ascertainments,  
12 determinations, intent, purpose, and definitions, the  
13 Legislature states its policy expressly:

14 (a) The district and the district charter, with its  
15 general and special powers, as created in this act, are  
16 essential and the best alternative for the residential,  
17 commercial, and other community uses, projects, or functions  
18 in the included portion of Charlotte County consistent with  
19 the effective comprehensive plans and serve a lawful public  
20 purpose.

21 (b) The district, which is a government of special  
22 purpose, is limited to its special purpose as expressed in  
23 this act, with the power to provide, plan, implement,  
24 construct, maintain, and finance as a government of special  
25 purpose for its systems, facilities, services, improvements,  
26 infrastructure, and projects and possessing financing powers  
27 to fund its management powers over the long term and with  
28 sustained levels of high quality.

29 (c) The creation of the Babcock Ranch Community  
30 Independent Special District by and pursuant to this act, and  
31 its exercise of its management and related financing powers to

1 implement its limited, single, and special purpose, does not  
2 constitute a development order and does not invoke any  
3 provision within the meaning of chapter 380, Florida Statutes,  
4 and all applicable governmental planning, environmental, and  
5 land development laws, regulations, rules, policies, and  
6 ordinances apply to all development of the land within the  
7 jurisdiction of the district as created by this act.

8 (d) The district shall operate and function subject  
9 to, and not inconsistent with, the Charlotte County  
10 comprehensive plan and any applicable development orders,  
11 zoning regulations, and other land development regulations.

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

19 (f) This act may be amended, in whole or in part, only  
20 by subsequent special act of the Legislature. No amendment to  
21 this act that alters the district boundaries or the general or  
22 special powers of the district may be considered by the  
23 Legislature unless it is accompanied by a resolution or  
24 official statement as provided for in section 189.404(2)(e)4.,  
25 Florida Statutes.

26 Section 3. Creation and establishment; jurisdiction;  
27 construction; charter with legal description.--

28 (1) The Babcock Ranch Community Independent Special  
29 District, which also may be referred to as the "district," is  
30 created and incorporated as a public body corporate and  
31 politic, an independent, limited, special purpose local



1 government, an independent special district under section  
2 189.404, Florida Statutes, and as defined in this act and  
3 section 189.403(3), Florida Statutes, in and for a certain  
4 portion of Charlotte County. Any amendments to chapter 190,  
5 Florida Statutes, after January 1, 2007, granting additional  
6 general powers, special powers, authorities, or projects to a  
7 community development district by amendment to its uniform  
8 charter, sections 190.006-190.041, Florida Statutes, shall  
9 constitute a general power, special power, authority, or  
10 function of the Babcock Ranch Community Independent Special  
11 District. All notices for the enactment by the Legislature of  
12 this special act have been provided pursuant to the State  
13 Constitution, laws of the state, and the Rules of the Florida  
14 House of Representatives and of the Florida Senate.

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

18 (3) The jurisdiction of this district, in the exercise  
19 of its general and special powers, and in the carrying out of  
20 its special purposes, is both within the external boundaries  
21 of the legal description of this district and  
22 extraterritorially only when expressly authorized by this act  
23 or by applicable general law. This special purpose district is  
24 created as a public body corporate and politic, with local  
25 government authority and power limited by its charter, this  
26 act, and subject to the provisions of other general laws, in  
27 particular chapter 189, Florida Statutes, except that in the  
28 event that a conflict arises between the provisions of  
29 applicable general laws and this act, the provisions of this  
30 act will control, and the district has jurisdiction to perform  
31 such acts and exercise such authorities, functions, and powers

1 as shall be necessary, convenient, incidental, proper, or  
2 reasonable for the implementation of its limited, single, and  
3 specialized purpose regarding the sound planning, provision,  
4 acquisition, development, operation, maintenance, and related  
5 financing of those public systems, facilities, services,  
6 improvements, projects, and infrastructure works as authorized  
7 herein, including those necessary and incidental thereto.

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

12 Section 4. Legal description of the Babcock Ranch  
13 Community Independent Special District.--

14  
15 LEGAL DESCRIPTION. The metes and bounds legal  
16 description of the district, within which there  
17 are no parcels of property owned by those who  
18 do not wish their property to be included  
19 within the district, is as follows:

20  
21 CHARLOTTE COUNTY PARCEL:

22  
23 A parcel of land lying within Sections 29, 31  
24 through 33, Township 41 South, Range 26 East,  
25 AND, Sections 4 through 10, Sections 15 through  
26 17 and Sections 19 through 36, Township 42  
27 South, Range 26 East, Charlotte County,  
28 Florida, being more particularly described as  
29 follows:

1 Commence at the Southwest corner of Section 31,  
2 Township 42 South, Range 26 East and run  
3 S89°41'45"E, along the South line of said  
4 Section 31, a distance of 50.00 feet to a point  
5 on the East right-of-way line of State Road No.  
6 31, said point also being the Point of  
7 Beginning of the parcel of land herein  
8 described; Thence continue S89°41'45"E a  
9 distance of 5,189.75 feet to the Northeast  
10 corner of Section 6, Township 43 South, Range  
11 26 East; Thence S89°41'45"E a distance of  
12 5,306.08 feet to the Northeast corner of  
13 Section 5, Township 43 South, Range 26 East;  
14 Thence S89°37'16"E a distance of 5,289.11 feet  
15 to the Northeast corner of Section 4, Township  
16 43 South, Range 26 East; Thence S89°35'44"E a  
17 distance of 5,294.60 feet to the Northeast  
18 corner of Section 3, Township 43 South, Range  
19 26 East; Thence S89°35'44"E a distance of  
20 5,294.60 feet to the Northeast corner of  
21 Section 2, Township 43 South, Range 26 East;  
22 Thence S89°35'44"E, along the North line of  
23 Section 1, Township 43 South, Range 26 East, a  
24 distance of 3,430.66 feet; Thence N00°00'40"W a  
25 distance of 10,185.53 feet; Thence N05°46'23"E  
26 a distance of 1,058.56 feet; Thence N66°40'38"W  
27 a distance of 200.62 feet; Thence S83°12'47"W a  
28 distance of 1,373.33 feet; Thence N30°17'33"W a  
29 distance of 1,686.63 feet; Thence N70°02'41"W a  
30 distance of 1,332.41 feet; Thence S72°42'44"W a  
31 distance of 1,430.81 feet; Thence N49°18'31"W a

1 distance of 2,362.25 feet; Thence S69°00'57"W a  
2 distance of 1,518.19 feet; Thence S21°08'17"W a  
3 distance of 865.44 feet; Thence S20°29'11"E a  
4 distance of 1,376.91 feet; Thence N74°38'25"E a  
5 distance of 1,635.69 feet; Thence S00°18'50"E a  
6 distance of 1,309.92 feet; Thence S89°45'02"W a  
7 distance of 4,154.48 feet; Thence N51°39'36"W a  
8 distance of 782.53 feet; Thence N04°14'12"E a  
9 distance of 1,329.59 feet; Thence N39°20'59"W a  
10 distance of 1,779.16 feet; Thence N42°01'35"W a  
11 distance of 1,162.94 feet; Thence S52°01'16"W a  
12 distance of 818.34 feet; Thence S62°56'46"W a  
13 distance of 516.42 feet; Thence S89°59'33"W a  
14 distance of 307.20 feet; Thence N80°06'18"W a  
15 distance of 334.84 feet; Thence N20°54'51"W a  
16 distance of 336.86 feet; Thence N05°03'05"E a  
17 distance of 533.35 feet; Thence N22°47'49"E a  
18 distance of 5,490.82 feet; Thence N55°42'26"E a  
19 distance of 195.73 feet; Thence N21°59'06"W a  
20 distance of 1,739.17 feet; Thence N52°37'55"E a  
21 distance of 867.75 feet; Thence N13°36'57"W a  
22 distance of 2,507.33 feet; Thence S78°50'16"W a  
23 distance of 687.95 feet; Thence N19°48'25"W a  
24 distance of 366.25 feet; Thence N08°01'21"W a  
25 distance of 493.32 feet; Thence N03°43'40"E a  
26 distance of 687.22 feet; Thence N00°28'20"E a  
27 distance of 674.51 feet; Thence N25°12'33"W a  
28 distance of 261.13 feet; Thence N42°54'55"W a  
29 distance of 643.19 feet; Thence N07°19'37"W a  
30 distance of 171.40 feet; Thence N13°05'30"E a  
31 distance of 201.96 feet; Thence N32°40'01"W a

1 distance of 186.12 feet; Thence N05°04'15"W a  
2 distance of 1,832.77 feet; Thence N19°47'08"W a  
3 distance of 527.20 feet; Thence N26°13'22"W a  
4 distance of 802.13 feet; Thence S79°06'55"W a  
5 distance of 475.20 feet; Thence N74°19'19"W a  
6 distance of 1,689.05 feet; Thence N01°26'06"W a  
7 distance of 897.42 feet; Thence N89°51'42"W a  
8 distance of 67.91 feet; Thence N00°00'03"W a  
9 distance of 1,218.37 feet; Thence N39°50'11"W a  
10 distance of 190.86 feet; Thence N00°00'29"W a  
11 distance of 324.62 feet; Thence N89°59'52"W a  
12 distance of 688.20 feet; Thence N00°00'00"E a  
13 distance of 1,967.22 feet; Thence N41°13'25"W a  
14 distance of 2,825.17 feet; Thence S89°59'57"W a  
15 distance of 3,566.80 feet; Thence S00°00'03"E a  
16 distance of 2,799.34 feet; Thence S89°11'17"W a  
17 distance of 5,960.98 feet to a point lying  
18 50.00 feet East of the East right-of-way line  
19 for State Road No. 31; Thence along a line  
20 50.00 feet East of, and parallel with, the East  
21 right-of-way line for State Road No. 31, the  
22 following courses and distances: S00°48'43"E a  
23 distance of 2,976.13 feet and S00°34'01"W a  
24 distance of 786.25 feet; Thence S89°25'59"E a  
25 distance of 4,104.32 feet; Thence S00°01'22"E a  
26 distance of 2,084.04 feet; Thence S16°46'15"E a  
27 distance of 1,740.24 feet; Thence S09°11'59"W a  
28 distance of 1,325.85 feet; Thence S73°15'18"E a  
29 distance of 661.15 feet; Thence N59°20'29"E a  
30 distance of 577.75 feet; Thence S38°10'48"E a  
31 distance of 551.46 feet; Thence S86°25'58"E a

1 distance of 385.80 feet; Thence S24°01'11"E a  
2 distance of 975.12 feet; Thence S57°46'34"E a  
3 distance of 530.20 feet; Thence S70°04'12"E a  
4 distance of 1,843.47 feet; Thence N63°01'21"E a  
5 distance of 1,214.99 feet; Thence S50°03'22"E a  
6 distance of 2,565.56 feet; Thence S13°56'09"W a  
7 distance of 1,953.90 feet; Thence S12°51'59"E a  
8 distance of 1,862.33 feet; Thence S71°59'01"W a  
9 distance of 448.53 feet; Thence N45°00'57"W a  
10 distance of 266.60 feet; Thence S69°50'23"W a  
11 distance of 1,104.27 feet; Thence S28°10'55"E a  
12 distance of 1,272.60 feet; Thence S62°45'03"W a  
13 distance of 4,638.30 feet; Thence S82°12'01"W a  
14 distance of 711.48 feet; Thence S81°38'00"W a  
15 distance of 5,167.82 feet; Thence N77°54'41"W a  
16 distance of 707.32 feet; Thence N89°28'15"W a  
17 distance of 299.98 feet to a point lying 50.00  
18 feet East of the East right-of-way line for  
19 State Road No. 31; Thence along a line 50.00  
20 feet East of, and parallel with, the East  
21 right-of-way line for State Road No. 31, the  
22 following courses and distances: S00°31'45"W a  
23 distance of 4,197.71 feet, S00°26'10"W a  
24 distance of 5,282.33 feet and S00°36'46"W a  
25 distance of 5,337.00 feet to the Point of  
26 Beginning.

27  
28 Containing 13,630.64 acres, more or less.  
29  
30  
31

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

4  
5           Section 5. Governing board; members and meetings;  
6 organization; powers; duties; terms of office; related  
7 election requirements.--

8           (1) The board shall exercise the powers granted to the  
9 district pursuant to this act. The board shall consist of five  
10 voting members. Each voting member shall hold office for a  
11 term of 4 years, except as otherwise provided herein for  
12 initial board members, and until a successor is chosen and  
13 qualified. Additionally, Charlotte and Lee Counties, acting  
14 through their respective boards of county commissioners, are  
15 each entitled, but under no obligation, to appoint one person  
16 to act as a representative for the appointing county and  
17 liaison to the board. Such person may be appointed to serve as  
18 liaison to the board at any time after the initial landowner's  
19 meeting and may serve until replaced or removed by the  
20 appointing county. Only Charlotte and Lee Counties may appoint  
21 liaisons to the board, and only landowners and qualified  
22 electors may elect voting members to the board. All members of  
23 the board must be residents of the state and citizens of the  
24 United States. A board liaison is entitled to receive all  
25 meeting notices and board meeting materials in the same manner  
26 as a voting member of the board and shall be entitled to be  
27 heard at board meetings in the same manner as board members,  
28 except that such person shall not be a member of the governing  
29 board nor be entitled to vote.

30           (2)(a) Within 90 days following the effective date of  
31 this act, there shall be held a meeting of the landowners of

1 the district for the purpose of electing five members for the  
2 district. Notice of the landowners' meeting shall be published  
3 once a week for 2 consecutive weeks in a newspaper that is in  
4 general circulation in the area of the district, the last day  
5 of such publication to be not less than 14 days or more than  
6 28 days before the date of the election. The landowners, when  
7 assembled at such meeting, shall organize by electing a chair,  
8 who shall conduct the meeting. The chair may be any person  
9 present at the meeting. If the chair is a landowner or proxy  
10 holder of a landowner, he or she may nominate candidates and  
11 make and second motions. The landowners present at the  
12 meeting, in person or by proxy, shall constitute a quorum. At  
13 any landowners' meeting, 50 percent of the district acreage  
14 shall not be required to constitute a quorum, and each  
15 governing board member elected by landowners shall be elected  
16 by a majority of the acreage represented either by owner or  
17 proxy present and voting at said meeting.

18       (b) At such meeting, each landowner shall be entitled  
19 to cast one vote per acre of land owned by him or her and  
20 located within the district for each person to be elected. A  
21 landowner may vote in person or by proxy in writing. Each  
22 proxy must be signed by one of the legal owners of the  
23 property for which the vote is cast and must contain the typed  
24 or printed name of the individual who signed the proxy; the  
25 street address, legal description of the property, or tax  
26 parcel identification number; and the number of authorized  
27 votes. If the proxy authorizes more than one vote, each  
28 property must be listed and the number of acres of each  
29 property must be included. The signature on a proxy need not  
30 be notarized. A fraction of an acre shall be treated as one  
31 acre, entitling the landowner to one vote with respect



1 thereto. The two candidates receiving the highest number of  
2 votes shall be elected for terms expiring November 30, 2010,  
3 and the three candidates receiving the next largest number of  
4 votes shall be elected for terms expiring November 30, 2008,  
5 with the term of office for each successful candidate  
6 commencing upon election. The members of the first board  
7 elected by landowners shall serve their respective terms;  
8 however, the next election of board members shall be held on  
9 the first Tuesday after the first Monday in November 2008.  
10 Thereafter, there shall be an election by landowners for the  
11 district every 2 years on the first Tuesday after the first  
12 Monday in November, which shall be noticed pursuant to  
13 paragraph (a). The second and subsequent landowners' election  
14 shall be announced at a public meeting of the board at least  
15 90 days prior to the date of the landowners' meeting and shall  
16 also be noticed pursuant to paragraph (a). Instructions on how  
17 all landowners may participate in the election, along with  
18 sample proxies, shall be provided during the board meeting  
19 that announces the landowners' meeting. Each member elected in  
20 or after November 2008 shall serve a 4-year term.

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

26 2.a. Regardless of whether the district has proposed  
27 to levy ad valorem taxes or issue general obligation bonds,  
28 board members initially elected by landowners shall be elected  
29 by qualified electors of the district as the district becomes  
30 populated with qualified electors. The transition shall occur  
31 such that the composition of the board, after the first

1 general election following a trigger of the qualified elector  
2 population thresholds set forth below, shall be as follows:

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

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

11 (III) Once 22,000 qualified electors reside within the  
12 district, three voting board members shall be persons who were  
13 elected by the qualified electors and two voting board members  
14 shall be persons who were elected by the landowners.

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

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

22  
23 Nothing in this sub-subparagraph is intended to require an  
24 election prior to the expiration of an existing board member's  
25 term.

26 b. On or before June 1 of each year, the board shall  
27 determine the number of qualified electors in the district as  
28 of the immediately preceding April 15. The board shall use and  
29 rely upon the official records maintained by the supervisor of  
30 elections and property appraiser or tax collector in and for  
31 Charlotte County in making this determination. Such

1 determination shall be made at a properly noticed meeting of  
2 the board and shall become a part of the official minutes of  
3 the district.

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

7 d. Once the district qualifies to have any of its  
8 board members elected by the qualified electors of the  
9 district, the initial and all subsequent elections by the  
10 qualified electors of the district shall be held at the  
11 general election in November. The board shall adopt a  
12 resolution if necessary to implement this requirement. The  
13 transition process described herein is intended to be in lieu  
14 of the process set forth in section 189.4051, Florida  
15 Statutes.

16 (b) Elections of board members by qualified electors  
17 held pursuant to this subsection shall be nonpartisan and  
18 shall be conducted in the manner prescribed by law for holding  
19 general elections. Board members shall assume the office on  
20 the second Tuesday after their election.

21 (c) Candidates seeking election to office by qualified  
22 electors under this subsection shall conduct their campaigns  
23 in accordance with the provisions of chapter 106, Florida  
24 Statutes, and shall file qualifying papers and qualify for  
25 individual seats in accordance with section 99.061, Florida  
26 Statutes. Candidates shall pay a qualifying fee, which shall  
27 consist of a filing fee and, if applicable, an election  
28 assessment or, as an alternative, shall file a petition signed  
29 by not less than 1 percent of the registered voters of the  
30 district, and take the oath required in section 99.021,  
31 Florida Statutes, with the supervisor of elections in the

1 county affected by such candidacy. The amount of the filing  
2 fee is 3 percent of \$4,800; however, if the electors have  
3 provided for compensation, the amount of the filing fee is 3  
4 percent of the maximum annual compensation so provided. The  
5 filing fee and election assessment, if applicable, shall be  
6 distributed as provided in section 105.031(3), Florida  
7 Statutes.

8 (d) The supervisor of elections shall appoint the  
9 inspectors and clerks of elections, prepare and furnish the  
10 ballots, designate polling places, and canvass the returns of  
11 the election of board members by qualified electors. The  
12 county canvassing board shall declare and certify the results  
13 of the election.

14 (4) Voting members of the board shall be public  
15 officers, shall be known as members and, upon entering into  
16 office, shall take and subscribe to the oath of office as  
17 prescribed by section 876.05, Florida Statutes. Voting members  
18 of the board shall be subject to ethics and conflict of  
19 interest laws of the state that apply to all local public  
20 officers. Voting members of the board shall hold office for  
21 the terms for which they were elected and until their  
22 successors are chosen and qualified. If, during the term of  
23 office, a voting member vacancy occurs, the remaining voting  
24 members of the board shall fill each vacancy by an appointment  
25 for the remainder of the unexpired term.

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

1           (6) A majority of the voting members of the board  
2 constitutes a quorum for the purposes of conducting its  
3 business and exercising its powers and for all other purposes.  
4 Action taken by the district shall be upon a vote of a  
5 majority of the voting members present unless general law or a  
6 rule of the district requires a greater number.

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

12           (8) The board shall keep a permanent record book  
13 entitled "Record of Proceedings of Babcock Ranch Community  
14 Independent Special District," in which shall be recorded  
15 minutes of all meetings, resolutions, proceedings,  
16 certificates, bonds given by all employees, and any and all  
17 corporate acts. The record book and all other district records  
18 shall at reasonable times be opened to inspection in the same  
19 manner as state, county, and municipal records pursuant to  
20 chapter 119, Florida Statutes. The record book shall be kept  
21 at the office or other regular place of business maintained by  
22 the board in a designated location in Charlotte County.

23           (9) Each voting member of the board shall be entitled  
24 to receive for his or her services an amount not to exceed  
25 \$200 per meeting of the board, not to exceed \$4,800 per year  
26 per member, or an amount established by the electors at  
27 referendum. In addition, each voting member of the board shall  
28 receive travel and per diem expenses as set forth in section  
29 112.061, Florida Statutes.

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

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

5           (1) DISTRICT MANAGER AND EMPLOYEES.--The board shall  
6 employ and fix the compensation of a district manager, who  
7 shall have charge and supervision of the works of the district  
8 and shall be responsible for preserving and maintaining any  
9 improvement or facility constructed or erected pursuant to the  
10 provisions of this act, for maintaining and operating the  
11 equipment owned by the district, and for performing such other  
12 duties as may be prescribed by the board. It shall not be a  
13 conflict of interest under chapter 112, Florida Statutes, for  
14 a board member, the district manager, or another employee of  
15 the district to be a stockholder, officer, or employee of a  
16 landowner. The district manager may hire or otherwise employ  
17 and terminate the employment of such other persons, including,  
18 without limitation, professional, supervisory, and clerical  
19 employees, as may be necessary and authorized by the board.  
20 The compensation and other conditions of employment of the  
21 officers and employees of the district shall be as provided by  
22 the board.

23           (2) TREASURER.--The board shall designate a person who  
24 is a resident of the state as treasurer of the district, who  
25 shall have charge of the funds of the district. Such funds  
26 shall be disbursed only upon the order of or pursuant to a  
27 resolution of the board by warrant or check countersigned by  
28 the treasurer and by such other person as may be authorized by  
29 the board. The board may give the treasurer such other or  
30 additional powers and duties as the board may deem appropriate  
31 and may fix his or her compensation. The board may require the

1 treasurer to give a bond in such amount, on such terms, and  
2 with such sureties as may be deemed satisfactory to the board  
3 to secure the performance by the treasurer of his or her  
4 powers and duties. The financial records of the board shall be  
5 audited by an independent certified public accountant at least  
6 once a year.

7 (3) PUBLIC DEPOSITORY.--The board is authorized to  
8 select as a depository for its funds any qualified public  
9 depository as defined in section 280.02, Florida Statutes,  
10 that meets all the requirements of chapter 280, Florida  
11 Statutes, and has been designated by the treasurer as a  
12 qualified public depository upon such terms and conditions as  
13 to the payment of interest by such depository upon the funds  
14 so deposited as the board may deem just and reasonable.

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

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

19 (b) On or before July 15 of each year, the district  
20 manager shall prepare a proposed budget for the ensuing fiscal  
21 year to be submitted to the board for board approval. The  
22 proposed budget shall include at the direction of the board an  
23 estimate of all necessary expenditures of the district for the  
24 ensuing fiscal year and an estimate of income to the district  
25 from the taxes and assessments provided in this act. The board  
26 shall consider the proposed budget item by item and may either  
27 approve the budget as proposed by the district manager or  
28 modify the same in part or in whole. The board shall indicate  
29 its approval of the budget by resolution, which resolution  
30 shall provide for a hearing on the budget as approved. Notice  
31 of the hearing on the budget shall be published in a newspaper

1 of general circulation in the area of the district once a week  
2 for 2 consecutive weeks, except that the first publication  
3 shall be not fewer than 15 days prior to the date of the  
4 hearing. The notice shall further contain a designation of the  
5 day, time, and place of the public hearing. At the time and  
6 place designated in the notice, the board shall hear all  
7 objections to the budget as proposed and may make such changes  
8 as the board deems necessary. At the conclusion of the budget  
9 hearing, the board shall, by resolution, adopt the budget as  
10 finally approved by the board. The budget shall be adopted  
11 prior to October 1 of each year.

12 (c) At least 60 days prior to adoption, the board of  
13 the district shall submit to the Charlotte County Board of  
14 County Commissioners, for purposes of disclosure and  
15 information only, the proposed annual budget for the ensuing  
16 fiscal year, and the board of county commissioners may submit  
17 written comments to the board of the district solely for the  
18 assistance and information of the board of the district in  
19 adopting its annual district budget.

20 (d) The board of the district shall submit annually to  
21 the Charlotte County Board of County Commissioners its  
22 district public facilities report under section 189.415(2),  
23 Florida Statutes, which report the board of county  
24 commissioners shall use and rely on in the preparation or  
25 revision of its comprehensive plan, specifically under section  
26 189.415(6), Florida Statutes.

27 (5) DISCLOSURE OF PUBLIC FINANCING.--The district  
28 shall, in accordance with all applicable general law, provide  
29 for the full disclosure of information relating to the public  
30 financing and maintenance of improvements to real property  
31 undertaken by the district. Such information shall be made



1 available to all existing residents and all prospective  
2 residents of the district. The district shall furnish each  
3 developer of a residential development within the district  
4 with sufficient copies of that information to provide each  
5 prospective initial purchaser of property in that development  
6 with a copy. Any developer of a residential development within  
7 the district, when required by law to provide a public  
8 offering statement, shall include a copy of such information  
9 relating to the public financing and maintenance of  
10 improvements in the public offering statement. The Division of  
11 Florida Land Sales, Condominiums, and Mobile Homes of the  
12 Department of Business and Professional Regulation shall  
13 ensure that disclosures made by developers pursuant to chapter  
14 498, Florida Statutes, meet the requirements of section  
15 190.009(1), Florida Statutes.

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

18 (a) To sue and be sued in the name of the district; to  
19 adopt and use a seal and authorize the use of a facsimile  
20 thereof; to acquire, by purchase, gift, devise, or otherwise,  
21 and to dispose of, real and personal property, or any estate  
22 therein; and to make and execute contracts and other  
23 instruments necessary or convenient to the exercise of its  
24 powers.

25 (b) To apply for coverage of its employees under the  
26 Florida Retirement System in the same manner as if such  
27 employees were state employees, subject to necessary action by  
28 the district to pay employer contributions into the Florida  
29 Retirement System Trust Fund.

30 (c) To contract for the services of consultants to  
31 perform planning, engineering, legal, or other appropriate

1 services of a professional nature. Such contracts shall be  
2 subject to public bidding or competitive negotiation  
3 requirements as set forth in general law applicable to  
4 independent special districts.

5 (d) To borrow money and accept gifts; to apply for and  
6 use grants or loans of money or other property from the United  
7 States, the state, a unit of local government, or any person  
8 for any district purposes and enter into agreements required  
9 in connection therewith; and to hold, use, and dispose of such  
10 moneys or property for any district purposes in accordance  
11 with the terms of the gift, grant, loan, or agreement relating  
12 thereto.

13 (e) To adopt and enforce rules and orders pursuant to  
14 the provisions of chapter 120, Florida Statutes, prescribing  
15 the powers, duties, and functions of the officers of the  
16 district; the conduct of the business of the district; the  
17 maintenance of records; and the form of certificates  
18 evidencing tax liens and all other documents and records of  
19 the district. The board may also adopt and enforce  
20 administrative rules with respect to any of the projects of  
21 the district and define the area to be included therein. The  
22 board may also adopt resolutions that may be necessary for the  
23 conduct of district business.

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

27 (g) To hold, control, and acquire by donation or  
28 purchase, or dispose of, any public easements, dedications to  
29 public use, platted reservations for public purposes, or any  
30 reservations for those purposes authorized by this act and to  
31

1 make use of such easements, dedications, or reservations for  
2 the purposes authorized by this act.

3 (h) To lease as lessor or lessee to or from any  
4 person, firm, corporation, association, or body, public or  
5 private, any projects of the type that the district is  
6 authorized to undertake and facilities or property of any  
7 nature for the use of the district to carry out the purposes  
8 authorized by this act.

9 (i) To borrow money and issue bonds, certificates,  
10 warrants, notes, or other evidence of indebtedness as  
11 hereinafter provided; to levy such taxes and assessments as  
12 may be authorized; and to charge, collect, and enforce fees  
13 and other user charges.

14 (j) To raise, by user charges or fees authorized by  
15 resolution of the board, amounts of money necessary for the  
16 conduct of district activities and services and to enforce  
17 their receipt and collection in the manner prescribed by  
18 resolution not inconsistent with law.

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

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

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

28 (n) To determine, order, levy, impose, collect, and  
29 enforce assessments pursuant to this act and the general laws  
30 of the state.

31

1           (o) To hold, control and acquire by donation,  
2 purchase, or condemnation (subject to the limitation on the  
3 district's eminent domain powers as set forth below), or  
4 dispose of, any public easements, dedications to public use,  
5 platted reservations for public purposes, or any reservations  
6 for those purposes authorized by this act, both within and  
7 outside the boundaries of the district, and to make use of  
8 such easements, dedications, or reservations for the purposes  
9 authorized by this act.

10           (p) To exercise within the district, or beyond the  
11 district with prior approval by resolution of the governing  
12 body of the county in which the taking will occur, the right  
13 and power of eminent domain, pursuant to the provisions of  
14 chapters 73 and 74, Florida Statutes, over any property within  
15 the state, except municipal, county, state, and federal  
16 property, for the uses and purposes of the district relating  
17 solely to water, sewer, transportation improvements as  
18 outlined in subsection (7), and water management, specifically  
19 including, without limitation, the power for the taking of  
20 easements for the drainage of the land of one person over and  
21 through the land of another.

22           (q) To exercise such special powers and other express  
23 powers as may be authorized and granted by this act in the  
24 charter of the district, including powers as provided in any  
25 interlocal agreement entered into pursuant to chapter 163,  
26 Florida Statutes, or that shall be required or permitted to be  
27 undertaken by the district pursuant to any development order  
28 or development of regional impact, or any other agreement with  
29 Charlotte County or other governmental entities, including,  
30 without limitation, any school district, sheriff, fire  
31 district, drainage district, and health care district for

1 proportionate, fair-share, or pipelining capital construction  
2 funding for any certain capital facilities or systems required  
3 from the development pursuant to any applicable development  
4 order or agreement.

5 (r) To exercise all of the powers necessary,  
6 convenient, incidental, or proper in connection with any other  
7 powers or duties or the special purpose of the district  
8 authorized by this act.

9 (s) To carry out any conditions of any development  
10 approval, development order, or agreement applicable to the  
11 development of the Babcock Ranch Community that relates to the  
12 provisions of infrastructure, including roads and other  
13 on-site and off-site improvements and any surety obligations  
14 relating thereto.

15  
16 The provisions of this subsection shall be construed liberally  
17 in order to carry out effectively the specialized purpose of  
18 this act.

19 (7) SPECIAL POWERS.--The district shall have, and the  
20 board may exercise, the following special powers to implement  
21 its lawful and special purpose and to provide, pursuant to  
22 that purpose, systems, facilities, services, improvements,  
23 projects, works, and infrastructure, each of which constitutes  
24 a lawful public purpose when exercised pursuant to this  
25 charter, subject to, and not inconsistent with, the regulatory  
26 jurisdiction and permitting authority of all other applicable  
27 governmental bodies, agencies, and any special districts  
28 having authority with respect to any area included therein,  
29 and to plan, establish, acquire, construct or reconstruct,  
30 enlarge or extend, equip, operate, finance, fund, and maintain  
31 improvements, systems, facilities, services, works, projects,

1 and infrastructure, including, without limitation, any  
2 obligations pursuant to a development order or agreement. Any  
3 or all of the following special powers are granted by this act  
4 in order to implement the special purpose of the district:

5 (a) To provide water management and control for the  
6 lands within the district and to connect some or any of such  
7 facilities with roads and bridges. In the event that the board  
8 assumes the responsibility for providing water management and  
9 control for the district that is to be financed by benefit  
10 special assessments, the board shall adopt plans and  
11 assessments pursuant to law or may adopt water management and  
12 control plans, assess for benefits, and apportion and levy  
13 special assessments, as follows:

14 1. The board shall cause to be made by the district's  
15 engineer, or such other engineer or engineers as the board may  
16 employ for that purpose, complete and comprehensive water  
17 management and control plans for the lands located within the  
18 district that will be improved in any part or in whole by any  
19 system of facilities that may be outlined and adopted, and the  
20 engineer shall make a report in writing to the board with maps  
21 and profiles of said surveys and an estimate of the cost of  
22 carrying out and completing the plans.

23 2. Upon the completion of such plans, the board shall  
24 hold a hearing thereon to hear objections thereto; shall give  
25 notice of the time and place fixed for such hearing by  
26 publication once each week for 2 consecutive weeks in a  
27 newspaper of general circulation in the general area of the  
28 district; and shall permit the inspection of the plan at the  
29 office of the district by all persons interested. All  
30 objections to the plan shall be filed at or before the time  
31 fixed in the notice for the hearing and shall be in writing.

1           3. After the hearing, the board shall consider the  
2 proposed plan and any objections thereto and may modify,  
3 reject, or adopt the plan or continue the hearing until a day  
4 certain for further consideration of the proposed plan or  
5 modifications thereof.

6           4. When the board approves a plan, a resolution shall  
7 be adopted and a certified copy thereof shall be filed in the  
8 office of the secretary and incorporated by him or her into  
9 the records of the district.

10           5. The water management and control plan may be  
11 altered in detail from time to time until the appraisal record  
12 herein provided is filed but not in such manner as to affect  
13 materially the conditions of its adoption. After the appraisal  
14 record has been filed, no alteration of the plan shall be  
15 made, except as provided by this act.

16           6. Within 20 days after the final adoption of the plan  
17 by the board, the board shall proceed pursuant to section  
18 298.301, Florida Statutes.

19           (b) To provide for water supply, sewer, and wastewater  
20 management, reclamation, and reuse, or any combination  
21 thereof, and any irrigation systems, facilities, and services  
22 and to construct and operate connecting intercepting or outlet  
23 sewers and sewer mains and pipes and water mains, conduits, or  
24 pipelines in, along, and under any street, alley, highway, or  
25 other public place or ways, and to dispose of any effluent,  
26 residue, or other byproducts of such system or sewer system.

27           1. The district may not purchase or sell a water,  
28 sewer, or wastewater reuse utility that provides service to  
29 the public for compensation, or enter into a wastewater  
30 facility privatization contract for a wastewater facility,  
31 until the governing body of the district has held a public

1 hearing on the purchase, sale, or wastewater facility  
2 privatization contract and made a determination that the  
3 purchase, sale, or wastewater facility privatization contract  
4 is in the public interest.

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

8 a. The most recent available income and expense  
9 statement for the utility.

10 b. The most recent available balance sheet for the  
11 utility, listing assets and liabilities and clearly showing  
12 the amount of contributions in aid of construction and the  
13 accumulated depreciation thereon.

14 c. A statement of the existing rate base of the  
15 utility for regulatory purposes.

16 d. The physical condition of the utility facilities  
17 being purchased or sold or subject to a wastewater facility  
18 privatization contract.

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

21 f. The impacts of the purchase, sale, or wastewater  
22 facility privatization contract on utility customers, both  
23 positive and negative.

24 g. Any additional investment required and the ability  
25 and willingness of the purchaser or the private firm under a  
26 wastewater facility privatization contract to make that  
27 investment, whether the purchaser is the district or the  
28 entity purchasing the utility from the district.

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



1 thereof for contemplated capital replacements, additions,  
2 expansions, and repairs.

3 i. The alternatives to the purchase, sale, or  
4 wastewater facility privatization contract and the potential  
5 impact on utility customers if the purchase, sale, or  
6 wastewater facility privatization contract is not made.

7 j. The ability of the purchaser or the private firm  
8 under a wastewater facility privatization contract to provide  
9 and maintain high-quality and cost-effective utility service,  
10 whether the purchaser is the district or the entity purchasing  
11 the utility from the district.

12 k. In the case of a wastewater facility privatization  
13 contract, the district shall give significant weight to the  
14 technical expertise and experience of the private firm in  
15 carrying out the obligations specified in the wastewater  
16 facility privatization contract.

17 1. All moneys paid by a private firm to a district  
18 pursuant to a wastewater facility privatization contract shall  
19 be used for the purpose of reducing or offsetting property  
20 taxes, wastewater service rates, or debt reduction or making  
21 infrastructure improvements or capital asset expenditures or  
22 other public purpose, provided, however, that nothing herein  
23 shall preclude the district from using all or part of the  
24 moneys for the purpose of the district's qualification for  
25 relief from the repayment of federal grant awards associated  
26 with the wastewater system as may be required by federal law  
27 or regulation. The district shall prepare a statement showing  
28 that the purchase, sale, or wastewater facility privatization  
29 contract is in the public interest, including a summary of the  
30 purchaser's or private firm's experience in water, sewer, or  
31 wastewater reuse utility operation and a showing of financial

1 ability to provide the service, whether the purchaser or  
2 private firm is the district or the entity purchasing the  
3 utility from the district.

4 (c) To provide for bridges or culverts that may be  
5 needed across any drain, ditch, canal, floodway, holding  
6 basin, excavation, public highway, tract, grade, fill, or cut  
7 and roadways over levees and embankments, and to construct any  
8 and all of such works and improvements across, through, or  
9 over any public right-of-way, highway, grade, fill, or cut.

10 (d) To provide for transportation and  
11 transportation-related improvements equal to or exceeding the  
12 specifications of the county in which such transportation  
13 improvements are located, which specifications may include,  
14 but not be limited to, those outlined in conditions of  
15 development approval. Such transportation and  
16 transportation-related improvements may include, but are not  
17 limited to, highways, streets, roads, alleys, trails,  
18 pathways, sidewalks, parkways, bicycle lanes, jogging paths,  
19 interchanges, bridges, thoroughfares of all kinds and  
20 descriptions, landscaping, hardscaping, irrigation, storm  
21 drains, street lighting, traffic signals, regulatory or  
22 informational signage, road striping, underground conduit,  
23 underground cable or fiber or wire, parking facilities, and  
24 all other related elements of a functioning transportation  
25 system in general or as related to the conditions of a  
26 development approval affecting the Babcock Ranch Community.  
27 Such transportation improvements may be located on-site or  
28 off-site; provided, however, that any off-site transportation  
29 improvements must be required or approved by the local general  
30 purpose government in which they are located.

1       (e) To provide buses, trolleys, transit shelters and  
2 services, ridesharing facilities and services, parking  
3 improvements, and related signage.

4       (f) To provide investigation and remediation costs  
5 associated with the cleanup of actual or perceived  
6 environmental contamination within the district under the  
7 supervision or direction of a competent governmental authority  
8 unless the covered costs benefit any person who is a landowner  
9 within the district and who caused or contributed to the  
10 contamination.

11       (g) To provide for observation areas, conservation  
12 areas, mitigation areas, wildlife areas and wildlife habitat  
13 within or outside the district, including the maintenance of  
14 any plant or animal species, and any related interest in real  
15 or personal property.

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

18       (i) To provide for fire prevention and control,  
19 including fire stations, water mains and plugs, fire trucks,  
20 and other vehicles and equipment.

21       (j) To establish and maintain emergency medical and  
22 rescue response services, and acquire and maintain rescue,  
23 medical, and other emergency equipment.

24       (k) To provide for school buildings and related  
25 structures, which may be leased, sold, or donated to the  
26 school district, for use in the educational system when  
27 authorized by the affected school board. The district is  
28 granted the special power to contract with the school boards  
29 of Charlotte and Lee counties and, as applicable, the boards  
30 of county commissioners of Charlotte and Lee Counties, and  
31 with the applicable landowner developer of the lands within

1 the district, to assess the school district educational  
2 facilities plan, and to implement a management and financing  
3 plan for timely construction, maintenance, and acquisition, at  
4 the option of the district, of school facilities, including  
5 facilities identified in the facilities work programs or those  
6 proposed by charter schools. The district is granted the  
7 special power to determine, order, levy, impose, collect, or  
8 arrange for the collection and enforcement of assessments, as  
9 defined in and pursuant to this act, for such school  
10 facilities. The district is eligible for the financial  
11 enhancements available to educational facility benefit  
12 districts to provide for financing the construction and  
13 maintenance of educational facilities pursuant to section  
14 1013.356, Florida Statutes, and, if and when authorized by  
15 general law, to acquire such educational facilities. This act,  
16 in the place of an educational facilities benefit district,  
17 authorizes the affected school board to designate the  
18 district. The district is authorized to enter into an  
19 interlocal agreement with the affected school board and, as  
20 applicable, the affected county, and applicable private  
21 landowners and developers in order to provide for such  
22 construction, maintenance, and acquisition and in order to  
23 receive the applicable financial enhancements provided by  
24 section 1013.356, Florida Statutes. The interlocal agreement  
25 shall consider, among other things, absorption rates, sales  
26 rates, and related data of existing and projected schools;  
27 racial, ethnic, social, and economic balance within the  
28 affected school district under applicable state and federal  
29 law; and the provision of school attendance zones to allow  
30 students residing within a reasonable distance of the  
31 facilities constructed and financed through the interlocal

1 agreement to attend such facilities. Because these facilities  
2 are funded by assessments and not by taxes of any type, the  
3 provision of these facilities may be multiuse and, consistent  
4 with the provisions of this act, shall be first liens on the  
5 property upon a showing of special and peculiar benefits that  
6 flow to the property within the jurisdiction of the district  
7 as a logical connection from the systems, facilities, and  
8 services, resulting in added use, enhanced enjoyment,  
9 decreased insurance premiums, or enhanced value in  
10 marketability so that the Legislature finds that the  
11 provisions of the Florida Constitution for free public schools  
12 is implemented and enhanced. Nothing herein requires any  
13 change in the method of election of the governing board of the  
14 district provided for in section 5.

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

31

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

3           (n) To provide waste collection and disposal.

4           (o) To enter into impact fee credit agreements with  
5 Charlotte and Lee Counties and their respective school boards.  
6 Under such agreements, if the district constructs or makes  
7 contributions for public systems, facilities, services,  
8 projects, improvements, works, and infrastructures for which  
9 impact fee credits would be available to the landowner  
10 developer under the applicable impact fee ordinance, the  
11 agreement authorized by this act shall provide that such  
12 impact fee credit shall inure to the landowners within the  
13 district in proportion to assessments or other burdens levied  
14 and imposed upon the landowners with respect to assessable  
15 improvements giving rise to such impact fee credits, and the  
16 district shall from time to time execute such instruments,  
17 such as assignments of impact fee credits, as may be  
18 necessary, appropriate, or desirable to accomplish or to  
19 confirm the foregoing.

20           (p) To provide buildings and structures for district  
21 offices, maintenance facilities, meeting facilities, town  
22 centers, or any other project authorized or granted by this  
23 act.

24           (q) To establish and create, at noticed meetings, such  
25 governmental departments of the governing board of the  
26 district, as well as committees, task forces, boards, or  
27 commissions, or other agencies under the supervision and  
28 control of the district, as from time to time the members of  
29 the board may deem necessary or desirable in the performance  
30 of the acts or other things necessary to exercise the board's  
31 general or special powers to implement an innovative project

1 to carry out the special purpose of the district as provided  
2 in this act and to delegate the exercise of its powers to such  
3 departments, boards, task forces, committees, or other  
4 agencies and such administrative duties and other powers as  
5 the board may deem necessary or desirable, but only if there  
6 is a set of expressed limitations for accountability, notice,  
7 and periodic written reporting to the board that shall retain  
8 the powers of the board.

9 (r) To provide for any facilities or improvements that  
10 may otherwise be provided for by any county or municipality,  
11 including, but not limited to, libraries, annexes,  
12 substations, and other buildings to house public officials,  
13 staff, and employees.

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

17 (t) To provide for the construction and operation of  
18 communications systems and related infrastructure for the  
19 carriage and distribution of communications services, and to  
20 enter into joint ventures, public-private partnerships, and  
21 other agreements and to grant such easements as may be  
22 necessary to accomplish the foregoing. Communications systems  
23 shall mean all facilities, buildings, equipment, items, and  
24 methods necessary or desirable in order to provide  
25 communications services, including, without limitation, wires,  
26 cables, conduits, wireless cell sites, computers, modems,  
27 satellite antennae sites, transmission facilities, network  
28 facilities, and appurtenant devices necessary and appropriate  
29 to support the provision of communications services.  
30 Communications services includes without limitation internet,  
31 voice telephone or similar services provided by voice over

1 internet protocol, cable television, data transmission  
2 services, electronic security monitoring services, and  
3 multi-channel video programming distribution services.

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

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

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

14 (x) To exercise its general and special powers as set  
15 forth in this act within or without the boundaries of the  
16 district when the subject of such exercise is approved or  
17 required by a development order, or is the subject of an  
18 agreement with the county, school district, or with any other  
19 applicable public or private entity, and is not inconsistent  
20 with the effective local comprehensive plans.

21  
22 The enumeration of special powers herein shall not be deemed  
23 exclusive or restrictive but shall be deemed to incorporate  
24 all powers, express or implied, necessary or incident to  
25 carrying out such enumerated special powers, including the  
26 general powers provided by this special act charter to the  
27 district to implement its single purpose. Further, the  
28 provisions of this subsection shall be construed liberally in  
29 order to carry out effectively the special purpose of this  
30 district under this act. However, nothing contained herein  
31 shall relieve the district of its obligation to obtain a



1 resolution from the affected county prior to exercising its  
2 eminent domain authority outside of the district boundaries  
3 pursuant to section 6.

4       (8) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition  
5 to the other powers provided for in this act, and not in  
6 limitation thereof, the district shall have the power, at any  
7 time and from time to time after the issuance of any bonds of  
8 the district shall have been authorized, to borrow money for  
9 the purposes for which such bonds are to be issued in  
10 anticipation of the receipt of the proceeds of the sale of  
11 such bonds and to issue bond anticipation notes in a principal  
12 sum not in excess of the authorized maximum amount of such  
13 bond issue. Such notes shall be in such denomination or  
14 denominations, bear interest at such rate as the board may  
15 determine not to exceed the maximum rate allowed by general  
16 law, mature at such time or times not later than 5 years from  
17 the date of issuance, and be in such form and executed in such  
18 manner as the board shall prescribe. Such notes may be sold at  
19 either public or private sale or, if such notes shall be  
20 renewal notes, may be exchanged for notes then outstanding on  
21 such terms as the board shall determine. Such notes shall be  
22 paid from the proceeds of such bonds when issued. The board  
23 may, in its discretion, in lieu of retiring the notes by means  
24 of bonds, retire them by means of current revenues or from any  
25 taxes or assessments levied for the payment of such bonds,  
26 but, in such event, a like amount of the bonds authorized  
27 shall not be issued.

28       (9) BORROWING.--The district at any time may obtain  
29 loans, in such amount and on such terms and conditions as the  
30 board may approve, for the purpose of paying any of the  
31 expenses of the district or any costs incurred or that may be

1 incurred in connection with any of the projects of the  
2 district, which loans shall bear interest as the board  
3 determines, not to exceed the maximum rate allowed by general  
4 law, and may be payable from and secured by a pledge of such  
5 funds, revenues, taxes, and assessments as the board may  
6 determine, subject, however, to the provisions contained in  
7 any proceeding under which bonds were theretofore issued and  
8 are then outstanding. For the purpose of defraying such costs  
9 and expenses, the district may issue negotiable notes,  
10 warrants, or other evidences of debt to be payable at such  
11 times and to bear such interest as the board may determine,  
12 not to exceed the maximum rate allowed by general law, and to  
13 be sold or discounted at such price or prices not less than 95  
14 percent of par value and on such terms as the board may deem  
15 advisable. The board shall have the right to provide for the  
16 payment thereof by pledging the whole or any part of the  
17 funds, revenues, taxes, and assessments of the district. The  
18 approval of the electors residing in the district shall not be  
19 necessary except when required by the State Constitution.

20 (10) BONDS.--

21 (a) Sale of bonds.--Bonds may be sold in blocks or  
22 installments at different times, or an entire issue or series  
23 may be sold at one time. Bonds may be sold at public or  
24 private sale after such advertisement, if any, as the board  
25 may deem advisable but not in any event at less than 90  
26 percent of the par value thereof, together with accrued  
27 interest thereon. Bonds may be sold or exchanged for refunding  
28 bonds. Special assessment and revenue bonds may be delivered  
29 by the district as payment of the purchase price of any  
30 project or part thereof, or a combination of projects or parts  
31 thereof, or as the purchase price or exchange for any

1 property, real, personal, or mixed, including franchises or  
2 services rendered by any contractor, engineer, or other  
3 person, all at one time or in blocks from time to time, in  
4 such manner and upon such terms as the board in its discretion  
5 shall determine. The price or prices for any bonds sold,  
6 exchanged, or delivered may be:

7 1. The money paid for the bonds.

8 2. The principal amount, plus accrued interest to the  
9 date of redemption or exchange, or outstanding obligations  
10 exchanged for refunding bonds.

11 3. In the case of special assessment or revenue bonds,  
12 the amount of any indebtedness to contractors or other persons  
13 paid with such bonds, or the fair value of any properties  
14 exchanged for the bonds, as determined by the board.

15 (b) Authorization and form of bonds.--Any general  
16 obligation bonds, special assessment bonds, or revenue bonds  
17 may be authorized by resolution or resolutions of the board  
18 that shall be adopted by a majority of all the voting members  
19 thereof then in office. Such resolution or resolutions may be  
20 adopted at the same meeting at which they are introduced and  
21 need not be published or posted. The board may, by resolution,  
22 authorize the issuance of bonds and fix the aggregate amount  
23 of bonds to be issued; the purpose or purposes for which the  
24 moneys derived therefrom shall be expended, including, but not  
25 limited to, payment of costs as defined in this act; the rate  
26 or rates of interest, not to exceed the maximum rate allowed  
27 by general law; the denomination of the bonds; whether or not  
28 the bonds are to be issued in one or more series; the date or  
29 dates of maturity, which shall not exceed 40 years from their  
30 respective dates of issuance; the medium of payment; the place  
31 or places within or without the state at which payment shall

1 be made; registration privileges; redemption terms and  
2 privileges, whether with or without premium; the manner of  
3 execution; the form of the bonds, including any interest  
4 coupons to be attached thereto; the manner of execution of  
5 bonds and coupons; and any and all other terms, covenants, and  
6 conditions thereof and the establishment of revenue or other  
7 funds. Such authorizing resolution or resolutions may further  
8 provide for the contracts authorized by section 159.825(1)(f)  
9 and (g), Florida Statutes, regardless of the tax treatment of  
10 such bonds being authorized, subject to the finding by the  
11 board of a net saving to the district resulting by reason  
12 thereof. Such authorizing resolution may further provide that  
13 such bonds may be executed in accordance with the Registered  
14 Public Obligations Act, except that bonds not issued in  
15 registered form shall be valid if manually countersigned by an  
16 officer designated by appropriate resolution of the board. The  
17 seal of the district may be affixed, lithographed, engraved,  
18 or otherwise reproduced in facsimile on such bonds. In case  
19 any officer whose signature shall appear on any bonds or  
20 coupons shall cease to be such officer before the delivery of  
21 such bonds, such signature or facsimile shall nevertheless be  
22 valid and sufficient for all purposes the same as if he or she  
23 had remained in office until such delivery.

24 (c) Interim certificates; replacement  
25 certificates.--Pending the preparation of definitive bonds,  
26 the board may issue interim certificates or receipts or  
27 temporary bonds, in such form and with such provisions as the  
28 board may determine, exchangeable for definitive bonds when  
29 such bonds have been executed and are available for delivery.  
30 The board may also provide for the replacement of any bonds  
31 that become mutilated, lost, or destroyed.

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

7           (e) Defeasance.--The board may make such provision  
8 with respect to the defeasance of the right, title, and  
9 interest of the holders of any of the bonds and obligations of  
10 the district in any revenues, funds, or other properties by  
11 which such bonds are secured as the board deems appropriate  
12 and, without limitation on the foregoing, may provide that  
13 when such bonds or obligations become due and payable or shall  
14 have been called for redemption and the whole amount of the  
15 principal and interest and premium, if any, due and payable  
16 upon the bonds or obligations then outstanding shall be held  
17 in trust for such purpose, and provision shall also be made  
18 for paying all other sums payable in connection with such  
19 bonds or other obligations, then and in such event the right,  
20 title, and interest of the holders of the bonds in any  
21 revenues, funds, or other properties by which such bonds are  
22 secured shall thereupon cease, terminate, and become void; and  
23 the board may apply any surplus in any sinking fund  
24 established in connection with such bonds or obligations and  
25 all balances remaining in all other funds or accounts other  
26 than moneys held for the redemption or payment of the bonds or  
27 other obligations to any lawful purpose of the district as the  
28 board shall determine.

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

1 authorize the issuance of additional bonds, upon such terms  
2 and conditions as the board may provide in the resolution  
3 authorizing the issuance thereof, but only in compliance with  
4 the resolution or other proceedings authorizing the issuance  
5 of the original bonds.

6 (g) Refunding bonds.--The district shall have the  
7 power to issue bonds to provide for the retirement or  
8 refunding of any bonds or obligations of the district that at  
9 the time of such issuance are or subsequent thereto become due  
10 and payable, or that at the time of issuance have been called  
11 or are or will be subject to call for redemption within 10  
12 years thereafter, or the surrender of which can be procured  
13 from the holders thereof at prices satisfactory to the board.  
14 Refunding bonds may be issued at any time that in the judgment  
15 of the board such issuance will be advantageous to the  
16 district. No approval of the qualified electors residing in  
17 the district shall be required for the issuance of refunding  
18 bonds except in cases in which such approval is required by  
19 the State Constitution. The board may by resolution confer  
20 upon the holders of such refunding bonds all rights, powers,  
21 and remedies to which the holders would be entitled if they  
22 continued to be the owners and had possession of the bonds for  
23 the refinancing of which such refunding bonds are issued,  
24 including, but not limited to, the preservation of the lien of  
25 such bonds on the revenues of any project or on pledged funds,  
26 without extinguishment, impairment, or diminution thereof. The  
27 provisions of this act pertaining to bonds of the district  
28 shall, unless the context otherwise requires, govern the  
29 issuance of refunding bonds, the form and other details  
30 thereof, the rights of the holders thereof, and the duties of  
31 the board with respect to them.

1           (h) Revenue bonds.--

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

15           2. Any two or more projects may be combined and  
16 consolidated into a single project and may hereafter be  
17 operated and maintained as a single project. The revenue bonds  
18 authorized herein may be issued to finance any one or more of  
19 such projects, regardless of whether or not such projects have  
20 been combined and consolidated into a single project. If the  
21 board deems it advisable, the proceedings authorizing such  
22 revenue bonds may provide that the district may thereafter  
23 combine the projects then being financed or theretofore  
24 financed with other projects to be subsequently financed by  
25 the district and that revenue bonds to be thereafter issued by  
26 the district shall be on parity with the revenue bonds then  
27 being issued, all on such terms, conditions, and limitations  
28 as shall have been provided in the proceeding which authorized  
29 the original bonds.

30           (i) General obligation bonds.--  
31

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

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

29           3. If the board determines to issue general obligation  
30 bonds for more than one capital project, the approval of the  
31 issuance of the bonds for each and all such projects may be



1 submitted to the electors on one and the same ballot. The  
2 failure of the electors to approve the issuance of bonds for  
3 any one or more capital projects shall not defeat the approval  
4 of bonds for any capital project that has been approved by the  
5 electors.

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

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

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

20 c. Any combination of assessments and revenues  
21 described in sub-subparagraphs a. and b.

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

23 1. Notwithstanding any provisions of any other law to  
24 the contrary, all bonds issued under the provisions of this  
25 act shall constitute legal investments for savings banks,  
26 banks, trust companies, insurance companies, executors,  
27 administrators, trustees, guardians, and other fiduciaries and  
28 for any board, body, agency, instrumentality, county,  
29 municipality, or other political subdivision of the state and  
30 shall be and constitute security that may be deposited by  
31 banks or trust companies as security for deposits of state,

1 county, municipal, or other public funds or by insurance  
2 companies as required or voluntary statutory deposits.

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

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

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

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

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

21       (o) Act furnishes full authority for issuance of  
22 bonds.--This act constitutes full and complete authority for  
23 the issuance of bonds and the exercise of the powers of the  
24 district provided herein. No procedures or proceedings,  
25 publications, notices, consents, approvals, orders, acts, or  
26 things by the board, or any board, officer, commission,  
27 department, agency, or instrumentality of the district, other  
28 than those required by this act, shall be required to perform  
29 anything under this act, except that the issuance or sale of  
30 bonds pursuant to the provisions of this act shall comply with  
31 the general law requirements applicable to the issuance or

1 sale of bonds by the district. Nothing in this act shall be  
2 construed to authorize the district to utilize bond proceeds  
3 to fund the ongoing operations of the district.

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

14 (q) Default; dissolution.--A default on the bonds or  
15 obligations of the district shall not constitute a debt or  
16 obligation of any local general purpose government or the  
17 state. In the event of a default or dissolution of the  
18 district, no local general-purpose government shall be  
19 required to assume the property of the district, the debts of  
20 the district, or the district's obligations to complete any  
21 infrastructure improvements or provide services to the  
22 district.

23 (11) TRUST AGREEMENTS.--Any issue of bonds shall be  
24 secured by a trust agreement by and between the district and a  
25 corporate trustee or trustees, which may be any trust company  
26 or bank having the powers of a trust company within or without  
27 the state. The resolution authorizing the issuance of the  
28 bonds or such trust agreement may pledge the revenues to be  
29 received from any projects of the district and may contain  
30 such provisions for protecting and enforcing the rights and  
31 remedies of the bondholders as the board may approve,

1 including, without limitation, covenants setting forth the  
2 duties of the district in relation to: the acquisition,  
3 construction, reconstruction, improvement, maintenance,  
4 repair, operation, and insurance of any projects; the fixing  
5 and revising of the rates, fees, and charges; and the custody,  
6 safeguarding, and application of all moneys and for the  
7 employment of consulting engineers in connection with such  
8 acquisition, construction, reconstruction, improvement,  
9 maintenance, repair, or operation. It shall be lawful for any  
10 bank or trust company within or without the state that may act  
11 as a depository of the proceeds of bonds or of revenues to  
12 furnish such indemnifying bonds or to pledge such securities  
13 as may be required by the district. Such resolution or trust  
14 agreement may set forth the rights and remedies of the  
15 bondholders and of the trustee, if any, and may restrict the  
16 individual right of action by bondholders. The board may  
17 provide for the payment of proceeds of the sale of the bonds  
18 and the revenues of any project to such officer, board, or  
19 depository as it may designate for the custody thereof and may  
20 provide for the method of disbursement thereof with such  
21 safeguards and restrictions as it may determine. All expenses  
22 incurred in carrying out the provisions of such resolution or  
23 trust agreement may be treated as part of the cost of  
24 operation of the project to that such trust agreement  
25 pertains.

26 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
27 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
28 ASSESSMENTS; MAINTENANCE TAXES.--

29 (a) Ad valorem taxes.--A board elected by and  
30 consisting of qualified electors of the district shall have  
31 the power to levy and assess an ad valorem tax on all the

1 taxable property in the district to construct, operate, and  
2 maintain assessable improvements; to pay the principal of, and  
3 interest on, any general obligation bonds of the district; and  
4 to provide for any sinking or other funds established in  
5 connection with any such bonds. An ad valorem tax levied by  
6 the board for operating purposes, exclusive of debt service on  
7 bonds, shall not exceed the maximum amount authorized by law.  
8 The ad valorem tax provided for herein shall be in addition to  
9 county and all other ad valorem taxes provided for by law.  
10 Such tax shall be assessed, levied, and collected in the same  
11 manner and at the same time as county taxes. The levy of ad  
12 valorem taxes must be approved by referendum as required by  
13 Section 9 of Article VII of the State Constitution.

14 (b) Benefit special assessments.--The board annually  
15 shall determine, order, and levy the annual installment of the  
16 total benefit special assessments for bonds issued and related  
17 expenses to finance assessable improvements. These assessments  
18 may be due and collected during each year that county taxes  
19 are due and collected, in which case such annual installment  
20 and levy shall be evidenced to and certified to the property  
21 appraiser by the board not later than August 31 of each year.  
22 Such assessment shall be entered by the property appraiser on  
23 the county tax rolls and shall be collected and enforced by  
24 the tax collector in the same manner and at the same time as  
25 county taxes, and the proceeds thereof shall be paid to the  
26 district. However, this subsection shall not prohibit the  
27 district in its discretion from using the method prescribed in  
28 section 197.3632 or chapter 173, Florida Statutes, for  
29 collecting and enforcing these assessments. Each annual  
30 installment of benefit special assessments shall be a lien on  
31 the property against which assessed until paid and shall be

1 enforceable in like manner as county taxes. The amount of the  
2 assessment for the exercise of the district's powers under  
3 subsections (6) and (7) shall be determined by the board based  
4 upon a report of the district's engineer and assessed by the  
5 board upon such lands, which may be part or all of the lands  
6 within the district benefited by the improvement, apportioned  
7 between benefited lands in proportion to the benefits received  
8 by each tract of land. The board may, if it determines it is  
9 in the best interests of the district, set forth in the  
10 proceedings initially levying such benefit special assessments  
11 or in subsequent proceedings a formula for the determination  
12 of an amount, which when paid by a taxpayer with respect to  
13 any tax parcel, shall constitute a prepayment of all future  
14 annual installments of such benefit special assessments and  
15 that the payment of which amount with respect to such tax  
16 parcel shall relieve and discharge such tax parcel of the lien  
17 of such benefit special assessments and any subsequent annual  
18 installment thereof. The board may provide further that upon  
19 delinquency in the payment of any annual installment of  
20 benefit special assessments, the prepayment amount of all  
21 future annual installments of benefit special assessments as  
22 determined in this paragraph shall be and become immediately  
23 due and payable together with such delinquent annual  
24 installment.

25 (c) Non-ad valorem maintenance taxes.--If and when  
26 authorized by general law, to maintain and preserve the  
27 physical facilities and services constituting the works,  
28 improvements, or infrastructure provided by the district  
29 pursuant to this act; to repair and restore any one or more of  
30 them, when needed; and to defray the current expenses of the  
31 district, including any sum that may be required to pay state

1 and county ad valorem taxes on any lands that may have been  
2 purchased and that are held by the district under the  
3 provisions of this act, the governing board may, upon the  
4 completion of said systems, facilities, services, works,  
5 improvements, or infrastructure, in whole or in part, as may  
6 be certified to the board by the engineer of the board, levy  
7 annually a non-ad valorem and nonmillage tax upon each tract  
8 or parcel of land within the district, to be known as a  
9 "maintenance tax." This non-ad valorem maintenance tax shall  
10 be apportioned upon the basis of the net assessments of  
11 benefits assessed as accruing from the original construction  
12 and shall be evidenced to and certified by the governing board  
13 of the district not later than June 1 of each year to the  
14 property appraiser of Charlotte County and shall be extended  
15 by the property appraiser on the tax roll of the property  
16 appraiser, as certified by the property appraiser to the tax  
17 collector, and collected by the tax collector on the merged  
18 collection roll of the tax collector in the same manner and at  
19 the same time as county ad valorem taxes, and the proceeds  
20 therefrom shall be paid to the district. This non-ad valorem  
21 maintenance tax shall be a lien until paid on the property  
22 against which assessed and enforceable in like manner and of  
23 the same dignity as county ad valorem taxes.

24 (d) Maintenance special assessments.--To maintain and  
25 preserve the facilities and projects of the district, the  
26 board may levy a maintenance special assessment. This  
27 assessment may be evidenced to and certified to the property  
28 appraiser by the governing board not later than August 31 of  
29 each year and shall be entered by the property appraiser on  
30 the county tax rolls and shall be collected and enforced by  
31 the tax collector in the same manner and at the same time as



1 county taxes, and the proceeds therefrom shall be paid to the  
2 district. However, this subsection shall not prohibit the  
3 district in its discretion from using the method prescribed in  
4 section 197.363, section 197.3631, or section 197.3632,  
5 Florida Statutes, for collecting and enforcing these  
6 assessments. These maintenance special assessments shall be a  
7 lien on the property against which assessed until paid and  
8 shall be enforceable in like manner as county taxes. The  
9 amount of the maintenance special assessment for the exercise  
10 of the district's powers under this section shall be  
11 determined by the board based upon a report of the district's  
12 engineer and assessed by the board upon such lands, which may  
13 be all of the lands within the district benefited by the  
14 maintenance thereof, apportioned between the benefited lands  
15 in proportion to the benefits received by each tract of land.

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

18 (f) Enforcement of taxes.--The collection and  
19 enforcement of all taxes levied by the district shall be at  
20 the same time and in like manner as county taxes, and the  
21 provisions of general law relating to the sale of lands for  
22 unpaid and delinquent county taxes; the issuance, sale, and  
23 delivery of tax certificates for such unpaid and delinquent  
24 county taxes; the redemption thereof; the issuance to  
25 individuals of tax deeds based thereon; and all other  
26 procedures in connection therewith shall be applicable to the  
27 district to the same extent as if such statutory provisions  
28 were expressly set forth herein. All taxes shall be subject to  
29 the same discounts as county taxes.

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

1 penalties on the amount of such taxes in the same manner as  
2 county taxes.

3 (h) Status of assessments.--Benefit special  
4 assessments, maintenance special assessments, and special  
5 assessments are hereby found and determined to be non-ad  
6 valorem assessments as defined by section 197.3632, Florida  
7 Statutes. Maintenance taxes are non-ad valorem taxes and are  
8 not special assessments.

9 (i) Assessments constitute liens; collection.--Any and  
10 all assessments, including special assessments, benefit  
11 special assessments, and maintenance special assessments  
12 authorized by this section, and including special assessments  
13 as defined in this act and granted and authorized by this  
14 subsection, and including maintenance taxes if authorized by  
15 general law, shall constitute a lien on the property against  
16 which assessed from the date of levy and imposition thereof  
17 until paid, coequal with the lien of state, county, municipal,  
18 and school board taxes. These assessments may be collected, at  
19 the district's discretion, under authority of section  
20 197.3631, Florida Statutes, by the tax collector pursuant to  
21 the provisions of sections 197.3632 and 197.3635, Florida  
22 Statutes, or in accordance with other collection measures  
23 provided by law. In addition to, and not in limitation of, any  
24 powers otherwise set forth herein or in general law, these  
25 assessments may also be enforced pursuant to the provisions of  
26 chapter 173, Florida Statutes.

27 (j) Land owned by governmental entity.--Except as  
28 otherwise provided by law, no levy of ad valorem taxes or  
29 non-ad valorem assessments under this act, chapter 170, or  
30 chapter 197, Florida Statutes, or otherwise, by a board of a  
31 district, on property of a governmental entity that is subject

1 to a ground lease as described in section 190.003(13), Florida  
2 Statutes, shall constitute a lien or encumbrance on the  
3 underlying fee interest of such governmental entity.

4 (13) SPECIAL ASSESSMENTS.--

5 (a) As an alternative method to the levy and  
6 imposition of special assessments pursuant to chapter 170,  
7 Florida Statutes, pursuant to the authority of section  
8 197.3631, Florida Statutes, or pursuant to other provisions of  
9 general law, now or hereafter enacted, which provide a  
10 supplemental means or authority to impose, levy, and collect  
11 special assessments as otherwise authorized under this act,  
12 the board may levy and impose special assessments to finance  
13 the exercise of any of its powers permitted under this act  
14 using the following uniform procedures:

15 1. At a noticed meeting, the governing board of the  
16 district may consider and review an engineer's report on the  
17 costs of the systems, facilities, and services to be provided,  
18 a preliminary assessment methodology, and a preliminary roll  
19 based on acreage or platted lands, depending upon whether  
20 platting has occurred.

21 a. The assessment methodology shall address and  
22 discuss and the board shall consider whether the systems,  
23 facilities, and services being contemplated will result in  
24 special benefits peculiar to the property, different in kind  
25 and degree than general benefits, as a logical connection  
26 between the systems, facilities, and services themselves and  
27 the property, and whether the duty to pay the assessments by  
28 the property owners is apportioned in a manner that is fair  
29 and equitable and not in excess of the special benefit  
30 received. It shall be fair and equitable to designate a fixed  
31 proportion of the annual debt service, together with interest

1 thereon, on the aggregate principal amount of bonds issued to  
2 finance such systems, facilities, and services that give rise  
3 to unique, special, and peculiar benefits to property of the  
4 same or similar characteristics under the assessment  
5 methodology so long as such fixed proportion does not exceed  
6 the unique, special, and peculiar benefits enjoyed by such  
7 property from such systems, facilities, and services.

8 b. The engineer's cost report shall identify the  
9 nature of the proposed systems, facilities, and services,  
10 their location, a cost breakdown plus a total estimated cost,  
11 including cost of construction or reconstruction, labor, and  
12 materials, lands, property, rights, easements, franchises, or  
13 systems, facilities, and services to be acquired, cost of  
14 plans and specifications, surveys of estimates of costs and  
15 revenues, costs of engineering, legal, and other professional  
16 consultation services, and other expenses or costs necessary  
17 or incident to determining the feasibility or practicability  
18 of such construction, reconstruction, or acquisition,  
19 administrative expenses, relationship to the authority and  
20 power of the district in its charter, and such other expenses  
21 or costs as may be necessary or incident to the financing to  
22 be authorized by the governing board.

23 c. The preliminary assessment roll to be prepared will  
24 be in accordance with the method of assessment provided for in  
25 the assessment methodology and as may be adopted by the  
26 governing board; the assessment roll shall be completed as  
27 promptly as possible and shall show the acreage, lots, lands,  
28 or plats assessed and the amount of the fairly and reasonably  
29 apportioned assessment based on special and peculiar benefit  
30 to the property, lot, parcel, or acreage of land; and, if the  
31 assessment against each such lot, parcel, acreage, or portion

1 of land is to be paid in installments, the number of annual  
2 installments in which the assessment is divided shall be  
3 entered into and shown upon the assessment roll.

4 2. The governing board of the district may determine  
5 and declare by an initial assessment resolution to levy and  
6 assess the assessments with respect to assessable improvements  
7 stating the nature of the systems, facilities, and services,  
8 improvements, projects, or infrastructure constituting such  
9 assessable improvements, the information in the engineer's  
10 cost report, the information in the assessment methodology as  
11 determined by the board at the noticed meeting and referencing  
12 and incorporating as part of the resolution the engineer's  
13 cost report, the preliminary assessment methodology, and the  
14 preliminary assessment roll as referenced exhibits to the  
15 resolution by reference. If the board determines to declare  
16 and levy the special assessments by the initial assessment  
17 resolution, the board shall also adopt and declare a notice  
18 resolution that shall provide and cause the initial assessment  
19 resolution to be published once a week for a period of 2 weeks  
20 in a newspaper of general circulation published in Charlotte  
21 County and said board shall by the same resolution fix a time  
22 and place at which the owner or owners of the property to be  
23 assessed or any other persons interested therein may appear  
24 before said board and be heard as to the propriety and  
25 advisability of making such improvements, as to the costs  
26 thereof, as to the manner of payment therefor, and as to the  
27 amount thereof to be assessed against each property so  
28 improved. Thirty days' notice in writing of such time and  
29 place shall be given to such property owners. The notice shall  
30 include the amount of the assessment and shall be served by  
31 mailing a copy to each assessed property owner at his or her

1 last known address, the names and addresses of such property  
2 owners to be obtained from the record of the property  
3 appraiser of the county political subdivision in which the  
4 land is located or from such other sources as the district  
5 manager or engineer deems reliable, and proof of such mailing  
6 shall be made by the affidavit of the manager of the district  
7 or by the engineer, said proof to be filed with the district  
8 manager, provided that failure to mail said notice or notices  
9 shall not invalidate any of the proceedings hereunder. It is  
10 provided further that the last publication shall be at least 1  
11 week prior to the date of the hearing on the final assessment  
12 resolution. Said notice shall describe the general areas to be  
13 improved and advise all persons interested that the  
14 description of each property to be assessed and the amount to  
15 be assessed to each piece, parcel, lot, or acre of property  
16 may be ascertained at the office of the manager of the  
17 district. Such service by publication shall be verified by the  
18 affidavit of the publisher and filed with the manager of the  
19 district. Moreover, the initial assessment resolution with its  
20 attached, referenced, and incorporated engineer's cost report,  
21 preliminary assessment methodology, and preliminary assessment  
22 roll, along with the notice resolution, shall be available for  
23 public inspection at the office of the manager and the office  
24 of the engineer or any other office designated by the  
25 governing board in the notice resolution. Notwithstanding the  
26 foregoing, the landowners of all of the property that is  
27 proposed to be assessed may give the district written notice  
28 of waiver of any notice and publication provided for in this  
29 subparagraph and such notice and publication shall not be  
30 required, provided, however, that any meeting of the governing  
31

1 board to consider such resolution shall be a publicly noticed  
2 meeting.

3 3. At the time and place named in the noticed  
4 resolution as provided for in subparagraph 2., the governing  
5 board of the district shall meet and hear testimony from  
6 affected property owners as to the propriety and advisability  
7 of making the systems, facilities, services, projects, works,  
8 improvements, or infrastructure and funding them with  
9 assessments referenced in the initial assessment resolution on  
10 the property. Following the testimony and questions from the  
11 members of the board or any professional advisors to the  
12 district of the preparers of the engineer's cost report, the  
13 assessment methodology, and the assessment roll, the governing  
14 board shall make a final decision on whether to levy and  
15 assess the particular assessments. Thereafter, the governing  
16 board shall meet as an equalizing board to hear and to  
17 consider any and all complaints as to the particular  
18 assessments and shall adjust and equalize the assessments on  
19 the basis of justice and right.

20 4. When so equalized and approved by resolution or  
21 ordinance by the governing board, to be called the final  
22 assessment resolution, a final assessment roll shall be filed  
23 with the clerk of the board and such assessment shall stand  
24 confirmed and remain legal, valid, and binding first liens on  
25 the property against which such assessments are made until  
26 paid, equal in dignity to the first liens of ad valorem  
27 taxation of county and municipal governments and school  
28 boards. However, upon completion of the systems, facilities,  
29 service, project, improvement, works, or infrastructure, the  
30 district shall credit to each of the assessments the  
31 difference in the assessment as originally made, approved,

1 levied, assessed, and confirmed and the proportionate part of  
2 the actual cost of the improvement to be paid by the  
3 particular special assessments as finally determined upon the  
4 completion of the improvement; but in no event shall the final  
5 assessment exceed the amount of the special and peculiar  
6 benefits as apportioned fairly and reasonably to the property  
7 from the system, facility, or service being provided as  
8 originally assessed. Promptly after such confirmation, the  
9 assessment shall be recorded by the clerk of the district in  
10 the minutes of the proceedings of the district, and the record  
11 of the lien in this set of minutes shall constitute prima  
12 facie evidence of its validity. The governing board, in its  
13 sole discretion, may, by resolution, grant a discount equal to  
14 all or a part of the payee's proportionate share of the cost  
15 of the project consisting of bond financing cost, such as  
16 capitalized interest, funded reserves, and bond discounts  
17 included in the estimated cost of the project, upon payment in  
18 full of any assessments during such period prior to the time  
19 such financing costs are incurred as may be specified by the  
20 governing board in such resolution.

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

25 (b) Notwithstanding any provision of this act or of  
26 chapter 170 or section 170.09, Florida Statutes, which provide  
27 that assessments may be paid without interest at any time  
28 within 30 days after the improvement is completed and a  
29 resolution accepting the same has been adopted by the  
30 governing authority, such provision shall not be applicable to  
31 any district assessments, whether imposed, levied, and



1 collected pursuant to the provisions of this act or other  
2 provisions of general law, including, but not limited to,  
3 chapter 170, Florida Statutes.

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

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

10 (a) The board may, after any special assessments or  
11 benefit special assessments for assessable improvements are  
12 made, determined, and confirmed as provided in this act, issue  
13 certificates of indebtedness for the amount so assessed  
14 against the abutting property or property otherwise benefited,  
15 as the case may be, and separate certificates shall be issued  
16 against each part or parcel of land or property assessed,  
17 which certificates shall state the general nature of the  
18 improvement for which the assessment is made. The certificates  
19 shall be payable in annual installments in accordance with the  
20 installments of the special assessment for which they are  
21 issued. The board may determine the interest to be borne by  
22 such certificates, not to exceed the maximum rate allowed by  
23 general law, and may sell such certificates at either private  
24 or public sale and determine the form, manner of execution,  
25 and other details of such certificates. The certificates shall  
26 recite that they are payable only from the special assessments  
27 levied and collected from the part or parcel of land or  
28 property against which they are issued. The proceeds of such  
29 certificates may be pledged for the payment of principal of  
30 and interest on any revenue bonds or general obligation bonds  
31 issued to finance in whole or in part such assessable

1 improvement, or, if not so pledged, may be used to pay the  
2 cost or part of the cost of such assessable improvements.  
3       (b) The district may also issue assessment bonds,  
4 revenue bonds, or other obligations payable from a special  
5 fund into which such certificates of indebtedness referred to  
6 in the preceding subsection may be deposited or, if such  
7 certificates of indebtedness have not been issued, the  
8 district may assign to such special fund for the benefit of  
9 the holders of such assessment bonds or other obligations, or  
10 to a trustee for such bondholders, the assessment liens  
11 provided for in this act unless such certificates of  
12 indebtedness or assessment liens have been theretofore pledged  
13 for any bonds or other obligations authorized hereunder. In  
14 the event of the creation of such special fund and the  
15 issuance of such assessment bonds or other obligations, the  
16 proceeds of such certificates of indebtedness or assessment  
17 liens deposited therein shall be used only for the payment of  
18 the assessment bonds or other obligations issued as provided  
19 in this section. The district is authorized to covenant with  
20 the holders of such assessment bonds, revenue bonds, or other  
21 obligations that it will diligently and faithfully enforce and  
22 collect all the special assessments, and interest and  
23 penalties thereon, for which such certificates of indebtedness  
24 or assessment liens have been deposited in or assigned to such  
25 fund; to foreclose such assessment liens so assigned to such  
26 special fund or represented by the certificates of  
27 indebtedness deposited in the special fund, after such  
28 assessment liens have become delinquent, and deposit the  
29 proceeds derived from such foreclosure, including interest and  
30 penalties, in such special fund; and to make any other  
31 covenants deemed necessary or advisable in order to properly

1 secure the holders of such assessment bonds or other  
2 obligations.

3 (c) The assessment bonds, revenue bonds, or other  
4 obligations issued pursuant to this section shall have such  
5 dates of issue and maturity as shall be deemed advisable by  
6 the board; however, the maturities of such assessment bonds or  
7 other obligations shall not be more than 2 years after the due  
8 date of the last installment that will be payable on any of  
9 the special assessments for which such assessment liens, or  
10 the certificates of indebtedness representing such assessment  
11 liens, are assigned to or deposited in such special fund.

12 (d) Such assessment bonds, revenue bonds, or other  
13 obligations issued under this section shall bear such interest  
14 as the board may determine, not to exceed the maximum rate  
15 allowed by general law, and shall be executed, shall have such  
16 provisions for redemption prior to maturity, shall be sold in  
17 the manner, and shall be subject to all of the applicable  
18 provisions contained in this act for revenue bonds, except as  
19 the same may be inconsistent with the provisions of this  
20 section.

21 (e) All assessment bonds, revenue bonds, or other  
22 obligations issued under the provisions of this section shall  
23 be, shall constitute, and shall have all the qualities and  
24 incidents of negotiable instruments under the law merchant and  
25 the laws of the state.

26 (15) TAX LIENS.--All taxes of the district provided  
27 for in this act, except together with all penalties for  
28 default in the payment of the same and all costs in collecting  
29 the same, including a reasonable attorney's fee fixed by the  
30 court and taxed as a cost in the action brought to enforce  
31 payment, shall, from January 1 for each year the property is

1 liable to assessment and until paid, constitute a lien of  
2 equal dignity with the liens for state and county taxes and  
3 other taxes of equal dignity with state and county taxes upon  
4 all the lands against which such taxes shall be levied. A sale  
5 of any of the real property within the district for state and  
6 county or other taxes shall not operate to relieve or release  
7 the property so sold from the lien for subsequent district  
8 taxes or installments of district taxes, which lien may be  
9 enforced against such property as though no such sale thereof  
10 had been made. In addition to, and not in limitation of, the  
11 preceding, for purposes of section 197.552, Florida Statutes,  
12 the lien of all special assessments levied by the district  
13 shall constitute a lien of record held by a municipal or  
14 county governmental unit. The provisions of sections 194.171,  
15 197.122, 197.333, and 197.432, Florida Statutes, shall be  
16 applicable to district taxes with the same force and effect as  
17 if such provisions were expressly set forth in this act.

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

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

21 1. Pay any delinquent state, county, district,  
22 municipal, or other tax or assessment upon lands located  
23 wholly or partially within the boundaries of the district.

24 2. Redeem or purchase any tax sales certificates  
25 issued or sold on account of any state, county, district,  
26 municipal, or other taxes or assessments upon lands located  
27 wholly or partially within the boundaries of the district.

28 (b) Delinquent taxes paid, or tax sales certificates  
29 redeemed or purchased, by the district, together with all  
30 penalties for the default in payment of the same and all costs  
31 in collecting the same and a reasonable attorney's fee, shall

1 constitute a lien in favor of the district of equal dignity  
2 with the liens of state and county taxes and other taxes of  
3 equal dignity with state and county taxes upon all the real  
4 property against which the taxes were levied. The lien of the  
5 district may be foreclosed in the manner provided in this act.

6 (c) In any sale of land pursuant to section 197.542,  
7 Florida Statutes, the district may certify to the clerk of the  
8 circuit court of the county holding such sale the amount of  
9 taxes due to the district upon the lands sought to be sold,  
10 and the district shall share in the disbursement of the sales  
11 proceeds in accordance with the provisions of this act and  
12 under the laws of the state.

13 (17) FORECLOSURE OF LIENS.--Any lien in favor of the  
14 district arising under this act may be foreclosed by the  
15 district by foreclosure proceedings in the name of the  
16 district in a court of competent jurisdiction as provided by  
17 general law in a like manner as provided in chapter 173,  
18 Florida Statutes, and the provisions of that chapter shall be  
19 applicable to such proceedings with the same force and effect  
20 as if those provisions were expressly set forth in this act.  
21 Any act required or authorized to be done by or on behalf of a  
22 municipality in foreclosure proceedings under chapter 173,  
23 Florida Statutes, may be performed by such officer or agent of  
24 the district as the governing board may designate. Such  
25 foreclosure proceedings may be brought at any time after the  
26 expiration of 1 year from the date any tax, or installment  
27 thereof, becomes delinquent; however, no lien shall be  
28 foreclosed against any political subdivision or agency of the  
29 state. Other legal remedies shall remain available.

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

1 law, the district shall require all lands, buildings,  
2 premises, persons, firms, and corporations within the district  
3 to use the water management and control facilities and water  
4 and sewer facilities of the district.

5 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS;  
6 RELATED PROVISIONS REQUIRED.--

7 (a) No contract shall be let by the board for any  
8 goods, supplies, or materials to be purchased when the amount  
9 thereof to be paid by the district shall exceed the amount  
10 provided in section 287.017, Florida Statutes, for category  
11 four, unless notice of bids shall be advertised once in a  
12 newspaper in general circulation in Charlotte County. Any  
13 board seeking to construct or improve a public building,  
14 structure, or other public works shall comply with the bidding  
15 procedures of section 255.20, Florida Statutes, and other  
16 applicable general law. In each case, the bid of the lowest  
17 responsive and responsible bidder shall be accepted unless all  
18 bids are rejected because the bids are too high or the board  
19 determines it is in the best interests of the district to  
20 reject all bids. The board may require the bidders to furnish  
21 bond with a responsible surety to be approved by the board.  
22 Nothing in this section shall prevent the board from  
23 undertaking and performing the construction, operation, and  
24 maintenance of any project or facility authorized by this act  
25 by the employment of labor, material, and machinery.

26 (b) The provisions of the Consultants' Competitive  
27 Negotiation Act, section 287.055, Florida Statutes, apply to  
28 contracts for engineering, architecture, landscape  
29 architecture, or registered surveying and mapping services let  
30 by the board.

31

1           (c) Contracts for maintenance services for any  
2 district facility or project shall be subject to competitive  
3 bidding requirements when the amount thereof to be paid by the  
4 district exceeds the amount provided in section 287.017,  
5 Florida Statutes, for category four. The district shall adopt  
6 rules, policies, or procedures establishing competitive  
7 bidding procedures for maintenance services. Contracts for  
8 other services shall not be subject to competitive bidding  
9 unless the district adopts a rule, policy, or procedure  
10 applying competitive bidding procedures to said contracts.  
11 Nothing herein shall preclude the use of requests for proposal  
12 instead of invitations to bid as determined by the district to  
13 be in its best interest.

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

16           (a) The district is authorized to prescribe, fix,  
17 establish, and collect rates, fees, rentals, or other charges,  
18 hereinafter sometimes referred to as "revenues," and to revise  
19 the same from time to time, for the systems, facilities, and  
20 services furnished by the district, within the limits of the  
21 district, including, but not limited to, recreational  
22 facilities, water management and control facilities, water,  
23 sewer, and reuse systems, and solid waste collection and  
24 disposal; to recover the costs of making connection with any  
25 district service, facility, or system; and to provide for  
26 reasonable penalties against any user or property for any such  
27 rates, fees, rentals, or other charges that are delinquent.

28           (b) No such rates, fees, rentals, or other charges for  
29 any of the facilities or services of the district shall be  
30 fixed until after a public hearing at which all the users of  
31 the proposed facility or services or owners, tenants, or

1 occupants served or to be served thereby and all other  
2 interested persons shall have an opportunity to be heard  
3 concerning the proposed rates, fees, rentals, or other  
4 charges. Rates, fees, rentals, and other charges shall be  
5 adopted under the administrative rulemaking authority of the  
6 district, but shall not apply to district leases. Notice of  
7 such public hearing setting forth the proposed schedule or  
8 schedules of rates, fees, rentals, and other charges shall  
9 have been published in a newspaper of general circulation in  
10 Charlotte County at least once and at least 10 days prior to  
11 such public hearing. The rulemaking hearing may be adjourned  
12 from time to time. After such hearing, such schedule or  
13 schedules, either as initially proposed or as modified or  
14 amended, may be finally adopted. A copy of the schedule or  
15 schedules of such rates, fees, rentals, or charges as finally  
16 adopted shall be kept on file in an office designated by the  
17 board and shall be open at all reasonable times to public  
18 inspection. The rates, fees, rentals, or charges so fixed for  
19 any class of users or property served shall be extended to  
20 cover any additional users or properties thereafter served  
21 that shall fall in the same class, without the necessity of  
22 any notice or hearing.

23 (c) Such rates, fees, rentals, and charges shall be  
24 just and equitable and uniform for users of the same class,  
25 and when appropriate may be based or computed either upon the  
26 amount of service furnished, upon the average number of  
27 persons residing or working in or otherwise occupying the  
28 premises served, or upon any other factor affecting the use of  
29 the facilities furnished, or upon any combination of the  
30 foregoing factors, as may be determined by the board on an  
31 equitable basis.



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

7           1. To provide for all expenses of operation and  
8 maintenance of such facility or service.

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

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

15           (e) The board shall have the power to enter into  
16 contracts for the use of the projects of the district and with  
17 respect to the services, systems, and facilities furnished or  
18 to be furnished by the district.

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

26           (22) DISCONTINUANCE OF SERVICE.--In the event the  
27 fees, rentals, or other charges for water and sewer services,  
28 or either of them, are not paid when due, the board shall have  
29 the power, under such reasonable rules and regulations as the  
30 board may adopt, to discontinue and shut off both water and  
31 sewer services until such fees, rentals, or other charges,

1 including interest, penalties, and charges for the shutting  
2 off and discontinuance and the restoration of such water and  
3 sewer services or both, are fully paid; and, for such  
4 purposes, the board may enter on any lands, waters, or  
5 premises of any person, firm, corporation, or body, public or  
6 private, within the district limits. Such delinquent fees,  
7 rentals, or other charges, together with interest, penalties,  
8 and charges for the shutting off and discontinuance and the  
9 restoration of such services and facilities and reasonable  
10 attorney's fees and other expenses, may be recovered by the  
11 district, which may also enforce payment of such delinquent  
12 fees, rentals, or other charges by any other lawful method of  
13 enforcement.

14       (23) ENFORCEMENT AND PENALTIES.--The board or any  
15 aggrieved person may have recourse to such remedies in law and  
16 at equity as may be necessary to ensure compliance with the  
17 provisions of this act, including injunctive relief to enjoin  
18 or restrain any person violating the provisions of this act or  
19 any bylaws, resolutions, regulations, rules, codes, or orders  
20 adopted under this act. In case any building or structure is  
21 erected, constructed, reconstructed, altered, repaired,  
22 converted, or maintained, or any building, structure, land, or  
23 water is used, in violation of this act or of any code, order,  
24 resolution, or other regulation made under authority conferred  
25 by this act or under law, the board or any citizen residing in  
26 the district may institute any appropriate action or  
27 proceeding to prevent such unlawful erection, construction,  
28 reconstruction, alteration, repair, conversion, maintenance,  
29 or use; to restrain, correct, or avoid such violation; to  
30 prevent the occupancy of such building, structure, land, or  
31

1 water; and to prevent any illegal act, conduct, business, or  
2 use in or about such premises, land, or water.

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

9 (25) EXEMPTION OF DISTRICT PROPERTY FROM  
10 EXECUTION.--All district property shall be exempt from levy  
11 and sale by virtue of an execution, and no execution or other  
12 judicial process shall issue against such property, nor shall  
13 any judgment against the district be a charge or lien on its  
14 property or revenues; however, nothing contained herein shall  
15 apply to or limit the rights of bondholders to pursue any  
16 remedy for the enforcement of any lien or pledge given by the  
17 district in connection with any of the bonds or obligations of  
18 the district.

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

21 (a) The board may ask the Legislature through its  
22 local legislative delegations in and for Charlotte County to  
23 amend this act to contract, to expand or to contract, and to  
24 expand the boundaries of the district.

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

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

28 2. The district has become inactive pursuant to  
29 section 189.4044, Florida Statutes.

30 (27) INCLUSION OF TERRITORY.--The inclusion of any or  
31 all territory of the district within a municipality does not

1 change, alter, or affect the boundary, territory, existence,  
2 or jurisdiction of the district.

3       (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
4 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this  
5 district under this act, each contract for the initial sale of  
6 a parcel of real property and each contract for the initial  
7 sale of a residential unit within the district shall include,  
8 immediately prior to the space reserved in the contract for  
9 the signature of the purchaser, the following disclosure  
10 statement in boldfaced and conspicuous type that is larger  
11 than the type in the remaining text of the contract: "THE  
12 BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT MAY  
13 IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND  
14 ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY  
15 FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF  
16 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE  
17 DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE  
18 DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO  
19 COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND  
20 ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

21       (29) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30  
22 days after the election of the first governing board of the  
23 district, the district shall cause to be recorded in the  
24 grantor-grantee index of the property records in the county in  
25 which it is located a "Notice of Creation and Establishment of  
26 the Babcock Ranch Community Independent Special District." The  
27 notice shall, at a minimum, include the legal description of  
28 the property covered by this act.

29       (30) DISTRICT PROPERTY PUBLIC; FEES.--Any system,  
30 facility, service, works, improvement, project, or other  
31 infrastructure owned by the district, or funded by federal tax

1 exempt bonding issued by the district, is public; and the  
2 district by rule may regulate, and may impose reasonable  
3 charges or fees for, the use thereof but not to the extent  
4 that such regulation or imposition of such charges or fees  
5 constitutes denial of reasonable access.

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

10 Section 8. In the election provided for in section 9,  
11 each landowner present in person or by proxy shall be entitled  
12 to cast one vote for each accessible acre or fraction of an  
13 acre of land owned by him or her and located within the  
14 district.

15 Section 9. This section and section 8 shall take  
16 effect upon this act becoming law, and the remaining sections  
17 shall take effect upon approval by a majority vote of the  
18 owners of land within the district who are not exempt from ad  
19 valorem taxes or non-ad valorem assessments and who are  
20 present in person or by proxy at a landowners' meeting to be  
21 held within 90 days after the effective date of this act. Such  
22 landowners' meeting shall be noticed as provided in section 5  
23 for the initial landowners' meeting and may be combined with  
24 such meeting. However, the provisions of this act that  
25 authorize the levy of ad valorem taxation and issuance of  
26 general obligation bonds shall take effect only upon express  
27 approval by a majority vote of those qualified electors of the  
28 Babcock Ranch Community Independent Special District voting in  
29 a referendum election held at such time as all members of the  
30 board are qualified electors who are elected by qualified  
31 electors of the district as provided in this act.