

1                                   A bill to be entitled  
 2       An act relating to Spring Lake Improvement District,  
 3       Highlands County; amending chapter 2005-342, Laws of  
 4       Florida; deleting obsolete language and language  
 5       inconsistent with or repetitive of general law; providing  
 6       for minimum charter requirements; amending board,  
 7       election, and term of office provisions; amending the  
 8       compensation for board members to comply with general law;  
 9       deleting obsolete district powers and providing additional  
 10      district powers including mosquito control, fire and  
 11      emergency services, construction and maintenance of school  
 12      facilities, and enforcement of deed restrictions;  
 13      providing for applicability of general laws; providing an  
 14      effective date.

15  
 16   Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. Subsections (1), (3), (12), (13), and (14) of  
 19   section 1, section 4, subsections (1) and (9) of section 5, and  
 20   present sections 6, 9, 10, 19, 20, 22, and 48 of section 3 of  
 21   chapter 2005-342, Laws of Florida, are amended, and new sections  
 22   10, 11, and 12 are added to that section, to read:

23           Section 1. Minimum charter requirements.—In accordance  
 24   with section 189.404(3), Florida Statutes, the following are the  
 25   minimum requirements for the charter of the Spring Lake  
 26   Improvement District:

27           (1) The district is organized and exists for all purposes  
 28   set forth in this act and chapter 298, Florida Statutes, as they

29 may be amended from time to time, and applicable general law  
 30 except as herein otherwise provided.

31 (3) The district was created by the process contained in  
 32 chapter 298, Florida Statutes, and its powers supplemented by  
 33 special act.

34 ~~(12) In accordance with this act and chapter 298, Florida~~  
 35 ~~Statutes, the district may continue to levy upon all of the real~~  
 36 ~~taxable property in the district a special tax each year as~~  
 37 ~~maintenance tax.~~

38 ~~(13) The method for collecting non-ad valorem assessments,~~  
 39 ~~fees, or service charges shall be as set forth in this act and~~  
 40 ~~chapters 197 and 298, Florida Statutes, as they may be amended~~  
 41 ~~from time to time.~~

42 ~~(12)~~~~(14)~~ The district's planning requirements shall be as  
 43 set forth in chapters 189 and 298, Florida Statutes, as they may  
 44 be amended from time to time.

45 Section 4. Applicability ~~of certain provisions~~ of chapter  
 46 298, Florida Statutes, to the Spring Lake Improvement District;  
 47 inconsistent laws inapplicable.—The provisions of chapter 298,  
 48 Florida Statutes, and all amendments thereto, now existing or  
 49 hereafter enacted, are declared to be applicable to the Spring  
 50 Lake Improvement District insofar as not inconsistent with the  
 51 provisions of this act or any subsequent special acts relating  
 52 to the Spring Lake Improvement District. ~~Notwithstanding the~~  
 53 ~~foregoing, the provisions of sections 298.11, 298.12, 298.14,~~  
 54 ~~298.15, 298.17, 298.18, 298.19, 298.20, 298.23, 298.24, 298.25,~~  
 55 ~~298.365, 298.366, 298.401, 298.41, 298.465, 298.48, 298.52,~~  
 56 ~~298.54, 298.56, 298.57, 298.61, 298.70, 298.71, 298.72, 298.73,~~

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57 | ~~and 298.74, Florida Statutes, and amendments thereto, shall not~~  
 58 | ~~be applicable to the Spring Lake Improvement District.~~

59 | Section 5. Definitions.—Unless the context indicates  
 60 | otherwise, the following words as used in this act shall have  
 61 | the following meanings:

62 | (1) "Assessable improvements" includes, without  
 63 | limitation, any and all ~~drainage and land reclamation works and,~~  
 64 | ~~facilities, sewer systems, storm sewers and drains, water~~  
 65 | ~~systems, streets, roads,~~ or other projects of the district, or  
 66 | that portion or portions thereof, ~~local in nature and~~ of special  
 67 | benefit to the premises or lands served thereby, and any and all  
 68 | modifications, improvements, and enlargements thereof.

69 | (9) "Water management and flood control facilities" means  
 70 | any canals, ditches, or other drainage facilities, reservoirs,  
 71 | dams, levees, sluiceways, dredging holding basins, floodways,  
 72 | pumping stations, or any other works, structures, or facilities  
 73 | for the conservation, control, development, utilization, and  
 74 | disposal of water, and any purposes appurtenant, necessary, or  
 75 | incidental thereto, and includes all real and personal property  
 76 | and any interest therein, rights, easements, and franchises of  
 77 | any nature relating to any such water and flood control  
 78 | facilities or necessary or convenient for the acquisition,  
 79 | construction, reconstruction, operation, or maintenance thereof.

80 | Section 6. Board; election; organization, terms of office,  
 81 | quorum; report and minutes.—

82 | (1) The board of the district shall be elected and shall  
 83 | exercise the powers granted to the district under this act and  
 84 | under chapter 298, Florida Statutes. ~~The board shall consist of~~

85 ~~the number of members, and each member shall hold office for the~~  
 86 ~~term of years until his or her successor shall be chosen and~~  
 87 ~~shall qualify, as set forth in section 189.4051, Florida~~  
 88 ~~Statutes. All members of the board shall be landowners within~~  
 89 ~~the district.~~

90 (2) The district is governed by a five-member board of  
 91 supervisors. The composition of the board, as well as the terms  
 92 of office and qualification of supervisors, shall be determined  
 93 pursuant to section 189.4051, Florida Statutes. All supervisors  
 94 shall be landowners within the district.

95 (3) Those supervisors elected on a one-acre one-vote basis  
 96 shall be elected at a meeting of the landowners to be held in  
 97 the month of November of each year. All landowners' meetings  
 98 shall be held pursuant to sections 298.11 and 298.12, Florida  
 99 Statutes. The remaining supervisors shall be elected pursuant to  
 100 section 189.4051, Florida Statutes, and shall be district  
 101 residents and registered voters.

102 (4) The terms of office for those supervisors elected on a  
 103 one-acre one-vote basis shall begin with the next regularly  
 104 scheduled board meeting following the election. The terms of  
 105 office for all other supervisors shall begin with the next  
 106 regularly scheduled board meeting after certification of the  
 107 election by the Highlands County Supervisor of Elections. Before  
 108 entering upon his or her official duties, all supervisors.

109 ~~(2) In the month of November of each year commencing~~  
 110 ~~November of 1992, there shall be held a meeting of the~~  
 111 ~~landowners of the district at a location within the district in~~  
 112 ~~Highlands County for the purpose of electing one supervisor for~~

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113 ~~a term of 3 years. The president of the board at the time of the~~  
114 ~~November 1992 election shall have his or her term extended until~~  
115 ~~the November 1994 election. The secretary of the board at the~~  
116 ~~time of the November 1992 election shall have his or her term~~  
117 ~~extended until the November 1993 election. The remaining~~  
118 ~~position of supervisor shall stand for election at the November~~  
119 ~~1992 meeting of landowners. Notice of said landowners meeting~~  
120 ~~shall be published once a week for 2 consecutive weeks in a~~  
121 ~~newspaper in Highlands County which is in general circulation~~  
122 ~~within the district, the last said publication to be not less~~  
123 ~~than 14 days nor more than 28 days before the date of the~~  
124 ~~election. The landowners when assembled at such meeting shall~~  
125 ~~organize by electing a chair who shall conduct the meeting. At~~  
126 ~~such meeting each landowner shall be entitled to cast one vote~~  
127 ~~per acre of land owned by him or her and located within the~~  
128 ~~district, for each person to be elected. A landowner may vote in~~  
129 ~~person or by proxy in writing. Fractions of an acre shall be~~  
130 ~~treated as 1 acre, entitling the landowner to one vote with~~  
131 ~~respect thereto. The person receiving the highest number of~~  
132 ~~votes for the office of supervisor shall be declared elected as~~  
133 ~~such supervisor. The owners and proxy holders of district~~  
134 ~~acreage who are present at a duly noticed landowners meeting~~  
135 ~~shall constitute a quorum for the purpose of holding such~~  
136 ~~election or any election thereafter. The provisions of this~~  
137 ~~section do not exempt the district from the election provisions~~  
138 ~~of section 189.4051, Florida Statutes.~~

139 ~~(3) Each supervisor before entering upon his or her~~  
140 ~~official duties shall take and subscribe to an oath of office as~~

141 prescribed in section 298.13, Florida Statutes.

142 (5)~~(4)~~ All supervisors shall hold office for the terms for  
 143 which they are elected or appointed and until their successors  
 144 shall be chosen and qualify. In case of a vacancy in the office  
 145 of any supervisor the remaining supervisor or supervisors (even  
 146 though less than a quorum) may fill such vacancy by appointment  
 147 of a new supervisor or supervisors for the unexpired term of the  
 148 supervisor who vacated his or her office.

149 (6)~~(5)~~ As soon as practicable after each election, the  
 150 board shall organize by choosing one of their number as  
 151 president of the board and by electing a secretary, who need not  
 152 be a member of the board.

153 (7)~~(6)~~ A majority of the members of the board shall  
 154 constitute a quorum.

155 ~~(7) The board shall keep a permanent record book entitled~~  
 156 ~~"Record of Proceedings of Spring Lake Improvement District," in~~  
 157 ~~which the minutes of all meetings, resolutions, proceedings,~~  
 158 ~~certificates, bonds given by all employees, and any and all~~  
 159 ~~corporate acts, shall be recorded. Such record book shall at~~  
 160 ~~reasonable times be open to the inspection of any landowner,~~  
 161 ~~taxpayer, resident, or bondholder of the district, and such~~  
 162 ~~other persons as the board may determine to have a proper~~  
 163 ~~interest in the proceedings of the board. Such record book shall~~  
 164 ~~be kept at any office or other regular place of business~~  
 165 ~~maintained by the board in Highlands County.~~

166 (8) Whenever any election shall be authorized or required  
 167 by this act to be held by the landowners at any particular or  
 168 stated time or day, and if for any reason such election is not

169 held at such time or on such day, then in such event the power  
 170 or duty to hold such election shall not cease or lapse, but such  
 171 election shall be held thereafter when practicable, and in  
 172 accordance with the procedures provided by this act.

173 Section 7.9. Compensation of board.—Each supervisor shall  
 174 be entitled to receive for his or her services an amount not to  
 175 exceed \$250 per month, provided such salary is approved by a  
 176 super majority of the board ~~\$100 per month~~. In addition, each  
 177 supervisor shall receive reasonable traveling expenses for  
 178 attending the place of meeting from his or her residence. Unless  
 179 the board by resolution otherwise provides, such traveling  
 180 expenses shall not be in excess of the amounts provided by law  
 181 for state and county officials.

182 Section 8.10. Powers of the district.—The district shall  
 183 have, and the board may exercise, any or all of the following  
 184 powers:

185 (1) The district shall have the following powers:

186 (a) To ~~contract and be contracted with; to~~ sue and be sued  
 187 by its ~~in the name in any court of law or in equity, to make~~  
 188 contracts, and of the district; to adopt and use a corporate  
 189 seal and to alter the same at pleasure. †

190 (b) To acquire by purchase, gift, or condemnation ~~devise,~~  
 191 ~~eminent domain, (except as limited herein), or otherwise,~~  
 192 ~~property,~~ real and ~~or~~ personal, property, either or both ~~any~~  
 193 ~~estate therein, within or without the district, and to convey~~  
 194 and dispose ~~be used for any of such real and personal property,~~  
 195 either or both, as may be necessary or convenient to carry out  
 196 the purposes, or any of the purposes, of this act and chapters

197 189 and 298, Florida Statutes.

198 (c) To finance, fund, construct, operate, and maintain  
 199 canals, ditches, drains, levees, lakes, ponds, and other works  
 200 for water management and control purposes.

201 ~~(2) To adopt a water control plan; and to establish,~~  
 202 ~~construct, operate, and maintain a system of main and lateral~~  
 203 ~~canals, drains, ditches, levees, dikes, dams, sluices, locks,~~  
 204 ~~revetments, reservoirs, holding basins, floodways, pumping~~  
 205 ~~stations, syphons, culverts, and storm sewers to drain and~~  
 206 ~~reclaim the lands within the district and to connect some or any~~  
 207 ~~of them with roads and bridges as in the judgment of the board~~  
 208 ~~is deemed advisable to provide access to such facilities.~~

209 ~~(3) To acquire and maintain appropriate sites for storage~~  
 210 ~~and maintenance of the equipment of the district and to acquire,~~  
 211 ~~maintain, and construct a suitable building to house the office~~  
 212 ~~and records of the district.~~

213 ~~(4) To clean out, straighten, widen, open up, or change~~  
 214 ~~the courses and flow, alter, or deepen any canal, ditch, drain,~~  
 215 ~~river, water course, or natural stream as within the judgment of~~  
 216 ~~the board is deemed advisable to drain and reclaim lands within~~  
 217 ~~the district; to~~

218 (d) To finance, fund, acquire, purchase, operate, and  
 219 maintain pumps, plants, and pumping systems for water management  
 220 and control drainage purposes.; and

221 (e) To finance, fund, construct, operate, and maintain  
 222 irrigation works, and machinery, and plants in connection with  
 223 the purposes herein set forth.

224 ~~(5) To regulate and set forth by appropriate resolution~~



225 ~~the drainage requirements and conditions to be met for plats to~~  
 226 ~~be entitled to record on any land within the district, including~~  
 227 ~~authority to require as a condition precedent for any platting~~  
 228 ~~that good and sufficient bond be posted to ensure proper~~  
 229 ~~drainage for the area to be platted.~~

230 ~~(6) To borrow money and issue bonds, certificates,~~  
 231 ~~warrants, notes, or other evidences of indebtedness of the~~  
 232 ~~district as hereinafter provided.~~

233 ~~(7) To build and construct any other works and~~  
 234 ~~improvements deemed necessary to preserve and maintain the works~~  
 235 ~~in or out of the district; to acquire, construct, operate,~~  
 236 ~~maintain, use, sell convey, transfer, or otherwise provide for~~  
 237 ~~machines and equipment for any purpose authorized by this act or~~  
 238 ~~chapter 298, Florida Statutes; and to contract for the purchase,~~  
 239 ~~construction, operation, maintenance, use, sale, conveyance, and~~  
 240 ~~transfer of said machinery and equipment.~~

241 ~~(8) To construct or enlarge, or cause to be constructed or~~  
 242 ~~enlarged, any and all bridges or culverts that may be needed in~~  
 243 ~~or out of the district, across any drain, ditch, canal,~~  
 244 ~~floodway, holding basin, excavation, public highway, tract,~~  
 245 ~~grade, fill, or cut; to construct roadways over levees and~~  
 246 ~~embankments; to construct any and all of said works and~~  
 247 ~~improvements across, through, or over any public right-of-way,~~  
 248 ~~highway, grade, fill, or cut in or out of the district.~~

249 ~~(9) To hold, control, and acquire by donation, purchase,~~  
 250 ~~or condemnation, any easement, reservation, or dedication in the~~  
 251 ~~district, for any of the purposes herein provided. To condemn as~~  
 252 ~~provided by chapters 73 and 74, Florida Statutes, or acquire, by~~

253 ~~purchase or grant for use in the district, any land or property~~  
 254 ~~within the district necessary for the purposes of this act.~~

255 ~~(10) To access and impose an ad valorem tax, an annual~~  
 256 ~~drainage tax, and a maintenance tax as hereinafter provided.~~

257 ~~(11) To impose and foreclose special assessment liens as~~  
 258 ~~hereinafter provided.~~

259 ~~(12) To prohibit, regulate, and restrict by appropriate~~  
 260 ~~resolution all structures, materials, and things, whether solid,~~  
 261 ~~liquid, or gas, whether permanent or temporary in nature, which~~  
 262 ~~come upon, come into, connect to, or be a part of any facility~~  
 263 ~~owned or operated by the district.~~

264 ~~(13) To administer and provide for the enforcement of all~~  
 265 ~~of the provisions herein, including the making, adopting,~~  
 266 ~~promulgating, amending, and repealing of all rules and~~  
 267 ~~regulations necessary or convenient for the carrying out of the~~  
 268 ~~duties, obligations, and powers conferred on the district~~  
 269 ~~created hereby.~~

270 ~~(14) To cooperate with or contract with other drainage~~  
 271 ~~districts or other governmental agencies as may be necessary,~~  
 272 ~~convenient, incidental, or proper in connection with any of the~~  
 273 ~~powers, duties, or purposes of the district as stated in this~~  
 274 ~~act.~~

275 ~~(15) To employ engineers, attorneys, agents, employees,~~  
 276 ~~and representatives as the board of supervisors may from time to~~  
 277 ~~time determine necessary and to fix their compensation and~~  
 278 ~~duties.~~

279 ~~(16) To exercise all of the powers necessary, convenient,~~  
 280 ~~incidental, or proper in connection with any of the powers,~~

281 ~~duties, or purposes of said district as stated in this act.~~

282 (f) ~~(17)~~ To finance, fund, construct, improve, pave, and  
 283 maintain roadways and roads necessary and convenient for the  
 284 exercise of the powers or duties or any of the powers or duties  
 285 of the district or the supervisors thereof; and to include as a  
 286 component of roads, parkways, bridges, landscaping, irrigation,  
 287 bicycle and jogging paths, street lighting, traffic signals,  
 288 road striping, and all other customary elements of a modern road  
 289 system to provide access to and efficient development of areas  
 290 made suitable and available for cultivation, settlement, urban  
 291 subdivision, homesites, and other beneficial developments as a  
 292 result of the drainage operations of the district.

293 ~~(18) To make use of any public easements, dedications to~~  
 294 ~~public use, platted reservations for public purposes, or any~~  
 295 ~~reservations for drainage purposes within the boundaries of the~~  
 296 ~~district.~~

297 ~~(19) To lease as lessor or lessee to or from any person,~~  
 298 ~~firm, corporation, association, or body, public or private, any~~  
 299 ~~projects of the type that the district is authorized to~~  
 300 ~~undertake and facilities or property of any nature for the use~~  
 301 ~~of the district to carry out any of the purposes of this act.~~

302 ~~(20) To regulate the supply and level of water within the~~  
 303 ~~district; to divert waters from one area, lake, pond, river,~~  
 304 ~~stream, basin, or drainage or water flood control facility to~~  
 305 ~~any other area, lake, pond, river, stream, basin, or drainage~~  
 306 ~~and water flood control facility; to regulate control and~~  
 307 ~~restrict the development and use of natural or artificial~~  
 308 ~~streams or bodies of water, lakes, or ponds; and to take all~~

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309 ~~measures determined by the board to be necessary or desirable to~~  
310 ~~prevent or alleviate land erosion. The powers granted to the~~  
311 ~~district by this subsection shall be concurrent within the~~  
312 ~~boundaries of the district with other public bodies, agencies,~~  
313 ~~or authorities as may be authorized by law. The district is~~  
314 ~~eligible to receive moneys, disbursements, and assistance from~~  
315 ~~the state available to flood control or water management~~  
316 ~~districts and the navigation districts or agencies.~~

317 (g)(21) To finance, fund, plan, establish ~~own~~, acquire,  
318 construct ~~or~~, reconstruct, enlarge or extend, equip, operate,  
319 and maintain, ~~extend, and improve water~~ systems and facilities  
320 for providing transportation throughout the district, including  
321 private or contract carriers, buses, vehicles, railroads, and  
322 other transportation facilities, to meet the transportation  
323 requirements of the district activities conducted within the  
324 district sewer systems or combined water and sewer systems; to  
325 ~~regulate the use of sewers and the supply of water within the~~  
326 ~~district and to prohibit or regulate the use and maintenance of~~  
327 ~~outhouses, privies, septic tanks, or other sanitary structures~~  
328 ~~or appliances within the district; to prescribe methods of~~  
329 ~~pretreatment of wastes not amenable to treatment with domestic~~  
330 ~~sewage before accepting such wastes for treatment and to refuse~~  
331 ~~to accept such wastes when not sufficiently pretreated as may be~~  
332 ~~prescribed, and to prescribe penalties for the refusal of any~~  
333 ~~person or corporation to so pretreat such wastes; to sell or~~  
334 ~~otherwise dispose of the effluent, sludge, or other byproducts~~  
335 ~~as a result of sewage treatment; and to construct and operate~~  
336 ~~connecting, intercepting, or outlet sewers and sewer mains and~~

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337 ~~pipes and water mains, conduits, or pipelines in, along, or~~  
338 ~~under any street, alleys, highways, or other public places or~~  
339 ~~ways within or without the district, when deemed necessary or~~  
340 ~~desirable by the board. The plans for any water or sewer system~~  
341 ~~shall be subject to the approval of the State Board of Health.~~

342 (h) (22) To own, finance, fund, plan, establish, acquire,  
343 construct or reconstruct, enlarge or extend, equip, operate, and  
344 maintain parking facilities within the district boundaries.

345 (i) To finance, fund, plan, establish, acquire, construct  
346 or reconstruct, enlarge or extend, equip, operate, and maintain  
347 additional systems and facilities for parks and facilities for  
348 indoor and outdoor recreational recreation, cultural, and  
349 educational uses including buildings and equipment for such  
350 uses, playgrounds, picnic grounds, camping facilities, and water  
351 recreation facilities within or without the district.

352 (j) To acquire, construct, finance, fund, operate, and  
353 maintain water plants and systems to produce, purify, and  
354 distribute water for consumption.

355 (k) To acquire, construct, finance, fund, operate, and  
356 maintain sewer systems for the collection, disposal, and reuse  
357 of waste and to prevent water pollution in the district.

358 (l) To levy non-ad valorem assessments; to prescribe, fix,  
359 establish, and collect rates, fees, rentals, fares, or other  
360 charges, and to revise the same from time to time, for the  
361 facilities and services furnished or to be furnished by the  
362 district; and to recover the cost of making connection to any  
363 district facility or system.

364 (m) To provide for the discontinuance of service and

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365 reasonable penalties, including attorney's fees, against any  
366 user or property for any such rates, fees, rentals, fares, or  
367 other charges that become delinquent and require collection.  
368 However, no charges or fees shall be established until after a  
369 public hearing of the board at the district at which all  
370 affected persons shall be given an opportunity to be heard.

371 (n) To enter into agreements with any person, firm, or  
372 corporation for the furnishing by such person, firm, or  
373 corporation of any facilities and services of the type provided  
374 for in this act.

375 (o) To construct and maintain facilities for and take  
376 measures to control mosquitoes and other arthropods of public  
377 health importance.

378 (p) To finance, fund, plan, establish, acquire, construct  
379 or reconstruct, enlarge or extend, equip, operate, and maintain  
380 additional systems and facilities for conservation areas,  
381 mitigation areas, and wildlife habitat, including the  
382 maintenance of any plant or animal species, and any related  
383 interest in real or personal property.

384 (q) To borrow money and issue negotiable or other bonds of  
385 the district as hereinafter provided; to borrow money, from time  
386 to time, and issue negotiable or other notes of the district  
387 therefore, bearing interest at an amount not to exceed the  
388 maximum interest allowable by law, in anticipation of the  
389 collection of taxes and assessments or revenues of the district;  
390 and to pledge or hypothecate such taxes, assessments, and  
391 revenues to secure such bonds, notes, or obligations, and to  
392 sell, discount, negotiate, and dispose of the same.

393 (r) To provide public safety, including, but not limited  
394 to, security, guardhouses, fences and gates, electronic  
395 intrusion detection systems, and patrol cars, when authorized by  
396 proper governmental agencies; except that the district may not  
397 exercise any police power, but may contract with the appropriate  
398 local general-purpose government agencies for an increased level  
399 of such service within the district boundaries.

400 (s) To provide systems and facilities for fire prevention  
401 and control and emergency medical services, including the  
402 construction or purchase of fire stations, water mains and  
403 plugs, fire trucks, and other vehicles and equipment consistent  
404 with any adopted Highlands County ordinances, rules, or  
405 regulations.

406 (t) To finance, fund, plan, establish, acquire, construct  
407 or reconstruct, enlarge or extend, equip, and maintain  
408 additional systems and facilities for school buildings and  
409 related structures pursuant to this act and chapter 1013,  
410 Florida Statutes, which may be leased, sold, or donated to the  
411 school district for use in the educational system when  
412 authorized by the district school board.

413 (u) To adopt rules necessary for the district to enforce  
414 certain deed restrictions pertaining to the use and operation of  
415 real property within the district. For the purpose of this  
416 subsection, the term "deed restrictions" means those covenants,  
417 conditions, restrictions, compliance mechanisms, and enforcement  
418 remedies contained in any applicable declarations of covenants  
419 and restrictions that govern the use and operation of real  
420 property within the district and, for which covenants,

421 conditions, and restrictions, there is no homeowners'  
 422 association or property owner's association having respective  
 423 enforcement powers or an association with such enforcement  
 424 powers has not held a publicly noticed regular or special  
 425 meeting within the previous 12 months unless, with respect to a  
 426 homeowners' association whose board is under member control and  
 427 which has held a publicly noticed regular or special meeting  
 428 within the previous 12 months, the association and the district  
 429 agree in writing to enforcement by the district. The district  
 430 may adopt by rule all or certain portions of the deed  
 431 restrictions that:

432 1. Relate to limitations, or prohibitions, compliance  
 433 mechanisms, or enforcement remedies that apply only to external  
 434 appearances or uses and are deemed by the district to be  
 435 generally beneficial for the district's landowners and for which  
 436 enforcement by the district is appropriate, as determined by the  
 437 district's governing board;

438 2. Are consistent with the requirements of a development  
 439 order or regulatory agency permit; or

440 3. Are consistent with the district's water control plan.

441 ~~(23) To issue general obligation bonds, revenue bonds,~~  
 442 ~~assessment bonds, or any other bonds or obligations authorized~~  
 443 ~~by the provisions of this act or any other law, or any~~  
 444 ~~combination of the foregoing, to pay all or part of the cost of~~  
 445 ~~the acquisition, construction, reconstruction, extension,~~  
 446 ~~repair, improvement, maintenance, or operation of any project or~~  
 447 ~~combination of projects, to provide for any facility, service,~~  
 448 ~~or other activity of the district and to provide for the~~



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449 ~~retirement or refunding of any bonds or obligations of the~~  
450 ~~district, or for any combination of the foregoing purposes.~~

451 ~~(24) To build, install, maintain, and operate~~  
452 ~~streetlights.~~

453 (v) ~~(25)~~ To require that all new and existing public and  
454 private utilities and services used for local distribution  
455 purposes, excluding primary feeders, be constructed underground;  
456 to construct, alter, and maintain said underground utilities;  
457 and, to the extent allowed by law, to regulate and restrict by  
458 appropriate resolution the location, type, construction, and  
459 maintenance by others of said underground utilities.

460 (w) To establish and create such departments, committees,  
461 boards, or other agencies, including a public relations  
462 committee, as from time to time the board of supervisors may  
463 deem necessary or desirable in the performance of this act or  
464 other things necessary to the exercise of the powers provided in  
465 this act, and to delegate to such departments, boards, or other  
466 agencies such administrative duties and other powers as the  
467 board of supervisors may deem necessary or desirable.

468 (x) ~~(26)~~ To require every landowner within the district to  
469 maintain his or her respective property in a neat and attractive  
470 condition, free of high grass, weeds, underbrush, and refuse; to  
471 regulate and restrict by appropriate resolution the maintenance  
472 thereof; to mow and maintain said property on the landowner's  
473 failure to do so; and to impose, assess, collect, and place a  
474 lien upon such property for the cost and expense of mowing and  
475 maintenance by the district.

476 (y) To exercise all other powers necessary, convenient, or

477 proper in connection with any of the powers or duties of the  
 478 district stated in this act. The powers and duties of the  
 479 district shall be exercised by and through the board of  
 480 supervisors thereof, which board shall have the authority to  
 481 employ engineers, attorneys, agents, employees, and  
 482 representatives as the board of supervisors may, from time to  
 483 time, determine, and to fix their compensation and duties.  
 484 However, in addition thereto, the district shall have all of the  
 485 powers provided for in chapter 298, Florida Statutes. All powers  
 486 and authority of the district shall extend and apply to the  
 487 district as a whole and to each unit of development as, from  
 488 time to time, may be designated by the board of supervisors.

489 ~~(27) To exercise any and all other powers conferred upon~~  
 490 ~~drainage districts by chapter 298, Florida Statutes.~~

491 Section 10. Taxes; non-ad valorem assessments.-

492 (1) NON-AD VALOREM ASSESSMENTS.-Non-ad valorem assessments  
 493 for the construction, operation, or maintenance of district  
 494 facilities, services, and operations shall be assessed, levied,  
 495 and collected pursuant to chapter 298, chapter 170, or chapter  
 496 197, Florida Statutes.

497 ~~(2) Section 19. TAXES, ASSESSMENTS, AND COSTS; A LIEN ON~~  
 498 ~~LAND AGAINST WHICH ASSESSED, ETC.-Tax liens.-All taxes and~~  
 499 ~~assessments of the district provided for in this act or chapter~~  
 500 ~~298, Florida Statutes, together with all penalties for default~~  
 501 ~~in the payment of the same, and all costs in collecting the same~~  
 502 ~~including reasonable attorney's fees fixed by the court and~~  
 503 ~~taxed as cost in the action brought to enforce payment, shall,~~  
 504 ~~from the date of January 1 for each year the property is liable~~

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505 ~~to~~ assessment thereof ~~and~~ until paid, constitute a lien of equal  
 506 dignity with the liens for ~~state and county taxes,~~ and other  
 507 taxes of equal dignity with ~~state and county taxes,~~ upon all the  
 508 lands against which such taxes shall be levied as is provided in  
 509 this act. A sale of any of the real property within the district  
 510 for state and county or other taxes shall not operate to relieve  
 511 or release the property so sold from the lien for subsequent  
 512 district taxes or installments of district taxes which lien may  
 513 be enforced against such property as though no such sale thereof  
 514 had been made. The provisions of section 194.171, Florida  
 515 Statutes, and amendments thereto shall be applicable to district  
 516 taxes with the same force and effect as if said provisions were  
 517 expressly set forth in this act.

518 (3) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR, AND  
 519 CLERK OF THE CIRCUIT COURT.—The Property Appraiser, Tax  
 520 Collector, and Clerk of the Circuit Court of Highlands County  
 521 shall be entitled to compensation for services performed in  
 522 connection with taxes and assessments of the district as  
 523 provided by general law.

524 (4) LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN  
 525 1 ACRE.—In levying and assessing all assessments, each tract or  
 526 parcel of land less than 1 acre in area shall be assessed as a  
 527 full acre, and each tract or parcel of land more than 1 acre in  
 528 area which contains a fraction of an acre shall be assessed at  
 529 the nearest whole number of acres, a fraction of one-half or  
 530 more to be assessed as a full acre.

531 Section 11. When unpaid taxes and assessments delinquent;  
 532 penalty.—All taxes and assessments provided for in this act

533 shall be and become delinquent and bear penalties on the amount  
 534 of the taxes in the same manner as county taxes.

535 Section 12. Enforcement of taxes and assessments.—The  
 536 collection and enforcement of all taxes and assessments levied  
 537 by the district shall be at the same time and in like manner as  
 538 county taxes, and the provisions of the Florida Statutes  
 539 relating to the sale of lands for unpaid and delinquent county  
 540 taxes, the issuance, sale, and delivery of tax certificates for  
 541 such unpaid and delinquent county taxes, the redemption thereof,  
 542 the issuance to individuals of tax deeds based thereon, and all  
 543 other procedures in connection therewith shall be applicable to  
 544 the district and the delinquent and unpaid taxes of the district  
 545 to the same extent as if the statutory provisions were expressly  
 546 set forth in this act. All taxes and assessments shall be  
 547 subject to the same discounts as county taxes.

548 Section 13.20. Issuance of revenue bonds, assessment  
 549 bonds, and bond anticipation notes.—

550 (1) In addition to the other powers provided the district,  
 551 ~~for in this act~~ and not in limitation thereof, the district  
 552 shall have the power, pursuant to this act, chapter 298, Florida  
 553 Statutes, and applicable general law, at any time, and from time  
 554 to time after the issuance of any bonds of the district shall  
 555 have been authorized, to borrow money for the purposes for which  
 556 such bonds are to be issued in anticipation of the receipt of  
 557 the proceeds of the sale of such bonds and to issue bond  
 558 anticipation notes in a principal sum not in excess of the  
 559 authorized maximum amount of such bond issue. ~~Such notes shall~~  
 560 ~~be in such denomination or denominations, bear interest at such~~

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561 ~~rate as the board may determine not to exceed 10 percent per~~  
562 ~~annum, mature at such time or times not later than 5 years from~~  
563 ~~the date of issuance, and be in such form and executed in such~~  
564 ~~manner as the board shall prescribe. Such notes may be sold at~~  
565 ~~either public or private sale or, if such notes shall be renewal~~  
566 ~~notes, may be exchanged for notes then outstanding on such terms~~  
567 ~~as the board shall determine. Such notes shall be paid from the~~  
568 ~~proceeds of such bonds when issued. The board may in its~~  
569 ~~discretion, in lieu of retiring the notes by means of bonds,~~  
570 ~~retire them by means of current revenues or from any taxes or~~  
571 ~~assessments levied for the payment of such bonds, but in such~~  
572 ~~event a like amount of the bonds authorized shall not be issued.~~

573 (2) Pursuant to chapter 298, Florida Statutes, this act,  
574 and applicable general law, the district shall have the power to  
575 issue assessment bonds and revenue bonds from time to time,  
576 without limitation as to amount, for the purpose of financing  
577 those systems and facilities provided for in section 3. Such  
578 revenue bonds may be secured by, or payable from, the gross or  
579 net pledge of the revenues to be derived from any project or  
580 combination of projects; from the rates, fees, or other charges  
581 to be collected from the users of any project or projects; from  
582 any revenue-producing undertaking or activity of the district;  
583 from non-ad valorem assessments; or from any other source or  
584 pledged security. Such bonds shall not constitute an  
585 indebtedness of the district, and the approval of the qualified  
586 electors shall not be required unless such bonds are  
587 additionally secured by the full faith and credit and taxing  
588 power of the district.

589           (3) ~~Section 22. Issuance of bonds. In the discretion of~~  
 590 ~~the board,~~ Any issue of bonds may be secured by a trust  
 591 agreement by and between the district and a corporate trustee or  
 592 trustees, which may be any trust company or bank having the  
 593 powers of a trust company within or without the state. The  
 594 resolution authorizing the issuance of the bonds or such trust  
 595 agreement may pledge the revenues to be received from any  
 596 projects of the district and may contain such provisions for  
 597 protecting and enforcing the rights and remedies of the  
 598 bondholders as the board may approve, including, without  
 599 limitation, covenants, setting forth the duties of the district  
 600 in relation to the acquisition, construction, reconstruction,  
 601 stewardship, ~~reconstructions, improvements,~~ maintenance, repair,  
 602 operation, and insurance of any projects; ; the fixing and  
 603 revising of the rates, fees, and charges; ; and the custody,  
 604 safeguarding, and application of all moneys, and for the  
 605 employment of consulting ~~counseling~~ engineers in connection with  
 606 such acquisition, construction, reconstruction, stewardship  
 607 ~~improvement,~~ maintenance, repair, or operation. ~~It shall be~~  
 608 ~~lawful for any bank or trust company incorporated under the laws~~  
 609 ~~of the state which may act as a depository of the proceeds of~~  
 610 ~~bonds or of revenues to furnish such indemnifying bonds or to~~  
 611 ~~pledge such securities as may be required by the district. Such~~  
 612 ~~resolution or trust agreement may set forth the rights and~~  
 613 ~~remedies of the bondholders and of the trustee, if any, and may~~  
 614 ~~restrict the individual right of action by bondholders. The~~  
 615 ~~board may provide for the payment of the proceeds of the sale of~~  
 616 ~~the bonds and the revenues of any project to such officer,~~

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617 ~~board, or depository as it may designate for the custody~~  
618 ~~thereof, and for the method of disbursement thereof with such~~  
619 ~~safeguards and restrictions as it may determine. All expenses~~  
620 ~~incurred in carrying out the provisions of such resolution or~~  
621 ~~trust agreement may be treated as party of the cost of operation~~  
622 ~~of the project to which such trust agreement pertains.~~

623 (4) Bonds of each issue shall be dated; shall bear  
624 interest at such rate or rates, including variable rates, which  
625 interest may be tax exempt or taxable for federal income tax  
626 purposes; shall mature at such time or times from their date or  
627 dates; and may be made redeemable before maturity at such price  
628 or prices and under such terms and conditions as may be  
629 determined by the board.

630 (5) The district shall have the power to issue bonds for  
631 the purpose of refunding any outstanding bonds of the district.

632 Section ~~16.48~~. Bids required.—No contract shall be let by  
633 the board for the construction or maintenance of any project  
634 authorized by this act, nor shall any goods, supplies, or  
635 materials be purchased except in compliance with the competitive  
636 bid or negotiations provisions of sections 255.20 and 287.055,  
637 Florida Statutes, chapter 298, Florida Statutes, other  
638 applicable general law, and the policies of the district board  
639 of supervisors ~~when the amount thereof to be paid by said~~  
640 ~~district shall exceed the amount provided in section 287.017,~~  
641 ~~Florida Statutes, for category two, unless notice of bids shall~~  
642 ~~be advertised once a week for 2 consecutive weeks in a newspaper~~  
643 ~~published in Highlands County and in general circulation within~~  
644 ~~the district, and in each case the bid of the lowest responsible~~

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645 ~~bidder shall be accepted, unless all bids are rejected because~~  
646 ~~the bids are too high. The board may require the bidders to~~  
647 ~~furnish bond with responsible surety to be approved by the~~  
648 ~~board.~~ Nothing in this section shall prevent the board from  
649 undertaking and performing the construction, operation, and  
650 maintenance of any project or facility authorized by this act by  
651 the employment of labor, material, and machinery.

652 Section 2. Sections 7, 8, 12, 13, 14, 15, 16, 17, 18, 21,  
653 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38,  
654 39, 40, 41, 43, 44, 45, 46, 50, and 51 of section 3 of chapter  
655 2005-342, Laws of Florida, are repealed.

656 Section 3. This act shall take effect upon becoming a law.