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2020 Legislature

1
 2 An act relating to Manatee County; creating the North
 3 River Ranch Improvement Stewardship District;
 4 providing a short title, legislative findings and
 5 intent, and definitions; establishing compliance with
 6 minimum requirements in s. 189.031(3), F.S., for
 7 creation of an independent special district; providing
 8 for creation and establishment of the district;
 9 establishing the legal boundaries of the district;
 10 providing for the jurisdiction and charter of the
 11 district; providing for a governing board; providing
 12 for membership, election, and terms of office;
 13 providing for meetings; providing administrative
 14 duties of the board; providing a method for transition
 15 of the board from landowner control to control by the
 16 resident electors of the district; providing for a
 17 district manager and district personnel; providing for
 18 a district treasurer, selection of a public
 19 depository, and district budgets and financial
 20 reports; providing for the general powers of the
 21 district; providing for the special powers of the
 22 district to plan, finance, and provide community
 23 infrastructure and services within the district;
 24 providing for bonds; providing for borrowing;
 25 providing for future ad valorem taxation; providing

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26 for special assessments; providing for issuance of
 27 certificates of indebtedness; providing for tax liens;
 28 providing for competitive procurement; providing for
 29 fees and charges; providing for amending the charter;
 30 providing for required notices to purchasers of
 31 residential units within the district; defining the
 32 term "district public property"; providing for merger;
 33 providing for construction; providing severability;
 34 providing for a referendum; providing effective dates.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 Section 1. The charter for the North River Ranch
 39 Improvement Stewardship District is created to read:

40 Section 1. This act may be cited as the "North River Ranch
 41 Improvement Stewardship District Act."

42 Section 2. Legislative findings and intent; definitions;
 43 policy.-

44 (1) LEGISLATIVE INTENT; PURPOSE OF THE DISTRICT.-

45 (a) The lands located wholly within Manatee County covered
 46 by this act contain many opportunities for thoughtful,
 47 comprehensive, responsible, and consistent development over a
 48 long period.

49 (b) There is a need to use a single special and limited
 50 purpose independent special district unit of local government

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51 for the North River Ranch Improvement Stewardship District lands
52 located within Manatee County to provide for a more
53 comprehensive community development approach, which will
54 facilitate an integral relationship among regional
55 transportation, land use, and urban design to provide for a
56 diverse mix of housing and regional employment and economic
57 development opportunities, rather than fragmented development
58 with underutilized infrastructure which is generally associated
59 with urban sprawl.

60 (c) There is a considerably long period of time during
61 which there is a significant burden to provide various systems,
62 facilities, and services to the initial landowners of the North
63 River Ranch Improvement Stewardship District lands, such that
64 there is a need for flexible management, sequencing, timing, and
65 financing of the various systems, facilities, and services to be
66 provided to these lands, taking into consideration absorption
67 rates, commercial viability, and related factors. Therefore,
68 extended control by the initial landowner with regard to the
69 provision of systems, facilities, and services for the North
70 River Ranch Improvement Stewardship District lands, coupled with
71 the special and single purpose of such district, is in the
72 public interest.

73 (d) While chapter 190, Florida Statutes, provides an
74 opportunity for previous community development services and
75 facilities to be provided by the continued use of community

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76 | development districts in a manner that furthers the public
77 | interest, given the size of the North River Ranch Improvement
78 | Stewardship District lands and the duration of development
79 | continuing to utilize multiple community development districts
80 | over these lands which would result in an inefficient,
81 | duplicative, and needless proliferation of local special purpose
82 | governments, contrary to the public interest and the
83 | Legislature's findings in chapter 190, Florida Statutes, it is
84 | in the public interest that the long-range provision for, and
85 | management, financing, and long-term maintenance, upkeep, and
86 | operation of, services and facilities to be provided for
87 | ultimate development and conservation of the lands covered by
88 | this act be under one coordinated entity. The creation of an
89 | independent special district will assist in integrating the
90 | management of state resources and allow for greater and more
91 | coordinated stewardship of natural resources.

92 | (e) The existence and use of a special and limited purpose
93 | local government for the North River Ranch Improvement
94 | Stewardship District lands, subject to the Manatee County
95 | comprehensive plan, will provide for a comprehensive and
96 | complete community development approach to promote a sustainable
97 | and efficient land use pattern for the North River Ranch
98 | Improvement Stewardship District lands with long-term planning
99 | for conservation and development; provide opportunities for the
100 | mitigation of impacts and development of infrastructure in an

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101 orderly and timely manner; prevent the overburdening of the
 102 local general purpose government and the taxpayers; and provide
 103 an enhanced tax base and regional employment and economic
 104 development opportunities.

105 (f) The creation and establishment of the special district
 106 will encourage local government financial self-sufficiency in
 107 providing public facilities and in identifying and implementing
 108 fiscally sound, innovative, and cost-effective techniques to
 109 provide and finance public facilities while encouraging
 110 coordinated development of capital improvement plans by all
 111 levels of government, in accordance with the goals of chapter
 112 187, Florida Statutes.

113 (g) The creation and establishment of a special and single
 114 purpose independent district is a legitimate supplemental and
 115 alternative method available to manage, own, operate, construct,
 116 and finance capital infrastructure systems, facilities, and
 117 services.

118 (h) In order to be responsive to the critical timing
 119 required through the exercise of its special management
 120 functions, an independent special district requires financing of
 121 those functions, including bondable lienable and nonlienable
 122 revenue, with full and continuing public disclosure and
 123 accountability, funded by landowners, both present and future,
 124 and funded also by users of the systems, facilities, and
 125 services provided to the land area by the special district,

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126 without unduly burdening the taxpayers, citizens, and ratepayers
127 of the state or Manatee County.

128 (i) The special district created and established by this
129 act shall not have or exercise any comprehensive planning,
130 zoning, or development permitting power; the establishment of
131 the special district is not considered a development order
132 within the meaning of part I of chapter 380, Florida Statutes;
133 and all applicable planning and permitting laws, rules,
134 regulations, and policies of Manatee County control the
135 development of the land to be serviced by the special district.

136 (j) The creation by this act of the North River Ranch
137 Improvement Stewardship District is not inconsistent with the
138 Manatee County comprehensive plan.

139 (k) It is the legislative intent and purpose that no debt
140 or obligation of the special district constitute a burden on
141 Manatee County.

142 (2) DEFINITIONS.—As used in this act:

143 (a) "Ad valorem bonds" means bonds that are payable from
144 the proceeds of ad valorem taxes levied on real and tangible
145 personal property and that are generally referred to as general
146 obligation bonds.

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

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151 (c) "Assessment bonds" means special obligations of the
 152 district which are payable solely from proceeds of the special
 153 assessments or benefit special assessments levied for assessable
 154 improvements, provided that, in lieu of issuing assessment bonds
 155 to fund the costs of assessable improvements, the district may
 156 issue revenue bonds for such purposes payable from assessments.

157 (d) "Assessments" means nonmillage district assessments
 158 including special assessments, benefit special assessments, and
 159 maintenance special assessments, and a nonmillage, non-ad
 160 valorem maintenance tax if authorized by general law.

161 (e) "Benefit special assessments" are district assessments
 162 imposed, levied, and collected pursuant to section 6.

163 (f) "Board of supervisors" or "board" means the governing
 164 body of the district or, if such board has been abolished, the
 165 board, body, or commission assuming the principal functions
 166 thereof or to whom the powers given to the board by this act
 167 have been given by general law.

168 (g) "Bond" includes "certificate," and the provisions that
 169 are applicable to bonds are equally applicable to certificates.
 170 The term also includes any general obligation bond, assessment
 171 bond, refunding bond, revenue bond, bond anticipation note, and
 172 other such obligation in the nature of a bond as is provided for
 173 in this act.

174 (h) "Cost" or "costs," when used in reference to any
 175 project, includes, but is not limited to:

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- 176 1. The expenses of determining the feasibility or
 177 practicability of acquisition, construction, or reconstruction.
 178 2. The cost of surveys, estimates, plans, and
 179 specifications.
 180 3. The cost of improvements.
 181 4. Engineering, architectural, fiscal, and legal expenses
 182 and charges.
 183 5. The cost of all labor, materials, machinery, and
 184 equipment.
 185 6. The cost of all lands, properties, rights, easements,
 186 and franchises acquired.
 187 7. Financing charges.
 188 8. The creation of initial reserve and debt service funds.
 189 9. Working capital.
 190 10. Interest charges incurred or estimated to be incurred
 191 on money borrowed before and during construction and acquisition
 192 and for such reasonable period of time after completion of
 193 construction or acquisition as the board may determine.
 194 11. The cost of issuance of bonds pursuant to this act,
 195 including advertisements and printing.
 196 12. The cost of any bond or tax referendum held pursuant
 197 to this act and all other expenses of the issuance of bonds.
 198 13. The discount, if any, on the sale or exchange of
 199 bonds.
 200 14. Administrative expenses.

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201 15. Such other expenses as may be necessary or incidental
 202 to the acquisition, construction, or reconstruction of any
 203 project, or to the financing thereof, or to the development of
 204 any lands within the district.

205 16. Payments, contributions, dedications, and any other
 206 exactions required as a condition of receiving any governmental
 207 approval or permit necessary to accomplish any district purpose.

208 17. Any other expense or payment permitted by this act or
 209 allowable by general law.

210 (i) "District" means the North River Ranch Improvement
 211 Stewardship District.

212 (j) "District manager" means the manager of the district.

213 (k) "District roads" means highways, streets, roads,
 214 alleys, intersection improvements, sidewalks, crossings,
 215 landscaping, irrigation, signage, signalization, storm drains,
 216 bridges, multi-use trails, lighting, and thoroughfares of all
 217 kinds.

218 (l) "General obligation bonds" means bonds which are
 219 secured by, or provide for their payment by, the pledge of the
 220 full faith and credit and taxing power of the district.

221 (m) "General-purpose local government" means a county,
 222 municipality, or consolidated city-county government.

223 (n) "Governing board member" means any member of the board
 224 of supervisors.

225 (o) "Land development regulations" means those regulations

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226 of the general purpose local government, adopted under the
 227 Community Planning Act, codified as part II of chapter 163,
 228 Florida Statutes, to which the district is subject and as to
 229 which the district may not do anything that is inconsistent
 230 therewith. Land development regulations are not considered
 231 specific management, engineering, operations, or capital
 232 improvement planning, needed in the daily management,
 233 implementation, and supplying by the district of systems,
 234 facilities, services, works, improvements, projects, or
 235 infrastructure, so long as they remain subject to and are not
 236 inconsistent with the applicable county codes.

237 (p) "Landowner" means the owner of a freehold estate as it
 238 appears on the deed record, including a trustee, a private
 239 corporation, and an owner of a condominium unit. "Landowner"
 240 does not include a reversioner, remainderman, mortgagee, or any
 241 governmental entity which is not counted and does not need to be
 242 notified of proceedings under this act. "Landowner" also means
 243 the owner of a ground lease from a governmental entity, which
 244 leasehold interest has a remaining term, excluding all renewal
 245 options, in excess of 50 years.

246 (q) "Maintenance special assessments" are assessments
 247 imposed, levied, and collected pursuant to section 6.

248 (r) "Non-ad valorem assessment" means only those
 249 assessments which are not based upon millage and which can
 250 become a lien against a homestead as permitted in s. 4, Art. X

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251 of the State Constitution.

252 (s) "North River Ranch Improvement Stewardship District"
 253 means the special and single-purpose independent special
 254 district unit of local government and political subdivision
 255 created and chartered by this act, and limited to the
 256 performance of those general and special powers authorized by
 257 its charter under this act, the boundaries of which are set
 258 forth by the act, the governing board of which is created and
 259 authorized to operate with legal existence by this act, and the
 260 purpose of which is as set forth in this act.

261 (t) "Powers" means powers used and exercised by the board
 262 of supervisors to accomplish the special and limited purpose of
 263 the district, including:

264 1. "General powers," which means those organizational and
 265 administrative powers of the district as provided in its charter
 266 in order to carry out its special and limited purposes as a
 267 local government public corporate body politic.

268 2. "Special powers," which means those powers provided by
 269 the district charter to implement its specialized systems,
 270 facilities, services, projects, improvements, and infrastructure
 271 and related functions in order to carry out its special and
 272 limited purposes.

273 3. Any other powers, authority, or functions set forth in
 274 this act.

275 (u) "Project" means any development, improvement,

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276 property, power, utility, facility, enterprise, service, system,
 277 works, or infrastructure now existing or hereafter undertaken or
 278 established under this act.

279 (v) "Qualified elector" means any person at least 18 years
 280 of age who is a citizen of the United States and a legal
 281 resident of the state and of the district and who registers to
 282 vote with the Supervisor of Elections in Manatee County and
 283 resides in Manatee County.

284 (w) "Reclaimed water" means water, including from wells or
 285 stormwater management facilities, that has received at least
 286 secondary treatment and basic disinfection and is reused after
 287 flowing out of a domestic wastewater treatment facility or
 288 otherwise reused as an approved use of surface water or
 289 groundwater by the water management district.

290 (x) "Reclaimed water system" means any plant, well,
 291 system, facility, or property, and any addition, extension, or
 292 improvement thereto at any future time constructed or acquired
 293 as part thereof, useful, necessary, or having the present
 294 capacity for future use in connection with the development of
 295 sources, treatment, purification, or distribution of reclaimed
 296 water. The term includes franchises of any nature relating to
 297 any such system and necessary or convenient for the operation
 298 thereof including for the district's own use or resale.

299 (y) "Refunding bonds" means bonds issued to refinance
 300 outstanding bonds of any type and the interest and redemption

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301 premium thereon. Refunding bonds may be issuable and payable in
 302 the same manner as refinanced bonds, except that no approval by
 303 the electorate shall be required unless required by the State
 304 Constitution.

305 (z) "Revenue bonds" means obligations of the district that
 306 are payable from revenues, including, but not limited to,
 307 special assessments and benefit special assessments, derived
 308 from sources other than ad valorem taxes on real or tangible
 309 personal property and that do not pledge the property, credit,
 310 or general tax revenue of the district.

311 (aa) "Sewer system" means any plant, system, facility, or
 312 property, and additions, extensions, and improvements thereto at
 313 any future time constructed or acquired as part thereof, useful
 314 or necessary or having the present capacity for future use in
 315 connection with the collection, treatment, purification, or
 316 disposal of sewage, including, but not limited to, industrial
 317 wastes resulting from any process of industry, manufacture,
 318 trade, or business or from the development of any natural
 319 resource. The term also includes treatment plants, pumping
 320 stations, lift stations, valves, force mains, intercepting
 321 sewers, laterals, pressure lines, mains, and all necessary
 322 appurtenances and equipment; all sewer mains, laterals, and
 323 other devices for the reception and collection of sewage from
 324 premises connected therewith; and all real and personal property
 325 and any interest therein, and rights, easements, and franchises

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326 of any nature relating to any such system and necessary or
 327 convenient for operation thereof.

328 (bb) "Special assessments" means assessments as imposed,
 329 levied, and collected by the district for the costs of
 330 assessable improvements pursuant to this act, chapter 170,
 331 Florida Statutes, and the additional authority under s.
 332 197.3631, Florida Statutes, or any other provision of general
 333 law, now or hereinafter enacted, which provide or authorize a
 334 supplemental means to impose, levy, or collect special
 335 assessments.

336 (cc) "Taxes" or "tax" means those levies and impositions
 337 of the board of supervisors that support and pay for government
 338 and the administration of general law and that may be:

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

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

345 (dd) "Water system" means any plant, system, facility, or
 346 property, and any addition, extension, or improvement thereto at
 347 any future time constructed or acquired as a part thereof,
 348 useful, necessary, or having the present capacity for future use
 349 in connection with the development of sources, treatment,
 350 purification, or distribution of water. The term also includes

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351 dams, reservoirs, storage tanks, mains, lines, valves, pumping
 352 stations, laterals, and pipes for the purpose of carrying water
 353 to the premises connected with such system, and all rights,
 354 easements, and franchises of any nature relating to any such
 355 system and necessary or convenient for the operation thereof.

356 (3) POLICY.—Based upon its findings, ascertainments,
 357 determinations, intent, purpose, and definitions, the
 358 Legislature states its policy expressly:

359 (a) The district and the district charter, with its
 360 general and special powers, as created in this act, are
 361 essential and the best alternative for the residential,
 362 commercial, office, hotel, health care, and other similar
 363 community uses, projects, or functions in the included portion
 364 of Manatee County consistent with the effective comprehensive
 365 plan, and designed to serve a lawful public purpose.

366 (b) The district, which is a local government and a
 367 political subdivision, is limited to its special purpose as
 368 expressed in this act, with the power to provide, plan,
 369 implement, construct, maintain, and finance as a local
 370 government management entity systems, facilities, services,
 371 improvements, infrastructure, and projects, and possessing
 372 financing powers to fund its management power over the long term
 373 and with sustained levels of high quality.

374 (c) The creation of the North River Ranch Improvement
 375 Stewardship District by and pursuant to this act, and its

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376 | exercise of its management and related financing powers to
377 | implement its limited, single, and special purpose, is not a
378 | development order and does not trigger or invoke any provision
379 | within the meaning of chapter 380, Florida Statutes, and all
380 | applicable governmental planning, environmental, and land
381 | development laws, regulations, rules, policies, and ordinances
382 | apply to all development of the land within the jurisdiction of
383 | the district as created by this act.

384 | (d) The district shall operate and function subject to,
385 | and not inconsistent with, the applicable comprehensive plan of
386 | Manatee County and any applicable development orders (e.g.
387 | detailed site plan development orders), zoning regulations, and
388 | other land development regulations.

389 | (e) The special and single purpose North River Ranch
390 | Improvement Stewardship District does not have the power of a
391 | general-purpose local government to adopt a comprehensive plan
392 | or related land development regulation as those terms are
393 | defined in the Community Planning Act.

394 | (f) This act may be amended, in whole or in part, only by
395 | special act of the Legislature. The board of supervisors of the
396 | district may not ask the Legislature to amend this act without
397 | first obtaining a resolution or official statement from the
398 | district and Manatee County as provided in s. 189.031(2)(e)4.,
399 | Florida Statutes, for the creation of an independent special
400 | district.

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401 Section 3. Minimum charter requirements; creation and
 402 establishment; jurisdiction; construction; charter.—

403 (1) Pursuant to s. 189.031(3), Florida Statutes, the
 404 Legislature sets forth that the minimum requirements in
 405 paragraphs (a) through (o) have been met in the identified
 406 provisions of this act as follows:

407 (a) The purpose of the district is provided in subsection
 408 (4) and this section.

409 (b) The powers, functions, and duties of the district
 410 regarding ad valorem taxation, bond issuance, other revenue-
 411 raising capabilities, budget preparation and approval, liens and
 412 foreclosure of liens, use of tax deeds and tax certificates as
 413 appropriate for non-ad valorem assessments, and contractual
 414 agreements are provided in section 6.

415 (c) The methods for establishing the district are provided
 416 in this section.

417 (d) The methods for amending the charter of the district
 418 are provided in this section.

419 (e) The membership and organization of the governing body
 420 and the establishment of a quorum are provided in section 5.

421 (f) The maximum compensation of board members is provided
 422 in section 6.

423 (g) The administrative duties of the governing body are
 424 provided in section 6.

425 (h) The requirements for financial disclosure, noticing,

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426 | and reporting are provided in section 6.

427 | (i) The procedures and requirements for issuing bonds are

428 | provided in section 6.

429 | (j) The requirements for elections or referendums and

430 | qualifications of an elector of the district are provided in

431 | this section and section 6.

432 | (k) The methods for financing the district are provided in

433 | section 6.

434 | (l) Other than taxes levied for the payment of bonds and

435 | taxes levied for periods of up to 2 years when authorized by a

436 | vote of the electors of the district, the authority to levy ad

437 | valorem tax and the authorized millage rate are provided in

438 | section 6.

439 | (m) The methods for collecting non-ad valorem assessments,

440 | fees, or service charges are provided in section 6.

441 | (n) The requirements for planning are provided in this

442 | section and section 6.

443 | (o) The geographic boundary limitations of the district

444 | are provided in sections 5 and 6.

445 | (2) The North River Ranch Improvement Stewardship District

446 | is created and incorporated as a public body corporate and

447 | politic, an independent special and limited purpose local

448 | government, an independent special district, under s. 189.031,

449 | Florida Statutes, and as defined in this act and in s.

450 | 189.012(3), Florida Statutes, in and for portions of Manatee

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451 County. Any amendments to chapter 190, Florida Statutes, after
452 January 1, 2020, granting additional general powers, special
453 powers, authorities, or projects to a community development
454 district by amendment to its uniform charter contained in ss.
455 190.006-190.041, Florida Statutes, which are not inconsistent
456 with this act, shall constitute a general power, special power,
457 authority, or function of the North River Ranch Improvement
458 Stewardship District. All notices for the enactment by the
459 Legislature of this special act have been provided pursuant to
460 the State Constitution, the Laws of Florida, and the rules of
461 the House of Representatives and of the Senate. A referendum
462 subsequent to the effective date of this act is not required as
463 a condition of establishing the district. Therefore, the
464 district, as created by this act, is established on the property
465 described in this act.

466 (3) The territorial boundary of the district shall embrace
467 and include all of that certain real property described in
468 section 6.

469 (4) The jurisdiction of the district, in the exercise of
470 its general and special powers, and in the carrying out of its
471 special and limited purposes, is both within the external
472 boundaries of the legal description of this district and
473 extraterritorially when limited to, and as authorized expressly
474 elsewhere in, the charter of the district as created in this act
475 or applicable general law. This special and limited purpose

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476 district is created as a public body corporate and politic, and
 477 local government authority and power is limited by its charter,
 478 this act, and subject to other general laws, including chapter
 479 189, Florida Statutes, except that an inconsistent provision in
 480 this act shall control and the district has jurisdiction to
 481 perform such acts and exercise such authorities, functions, and
 482 powers as shall be necessary, convenient, incidental, proper, or
 483 reasonable for the implementation of its special and limited
 484 purpose regarding the sound planning, provision, acquisition,
 485 development, operation, maintenance, and related financing of
 486 those public systems, facilities, services, improvements,
 487 projects, and infrastructure works as authorized herein,
 488 including those necessary and incidental thereto. The district
 489 shall only exercise any of its powers extraterritorially within
 490 Manatee County after execution of an interlocal agreement
 491 between the district and Manatee County consenting to the
 492 district's exercise of any of such powers within Manatee County
 493 or an applicable development order or as part of other land
 494 development regulations issued by Manatee County.

495 (5) The exclusive charter of the North River Ranch
 496 Improvement Stewardship District is this act and, except as
 497 otherwise provided in subsection (2), may be amended only by
 498 special act of the Legislature.

499 Section 4. Formation; boundaries.—The North River Ranch
 500 Improvement Stewardship District, an independent special

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501 district, is created and incorporated in Manatee County and
 502 shall embrace and include the territory described as:

503
 504 MORGAN'S GLEN PARCEL:
 505 BEGIN AT THE COMMON CORNER OF SECTIONS 19, 20, 29 AND 30,
 506 TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA;
 507 THENCE, ALONG THE EAST LINE OF SAID SECTION 30,
 508 S.00°06'50"W., FOR 540.98 FEET TO A LINE BEING 50 FEET
 509 NORTH OF AND PARALLEL TO THE CENTERLINE OF A SCL RAILROAD
 510 RIGHT OF WAY, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 1,
 511 BLOCK 1, MANATEE RIVER FARMS AS RECORDED IN PLAT BOOK 6,
 512 PAGE 45 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA;
 513 THENCE, ALONG SAID LINE, S.73°37'59"W., 670.12 FEET; THENCE
 514 N.00°06'17"E., FOR 412.91 FEET; THENCE N.01°49'12"W., FOR
 515 315.39 FEET TO THE SOUTH LINE OF SAID SECTION 19; THENCE,
 516 LEAVING SAID SOUTH LINE, N.00°34'28"W., FOR 441.76 FEET;
 517 THENCE N.01°53'22"E., FOR 220.56 FEET; THENCE
 518 S.89°53'31"W., FOR 858.88 FEET; THENCE S.84°33'13"W., FOR
 519 104.29 FEET; THENCE S.76°54'28"W., FOR 377.88 FEET; THENCE
 520 N.00°07'22"W., FOR 1,708.90 FEET TO THE SOUTH RIGHT OF WAY
 521 LINE OF MOCCASIN WALLOW ROAD; THENCE, ALONG SAID SOUTH
 522 RIGHT OF WAY LINE, S.89°15'16"E., FOR 1,980.23 FEET TO THE
 523 EAST LINE OF SAID SECTION 19, SAID LINE ALSO BEING THE WEST
 524 LINE OF SAID SECTION 20; THENCE, CONTINUE ALONG SAID SOUTH
 525 RIGHT OF WAY LINE, S.88°55'05"E., 666.19 FEET; THENCE,

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526 LEAVING SAID SOUTH RIGHT OF WAY LINE, S00°06'09"E., FOR
 527 397.02 FEET; THENCE S.89°16'25"E., FOR 135.94 FEET; THENCE
 528 S.88°59'12"E., FOR 121.89 FEET; THENCE S.81°46'46"E., FOR
 529 200.24 FEET; THENCE S.89°10'18"E., FOR 210.00 FEET TO THE
 530 EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID
 531 SECTION 20; THENCE, ALONG SAID EAST LINE, S.00°04'54"E.,
 532 FOR 673.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF
 533 THE SOUTHWEST 1/4, SAID LINE ALSO BEING THE NORTH LINE OF
 534 THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20;
 535 THENCE, ALONG SAID LINE, N.89°31'56"W., FOR 665.68 FEET;
 536 THENCE, LEAVING SAID LINE, S.00°06'09"E., FOR 467.45 FEET;
 537 THENCE N.89°51'11"E., FOR 59.49 FEET; THENCE S.00°06'09"E.,
 538 FOR 663.67 FEET TO THE SOUTH LINE OF SECTION 20, TOWNSHIP
 539 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE,
 540 ALONG SAID SOUTH LINE, S.89°51'11"W., FOR 724.73 FEET TO
 541 THE POINT OF BEGINNING.

542
 543 LESS AND EXCEPT THAT CERTAIN RIGHT-OF-WAY BEING MORE
 544 PARTICULARLY DESCRIBED AS FOLLOWS:

545
 546 A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK
 547 2066, PAGE 3027, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA,
 548 LYING IN SECTIONS 19 AND 30, TOWNSHIP 33 SOUTH, RANGE 19
 549 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY
 550 DESCRIBED AS FOLLOWS:

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551
 552 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19;
 553 THENCE SOUTH 86°58'46" WEST, ALONG THE SOUTH LINE OF THE
 554 SOUTHEAST 1/4 OF SAID SECTION 19, A DISTANCE OF 537.04 FEET
 555 TO THE POINT OF BEGINNING; THENCE SOUTH 00°13'25" WEST, A
 556 DISTANCE OF 2.00 FEET TO A POINT ON A CURVE TO THE RIGHT;
 557 THENCE SOUTHERLY 171.21 FEET ALONG THE ARC OF SAID CURVE,
 558 HAVING A RADIUS OF 860.00 FEET, A CENTRAL ANGLE OF
 559 11°24'23", AND A CHORD BEARING AND DISTANCE OF SOUTH
 560 05°55'36" WEST 170.93 FEET TO A POINT OF REVERSE CURVE TO
 561 THE LEFT; THENCE SOUTHERLY 148.63 FEET ALONG THE ARC OF
 562 SAID CURVE, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE
 563 OF 11°30'27", AND A CHORD BEARING AND DISTANCE OF SOUTH
 564 05°52'34" WEST 148.38 FEET; THENCE SOUTH 00°07'20" WEST, A
 565 DISTANCE OF 359.62 FEET TO THE NORTH RIGHT OF WAY LINE OF
 566 FP & L RAILROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE,
 567 SOUTH 73°37'35" WEST, A DISTANCE OF 77.06 FEET; THENCE
 568 NORTH 01°01'42" WEST, A DISTANCE OF 694.96 FEET; THENCE
 569 NORTH 00°13'25" EAST, A DISTANCE OF 724.64 FEET TO A POINT
 570 ON A CURVE TO THE LEFT; THENCE NORTHERLY 205.25 FEET ALONG
 571 THE ARC OF SAID CURVE, HAVING A RADIUS OF 560.00 FEET, A
 572 CENTRAL ANGLE OF 21°00'00", AND A CHORD BEARING AND
 573 DISTANCE OF NORTH 10°16'36" WEST 204.10 FEET; THENCE NORTH
 574 20°46'36" WEST, A DISTANCE OF 207.01 FEET TO A POINT ON A
 575 CURVE TO THE LEFT; THENCE NORTHWESTERLY 211.09 FEET ALONG

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576 THE ARC OF SAID CURVE, HAVING A RADIUS OF 940.00 FEET, A
 577 CENTRAL ANGLE OF 12°52'00", AND A CHORD BEARING AND
 578 DISTANCE OF NORTH 27°12'36" WEST 210.65 FEET TO A POINT OF
 579 REVERSE CURVE TO THE RIGHT; THENCE NORTHERLY 622.42 FEET
 580 ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1,060.00
 581 FEET, A CENTRAL ANGLE OF 33°38'35", AND A CHORD BEARING AND
 582 DISTANCE OF NORTH 16°49'18" WEST 613.51 FEET; THENCE NORTH
 583 00°00'00" WEST, A DISTANCE OF 296.18 FEET; THENCE NORTH
 584 44°34'29" WEST, A DISTANCE OF 70.18 FEET; THENCE NORTH
 585 00°48'08" EAST, A DISTANCE OF 46.61 FEET TO THE SOUTH
 586 MAINTAINED RIGHT OF WAY LINE OF MOCCASIN WALLOW ROAD;
 587 THENCE ALONG SAID SOUTH MAINTAINED RIGHT OF WAY LINE, SOUTH
 588 89°11'52" EAST, A DISTANCE OF 230.02 FEET; THENCE, LEAVING
 589 SAID SOUTH MAINTAINED RIGHT OF WAY LINE, SOUTH 00°48'08"
 590 WEST, A DISTANCE OF 46.66 FEET; THENCE SOUTH 45°25'31"
 591 WEST, A DISTANCE OF 71.23 FEET; THENCE SOUTH 00°00'00"
 592 EAST, A DISTANCE OF 236.20 FEET; THENCE SOUTH 04°08'24"
 593 WEST, A DISTANCE OF 114.31 FEET TO A POINT ON A NON-TANGENT
 594 CURVE TO THE LEFT; THENCE SOUTHERLY 494.62 FEET ALONG THE
 595 ARC OF SAID CURVE, HAVING A RADIUS OF 940.00 FEET, A
 596 CENTRAL ANGLE OF 30°08'55", AND A CHORD BEARING AND
 597 DISTANCE OF SOUTH 18°34'08" EAST 488.93 FEET TO A POINT OF
 598 REVERSE CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 238.04
 599 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF
 600 1,060.00 FEET, A CENTRAL ANGLE OF 12°52'00", AND A CHORD

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601 BEARING AND DISTANCE OF SOUTH 27°12'36" EAST 237.54 FEET;
 602 THENCE SOUTH 20°46'36" EAST, A DISTANCE OF 207.01 FEET TO A
 603 POINT ON A CURVE TO THE RIGHT; THENCE SOUTHERLY 249.23 FEET
 604 ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 680.00
 605 FEET, A CENTRAL ANGLE OF 21°00'00", AND A CHORD BEARING AND
 606 DISTANCE OF SOUTH 10°16'36" EAST 247.84 FEET; THENCE SOUTH
 607 00°13'25" WEST, A DISTANCE OF 718.08 FEET TO THE POINT OF
 608 BEGINNING.
 609 CONTAINING 129.475 ACRES, MORE OR LESS.
 610 TOGETHER WITH NORTH RIVER RANCH - HAVAL FARMS:
 611 A TRACT OF LAND, BEING A PORTION OF MANATEE RIVER FARMS,
 612 UNIT 1, RECORDED IN PLAT BOOK 6, PAGE 45 OF THE PUBLIC
 613 RECORDS OF MANATEE COUNTY, FLORIDA, LYING IN SECTIONS 7, 8,
 614 9, 16, 17, 18, 19 AND 20, TOWNSHIP 33 SOUTH, RANGE 19 EAST,
 615 MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED
 616 AS FOLLOWS:
 617
 618 BEGIN AT THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED
 619 SECTION 7; THENCE N.00°13'29"E., ALONG THE WEST LINE OF
 620 SECTION 7, A DISTANCE OF 1,809.08 FEET; THENCE
 621 N.90°00'00"E., A DISTANCE OF 272.18 FEET TO THE POINT OF
 622 CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS 1,000.00
 623 FEET AND A CENTRAL ANGLE OF 48°54'32"; THENCE NORTHEASTERLY
 624 ALONG THE ARC OF SAID CURVE, A DISTANCE OF 853.62 FEET TO
 625 THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT

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626 HAVING A RADIUS OF 1,962.46 FEET AND A CENTRAL ANGLE OF
 627 97°43'17"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A
 628 DISTANCE OF 3,347.09 FEET TO THE POINT OF REVERSE CURVATURE
 629 OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,500.00 FEET AND
 630 A CENTRAL ANGLE OF 48°48'45"; THENCE SOUTHEASTERLY ALONG
 631 THE ARC OF SAID CURVE, A DISTANCE OF 1,277.91 FEET TO THE
 632 POINT OF TANGENCY OF SAID CURVE; THENCE N.90°00'00"E., A
 633 DISTANCE OF 1,220.57 FEET TO THE POINT OF CURVATURE OF A
 634 CURVE TO THE LEFT HAVING A RADIUS OF 1,100.00 FEET AND A
 635 CENTRAL ANGLE OF 49°18'03"; THENCE NORTHEASTERLY ALONG THE
 636 ARC OF SAID CURVE, A DISTANCE OF 946.51 FEET TO THE POINT
 637 OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A
 638 RADIUS OF 1,990.00 FEET AND A CENTRAL ANGLE OF 108°30'13";
 639 THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF
 640 3,768.56 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE
 641 TO THE LEFT HAVING A RADIUS OF 1,400.00 FEET AND A CENTRAL
 642 ANGLE OF 67°34'16"; THENCE SOUTHEASTERLY ALONG THE ARC OF
 643 SAID CURVE, A DISTANCE OF 1,651.07 FEET TO THE POINT OF
 644 REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS
 645 OF 1,000.00 FEET AND A CENTRAL ANGLE OF 44°28'10"; THENCE
 646 EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 776.14
 647 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE
 648 S.53°53'56"E., A DISTANCE OF 509.73 FEET TO A POINT ON THE
 649 WESTERLY RIGHT-OF-WAY LINE OF U.S. 301; THENCE
 650 S.36°06'04"W., A DISTANCE OF 1,512.28 FEET; THENCE

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651 N.89°59'54"W., A DISTANCE OF 4,022.59 FEET; THENCE
 652 S.27°47'24"W., A DISTANCE OF 1,049.93 FEET; THENCE
 653 N.68°30'43"W., A DISTANCE OF 1,332.96 FEET; THENCE
 654 N.00°11'16"E., A DISTANCE OF 383.27 FEET; THENCE
 655 N.89°43'15"W., A DISTANCE OF 719.63 FEET; THENCE
 656 S.00°35'38" W., A DISTANCE OF 2,551.98 FEET TO THE POINT OF
 657 CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS 795.00
 658 FEET AND A CENTRAL ANGLE OF 48°08'26"; THENCE SOUTHWESTERLY
 659 ALONG THE ARC OF SAID CURVE, A DISTANCE OF 667.97 FEET TO
 660 THE POINT OF TANGENCY OF SAID CURVE; THENCE S.48°44'04" W.,
 661 A DISTANCE OF 213.94 FEET TO THE POINT OF CURVATURE OF A
 662 CURVE TO THE LEFT HAVING A RADIUS 1,355.00 FEET AND A
 663 CENTRAL ANGLE OF 33°22'52"; THENCE SOUTHWESTERLY ALONG THE
 664 ARC OF SAID CURVE, A DISTANCE OF 789.44 FEET; THE FOLLOWING
 665 FIVE (5) CALLS ARE ALONG THE NORTHERLY LINE OF A SPECIFIC
 666 PURPOSE SURVEY FOR TRACT 300FL-MA-010.000, PREPARED BY
 667 WILLBROS ENGINEERS, INC., AND DATED OCTOBER 12, 2015: 1)
 668 S.89°39'18"E., A DISTANCE OF 85.64 FEET; 2) S.89°10'25"E.,
 669 A DISTANCE OF 187.79 FEET; 3) S.89°53'48"E., A DISTANCE OF
 670 1,364.36 FEET; 4) S.89°38'04"E., A DISTANCE OF 1,529.39
 671 FEET; 5) THENCE N.89°48'54"E., A DISTANCE OF 969.28 FEET TO
 672 A POINT ON THE WEST LINE OF PARCEL DEEDED TO PEOPLES GAS
 673 SYSTEM; THENCE S.00°02'24"W., ALONG THE WESTERLY LINE OF
 674 SAID PARCEL, A DISTANCE OF 35.27 FEET TO THE SOUTH WEST
 675 CORNER OF SAID PARCEL; THENCE S.89°57'36"E., ALONG THE

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676 SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 60.00 FEET TO
 677 A POINT ON A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK
 678 2207, PAGE 6256, SAID PUBLIC RECORDS; THENCE ALONG SAID
 679 PARCEL FOR THE FOLLOWING TWO (2) CALLS; 1) S.00°02'21"W., A
 680 DISTANCE OF 24.79 FEET; 2) THENCE N.89°52'24"E., A DISTANCE
 681 OF 178.91 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF
 682 U.S. 301; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE THE
 683 FOLLOWING THREE (3) COURSES: 1) S.36°06'04"W., A DISTANCE
 684 OF 472.43 FEET; 2) S.36°04'53"W., A DISTANCE OF 916.03 FEET
 685 TO THE P.C. OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES
 686 SOUTH 53°53'38"EAST, A DISTANCE OF 1977.86 FEET; 3)
 687 SOUTHERLY ALONG THE ARC OF SAID CURVE ALSO BEING SAID RIGHT
 688 OF WAY LINE, A DISTANCE OF 971.94 FEET THROUGH A CENTRAL
 689 ANGLE OF 28°09'21"; THENCE N.89°26'34"W., A DISTANCE OF
 690 1,282.99 FEET; THENCE S.00°06'08"E., A DISTANCE OF 1,300.10
 691 FEET; TO THE NORTHERLY RIGHT OF WAY LINE OF MOCCASIN WALLOW
 692 RD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE
 693 THE FOLLOWING FIVE (5) COURSES: 1) N.88°54'18"W., A
 694 DISTANCE OF 1,334.91 FEET; 2) N.89°08'58"W., A DISTANCE OF
 695 2,271.84 FEET; 3) N.89°07'49"W., A DISTANCE OF 328.34 FEET;
 696 4) N.89°07'50"W., A DISTANCE OF 2,693.55 FEET; 5)
 697 N.88°01'42"W., A DISTANCE OF 16.92 FEET TO THE WEST LINE OF
 698 ABOVE-MENTIONED SECTION 19; THENCE N.00°08'36"E. ALONG SAID
 699 WEST LINE, A DISTANCE OF 2,578.91 FEET; THENCE
 700 N.00°08'15"E. THE WEST LINE OF ABOVE-MENTIONED SECTION 18.,

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701 A DISTANCE OF 1,944.35 FEET; THENCE N.00°07'17"E. CONTINUE
 702 ALONG SAID WEST LINE, A DISTANCE OF 3,366.32 FEET TO THE
 703 POINT OF BEGINNING.

704 CONTAINING 1,883.092 ACRES, MORE OR LESS.
 705 CONTAINING A TOTAL AREA OF 2,012.567 ACRES, MORE OR LESS.
 706 Being subject to any rights-of-way, restrictions, and
 707 easements of record.

708
 709 Section 5. Board of supervisors; members and meetings;
 710 organization; powers; duties; terms of office; related election
 711 requirements.—

712 (1) The board of the district shall exercise the powers
 713 granted to the district pursuant to this act. The board shall
 714 consist of five members, each of whom shall hold office for a
 715 term of 4 years, as provided in this section, except as
 716 otherwise provided herein for initial board members, and until a
 717 successor is chosen and qualified. The members of the board must
 718 be residents of the state and citizens of the United States.

719 (2) (a) Within 90 days after the effective date of this
 720 act, there shall be held a meeting of the landowners of the
 721 district for the purpose of electing five supervisors for the
 722 district. Notice of the landowners' meeting shall be published
 723 in a newspaper of general circulation in the general area of the
 724 district once a week for 2 consecutive weeks, the last day of
 725 such publication to be not fewer than 14 days nor more than 28

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726 days before the date of the election. The landowners, when
727 assembled at such meeting, shall organize by electing a chair,
728 who shall conduct the meeting. The chair may be any person
729 present at the meeting. If the chair is a landowner or proxy
730 holder of a landowner, he or she may nominate candidates and
731 make and second motions. The landowners present at the meeting,
732 in person or by proxy, shall constitute a quorum. At any
733 landowners' meeting, 50 percent of the district acreage is not
734 required to constitute a quorum, and each governing board member
735 elected by landowners shall be elected by a majority of the
736 acreage represented either by owner or proxy present and voting
737 at said meeting.

738 (b) At such meeting, each landowner shall be entitled to
739 cast one vote per acre of land owned by him or her and located
740 within the district for each person to be elected. A landowner
741 may vote in person or by proxy in writing. Each proxy must be
742 signed by one of the legal owners of the property for which the
743 vote is cast and must contain the typed or printed name of the
744 individual who signed the proxy; the street address, legal
745 description of the property, or tax parcel identification
746 number; and the number of authorized votes. If the proxy
747 authorizes more than one vote, each property must be listed and
748 the number of acres of each property must be included. The
749 signature on a proxy need not be notarized. A fraction of an
750 acre shall be treated as 1 acre, entitling the landowner to one

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751 vote with respect thereto. The three candidates receiving the
752 highest number of votes shall each be elected for terms expiring
753 November 17, 2024, and the two candidates receiving the next
754 largest number of votes shall each be elected for terms expiring
755 November 20, 2022, with the term of office for each successful
756 candidate commencing upon election. The members of the first
757 board elected by landowners shall serve their respective terms;
758 however, the next election of board members shall be held on the
759 first Tuesday after the first Monday in November 2022.
760 Thereafter, there shall be an election by landowners for the
761 district every 2 years on the first Tuesday after the first
762 Monday in November, which shall be noticed pursuant to paragraph
763 (a). The second and subsequent landowners' election shall be
764 announced at a public meeting of the board at least 90 days
765 before the date of the landowners' meeting and shall also be
766 noticed pursuant to paragraph (a). Instructions on how all
767 landowners may participate in the election, along with sample
768 proxies, shall be provided during the board meeting that
769 announces the landowners' meeting. Each supervisor elected in or
770 after November 2020 shall serve a 4-year term.

771 (3) (a) 1. The board may not exercise the ad valorem taxing
772 power authorized by this act until such time as all members of
773 the board are qualified electors who are elected by qualified
774 electors of the district.

775 2.a. Regardless of whether the district has proposed to

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776 levy ad valorem taxes, board members shall be elected by
 777 qualified electors of the district as the district becomes
 778 populated with qualified electors. The transition shall occur
 779 such that the composition of the board, after the first general
 780 election following a trigger of the qualified elector population
 781 thresholds set forth below, shall be as follows:

782 (I) Once 3,463 qualified electors reside within the
 783 district, one governing board member shall be a person who is a
 784 qualified elector of the district and who was elected by the
 785 qualified electors, and four governing board members shall be
 786 persons who were elected by the landowners.

787 (II) Once 6,926 qualified electors reside within the
 788 district, two governing board members shall be persons who are
 789 qualified electors of the district and who were elected by the
 790 qualified electors, and three governing board members shall be
 791 persons elected by the landowners.

792 (III) Once 10,389 qualified electors reside within the
 793 district, three governing board members shall be persons who are
 794 qualified electors of the district and who were elected by the
 795 qualified electors and two governing board members shall be
 796 persons who were elected by the landowners.

797 (IV) Once 13,852 qualified electors reside within the
 798 district, four governing board members shall be persons who are
 799 qualified electors of the district and who were elected by the
 800 qualified electors and one governing board member shall be a

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801 person who was elected by the landowners.

802 (V) Once 15,000 qualified electors reside within the
 803 district, all five governing board members shall be persons who
 804 are qualified electors of the district and who were elected by
 805 the qualified electors.

806
 807 Nothing in this sub-subparagraph is intended to require an
 808 election before the expiration of an existing board member's
 809 term.

810 b. On or before June 1 of each election year, the board
 811 shall determine the number of qualified electors in the district
 812 as of the immediately preceding April 15. The board shall use
 813 and rely upon the official records maintained by the supervisor
 814 of elections and property appraiser or tax collector in Manatee
 815 County in making this determination. Such determination shall be
 816 made at a properly noticed meeting of the board and shall become
 817 a part of the official minutes of the district.

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

821 d. All governing board members elected by qualified
 822 electors shall reside in the district.

823 e. Once the district qualifies to have any of its board
 824 members elected by the qualified electors of the district, the
 825 initial and all subsequent elections by the qualified electors

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826 of the district shall be held at the general election in
827 November. The board shall adopt a resolution, if necessary, to
828 implement this requirement. The transition process described
829 herein is intended to be in lieu of the process set forth in s.
830 189.041, Florida Statutes.

831 (b) Elections of board members by qualified electors held
832 pursuant to this subsection shall be nonpartisan and shall be
833 conducted in the manner prescribed by general law for holding
834 general elections. Board members shall assume the office on the
835 second Tuesday following their election.

836 (c) Candidates seeking election to office by qualified
837 electors under this subsection shall conduct their campaigns in
838 accordance with chapter 106, Florida Statutes, and shall file
839 qualifying papers and qualify for individual seats in accordance
840 with s. 99.061, Florida Statutes.

841 (d) The supervisor of elections shall appoint the
842 inspectors and clerks of elections, prepare and furnish the
843 ballots, designate polling places, and canvass the returns of
844 the election of board members by qualified electors. The county
845 canvassing board shall declare and certify the results of the
846 election.

847 (4) Members of the board, regardless of how elected, shall
848 be public officers, shall be known as supervisors, and, upon
849 entering into office, shall take and subscribe to the oath of
850 office as prescribed by s. 876.05, Florida Statutes. Members of

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851 the board shall be subject to ethics and conflict of interest
 852 laws of the state that apply to all local public officers. They
 853 shall hold office for the terms for which they were elected or
 854 appointed and until their successors are chosen and qualified.
 855 If, during the term of office, a vacancy occurs, the remaining
 856 members of the board shall fill each vacancy by an appointment
 857 for the remainder of the unexpired term.

858 (5) Any elected member of the board of supervisors may be
 859 removed by the Governor for malfeasance, misfeasance,
 860 dishonesty, incompetency, or failure to perform the duties
 861 imposed upon him or her by this act, and any vacancies that may
 862 occur in such office for such reasons shall be filled by the
 863 Governor as soon as practicable.

864 (6) A majority of the members of the board constitutes a
 865 quorum for the purposes of conducting its business and
 866 exercising its powers and for all other purposes. Action taken
 867 by the district shall be upon a vote of a majority of the
 868 members present unless general law or a rule of the district
 869 requires a greater number.

870 (7) As soon as practicable after each election or
 871 appointment, the board shall organize by electing one of its
 872 members as chair and by electing a secretary, who need not be a
 873 member of the board, and such other officers as the board may
 874 deem necessary.

875 (8) The board shall keep a permanent record book entitled

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876 "Record of Proceedings of North River Ranch Improvement
 877 Stewardship District," in which shall be recorded minutes of all
 878 meetings, resolutions, proceedings, certificates, bonds given by
 879 all employees, and any and all corporate acts. The record book
 880 and all other district records shall at reasonable times be
 881 opened to inspection in the same manner as state, county, and
 882 municipal records pursuant to chapter 119, Florida Statutes. The
 883 record book shall be kept at the office or other regular place
 884 of business maintained by the board in a designated location in
 885 Manatee County.

886 (9) Each supervisor may not be entitled to receive
 887 compensation for his or her services in excess of the limits
 888 established in s. 190.006(8), Florida Statutes, or any other
 889 provision of general law; however, each supervisor shall receive
 890 travel and per diem expenses as set forth in s. 112.061, Florida
 891 Statutes.

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

894 Section 6. Board of supervisors; general duties.-

895 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ
 896 and fix the compensation of a district manager, who shall have
 897 charge and supervision of the works of the district and shall be
 898 responsible for preserving and maintaining any improvement or
 899 facility constructed or erected pursuant to this act, for
 900 maintaining and operating the equipment owned by the district,

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901 and for performing such other duties as may be prescribed by the
902 board. It is not a conflict of interest or an abuse of public
903 position under chapter 112, Florida Statutes, for a board
904 member, the district manager, or another employee of the
905 district to be a stockholder, officer, or employee of a
906 landowner. The district manager may hire or otherwise employ and
907 terminate the employment of such other persons, including,
908 without limitation, professional, supervisory, and clerical
909 employees, as may be necessary and authorized by the board. The
910 compensation and other conditions of employment of the officers
911 and employees of the district shall be as provided by the board.

912 (2) TREASURER.—The board shall designate a person who is a
913 resident of the state as treasurer of the district, who shall
914 have charge of the funds of the district. Such funds shall be
915 disbursed only upon the order of or pursuant to a resolution of
916 the board by warrant or check countersigned by the treasurer and
917 by such other person as may be authorized by the board. The
918 board may give the treasurer such other or additional powers and
919 duties as the board may deem appropriate and may fix his or her
920 compensation. The board may require the treasurer to give a bond
921 in such amount, on such terms, and with such sureties as may be
922 deemed satisfactory to the board to secure the performance by
923 the treasurer of his or her powers and duties. The financial
924 records of the board shall be audited by an independent
925 certified public accountant in accordance with the requirements

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926 of general law.

927 (3) PUBLIC DEPOSITORY.—The board is authorized to select
 928 as a depository for its funds any qualified public depository as
 929 defined in s. 280.02, Florida Statutes, which meets all the
 930 requirements of chapter 280, Florida Statutes, and has been
 931 designated by the treasurer as a qualified public depository
 932 upon such terms and conditions as to the payment of interest by
 933 such depository upon the funds so deposited as the board may
 934 deem just and reasonable.

935 (4) BUDGET; REPORTS AND REVIEWS.—

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

939 (b) On or before July 15 of each year, the district
 940 manager shall prepare a proposed budget for the ensuing fiscal
 941 year to be submitted to the board for board approval. The
 942 proposed budget shall include at the direction of the board an
 943 estimate of all necessary expenditures of the district for the
 944 ensuing fiscal year and an estimate of income to the district
 945 from the taxes and assessments provided in this act. The board
 946 shall consider the proposed budget item by item and may either
 947 approve the budget as proposed by the district manager or modify
 948 the same in part or in whole. The board shall indicate its
 949 approval of the budget by resolution, which resolution shall
 950 provide for a hearing on the budget as approved. Notice of the

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951 hearing on the budget shall be published in a newspaper of
952 general circulation in the general area of the district once a
953 week for 2 consecutive weeks, except that the first publication
954 shall be no fewer than 15 days before the date of the hearing.
955 The notice shall further contain a designation of the day, time,
956 and place of the public hearing. At the day, time, and place
957 designated in the notice, the board shall hear all objections to
958 the budget as proposed and may make such changes as the board
959 deems necessary. At the conclusion of the budget hearing, the
960 board shall, by resolution, adopt the budget as finally approved
961 by the board. The budget shall be adopted before October 1 of
962 each year.

963 (c) At least 60 days before adoption, the board of
964 supervisors of the district shall submit to the Board of County
965 Commissioners of Manatee County, for purposes of disclosure and
966 information only, the proposed annual budget for the ensuing
967 fiscal year, and the board of county commissioners may submit
968 written comments to the board of supervisors solely for the
969 assistance and information of the board of supervisors in
970 adopting its annual district budget.

971 (d) The board of supervisors shall submit annually a
972 public facilities report to the Board of County Commissioners of
973 Manatee County pursuant to s. 189.08, Florida Statutes. The
974 board of county commissioners may use and rely on the district's
975 public facilities report in the preparation or revision of the

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976 | Manatee County comprehensive plan.

977 | (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC

978 | ACCESS.—The district shall take affirmative steps to provide for

979 | the full disclosure of information relating to the public

980 | financing and maintenance of improvements to real property

981 | undertaken by the district. Such information shall be made

982 | available to all existing and prospective residents of the

983 | district. The district shall furnish each developer of a

984 | residential development within the district with sufficient

985 | copies of that information to provide each prospective initial

986 | purchaser of property in that development with a copy; and any

987 | developer of a residential development within the district, when

988 | required by general law to provide a public offering statement,

989 | shall include a copy of such information relating to the public

990 | financing and maintenance of improvements in the public offering

991 | statement. The district shall file the disclosure documents

992 | required by this subsection and any amendments thereto in the

993 | property records of each county in which the district is

994 | located. By the end of the first full fiscal year of the

995 | district's creation, the district shall maintain an official

996 | Internet website in accordance with s. 189.069, Florida

997 | Statutes.

998 | (6) GENERAL POWERS.—The district shall have, and the board

999 | may exercise, the following general powers:

1000 | (a) To sue and be sued in the name of the district; to

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1001 adopt and use a seal and authorize the use of a facsimile
 1002 thereof; to acquire, by purchase, gift, devise, or otherwise,
 1003 and to dispose of, real and personal property, or any estate
 1004 therein; and to make and execute contracts and other instruments
 1005 necessary or convenient to the exercise of its powers.

1006 (b) To apply for coverage of its employees under the
 1007 Florida Retirement System in the same manner as if such
 1008 employees were state employees.

1009 (c) To contract for the services of consultants to perform
 1010 planning, engineering, legal, or other appropriate services of a
 1011 professional nature. Such contracts shall be subject to public
 1012 bidding or competitive negotiation requirements as set forth in
 1013 general law applicable to independent special districts.

1014 (d) To borrow money and accept gifts; to apply for and use
 1015 grants or loans of money or other property from the United
 1016 States, the state, a unit of local government, or any person for
 1017 any district purposes and enter into agreements required in
 1018 connection therewith; and to hold, use, and dispose of such
 1019 moneys or property for any district purposes in accordance with
 1020 the terms of the gift, grant, loan, or agreement relating
 1021 thereto.

1022 (e) To adopt and enforce rules and orders pursuant to
 1023 chapter 120, Florida Statutes, prescribing the powers, duties,
 1024 and functions of the officers of the district; the conduct of
 1025 the business of the district; the maintenance of the records of

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1026 the district; and the form of certificates evidencing tax liens
 1027 of the district and all other documents and records of the
 1028 district. The board may also adopt and enforce administrative
 1029 rules with respect to any of the projects of the district and
 1030 define the area to be included therein. The board may also adopt
 1031 resolutions which may be necessary for the conduct of district
 1032 business.

1033 (f) To maintain an office at such place or places as the
 1034 board of supervisors designates in Manatee County and within the
 1035 district when facilities are available.

1036 (g) To hold, control, and acquire by donation, purchase,
 1037 or condemnation, or dispose of, any public easements,
 1038 dedications to public use, platted reservations for public
 1039 purposes, or any reservations for those purposes authorized by
 1040 this act and to make use of such easements, dedications, or
 1041 reservations for the purposes authorized by this act.

1042 (h) To lease as lessor or lessee to or from any person,
 1043 firm, corporation, association, or body, public or private, any
 1044 projects of the type that the district is authorized to
 1045 undertake and facilities or property of any nature for the use
 1046 of the district to carry out the purposes authorized by this
 1047 act.

1048 (i) To borrow money and issue bonds, certificates,
 1049 warrants, notes, or other evidence of indebtedness as provided
 1050 herein; to levy such taxes and assessments as may be authorized;

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1051 and to charge, collect, and enforce fees and other user charges.

1052 (j) To raise, by user charges or fees authorized by
 1053 resolution of the board, amounts of money which are necessary
 1054 for the conduct of district activities and services and to
 1055 enforce their receipt and collection in the manner prescribed by
 1056 resolution not inconsistent with general law.

1057 (k) To exercise all powers of eminent domain now or
 1058 hereafter conferred on counties in this state; provided,
 1059 however, that such power of eminent domain may not be exercised
 1060 outside the territorial limits of the district unless the
 1061 district receives prior approval by vote of a resolution of the
 1062 governing body of the county if the taking will occur in an
 1063 unincorporated area in that county, or the governing body of the
 1064 city if the taking will occur in an incorporated area. The
 1065 district does not have the power to exercise eminent domain over
 1066 municipal, county, state, or federal property. The powers
 1067 hereinabove granted to the district shall be so construed to
 1068 enable the district to fulfill the objects and purposes of the
 1069 district as set forth in this act.

1070 (l) To cooperate with, or contract with, other
 1071 governmental agencies as may be necessary, convenient,
 1072 incidental, or proper in connection with any of the powers,
 1073 duties, or purposes authorized by this act.

1074 (m) To assess and to impose upon lands in the district ad
 1075 valorem taxes as provided by this act.

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1076 (n) If and when authorized by general law, to determine,
 1077 order, levy, impose, collect, and enforce maintenance taxes.

1078 (o) To determine, order, levy, impose, collect, and
 1079 enforce assessments pursuant to this act and chapter 170,
 1080 Florida Statutes, pursuant to authority granted in s. 197.3631,
 1081 Florida Statutes, or pursuant to other provisions of general law
 1082 now or hereinafter enacted which provide or authorize a
 1083 supplemental means to order, levy, impose, or collect special
 1084 assessments. Such special assessments, at the discretion of the
 1085 district, may be collected and enforced pursuant to ss. 197.3632
 1086 and 197.3635, Florida Statutes, and chapters 170 and 173,
 1087 Florida Statutes, as they may be amended from time to time, or
 1088 as provided by this act, or by other means authorized by general
 1089 law now or hereinafter enacted. The district may levy such
 1090 special assessments for the purposes provided in this act and to
 1091 pay special assessments imposed by Manatee County on lands
 1092 within the district.

1093 (p) To exercise such special powers and other express
 1094 powers as may be authorized and granted by this act in the
 1095 charter of the district, including powers as provided in any
 1096 interlocal agreement entered into pursuant to chapter 163,
 1097 Florida Statutes, or which shall be required or permitted to be
 1098 undertaken by the district pursuant to any development order,
 1099 including any detailed specific area plan development order, or
 1100 any interlocal service agreement with Manatee County for fair-

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1101 share capital construction funding for any certain capital
 1102 facilities or systems required of a developer pursuant to any
 1103 applicable development order or agreement.

1104 (q) To exercise all of the powers necessary, convenient,
 1105 incidental, or proper in connection with any other powers or
 1106 duties or the special and limited purpose of the district
 1107 authorized by this act.

1109 This subsection shall be construed liberally in order to
 1110 effectively carry out the special and limited purpose of this
 1111 act.

1112 (7) SPECIAL POWERS.—The district shall have, and the board
 1113 may exercise, the following special powers to implement its
 1114 lawful and special purpose and to provide, pursuant to that
 1115 purpose, systems, facilities, services, improvements, projects,
 1116 works, and infrastructure, each of which constitutes a lawful
 1117 public purpose when exercised pursuant to this charter, subject
 1118 to, and not inconsistent with, general law regarding utility
 1119 providers' territorial and service agreements; the regulatory
 1120 jurisdiction and permitting authority of all other applicable
 1121 governmental bodies, agencies, and any special districts having
 1122 authority with respect to any area included therein; and to
 1123 plan, establish, acquire, construct or reconstruct, enlarge or
 1124 extend, equip, operate, finance, fund, and maintain
 1125 improvements, systems, facilities, services, works, projects,

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1126 and infrastructure. Any or all of the following special powers
1127 are granted by this act in order to implement the special and
1128 limited purpose of the district but do not constitute
1129 obligations to undertake such improvements, systems, facilities,
1130 services, works, projects, or infrastructure:

1131 (a) To provide water management and control for the lands
1132 within the district, including irrigation systems and
1133 facilities, and to connect some or any of such facilities with
1134 roads and bridges. In the event that the board assumes the
1135 responsibility for providing water management and control for
1136 the district which is to be financed by benefit special
1137 assessments, the board shall adopt plans and assessments
1138 pursuant to general law or may proceed to adopt water management
1139 and control plans, assess for benefits, and apportion and levy
1140 special assessments as follows:

1141 1. The board shall cause to be made by the district's
1142 engineer, or such other engineer or engineers as the board may
1143 employ for that purpose, complete and comprehensive water
1144 management and control plans for the lands located within the
1145 district that will be improved in any part or in whole by any
1146 system of facilities that may be outlined and adopted, and the
1147 engineer shall make a report in writing to the board with maps
1148 and profiles of said surveys and an estimate of the cost of
1149 carrying out and completing the plans.

1150 2. Upon the completion of such plans, the board shall hold

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1151 a hearing thereon to hear objections thereto, shall give notice
1152 of the time and place fixed for such hearing by publication in a
1153 newspaper of general circulation in the general area of the
1154 district once a week for 2 consecutive weeks, and shall permit
1155 the inspection of the plan at the office of the district by all
1156 persons interested. All objections to the plan shall be filed at
1157 or before the time fixed in the notice for the hearing and shall
1158 be in writing.

1159 3. After the hearing, the board shall consider the
1160 proposed plan and any objections thereto and may modify, reject,
1161 or adopt the plan or continue the hearing until a day certain
1162 for further consideration of the proposed plan or modifications
1163 thereof.

1164 4. When the board approves a plan, a resolution shall be
1165 adopted and a certified copy thereof shall be filed in the
1166 office of the secretary and incorporated by him or her into the
1167 records of the district.

1168 5. The water management and control plan may be altered in
1169 detail from time to time until the engineer's report pursuant to
1170 s. 298.301, Florida Statutes, is filed, but not in such manner
1171 as to materially affect the conditions of its adoption. After
1172 the engineer's report has been filed, the plan may not be
1173 altered except as provided by this act.

1174 6. Within 20 days after the final adoption of the plan by
1175 the board, the board shall proceed pursuant to s. 298.301,

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1176 Florida Statutes.

1177 (b) To provide water supply, sewer, wastewater, and
1178 reclaimed water management, reclamation, and reuse, or any
1179 combination thereof, and any irrigation systems, facilities, and
1180 services and to construct and operate water systems, sewer
1181 systems, irrigation systems, and reclaimed water systems such as
1182 connecting intercepting or outlet sewers and sewer mains and
1183 pipes and water mains, conduits, or pipelines in, along, and
1184 under any street, alley, highway, or other public place or way,
1185 and to dispose of any water, effluent, residue, or other
1186 byproduct of such water system, sewer system, irrigation system
1187 or reclaimed water system and to enter into interlocal
1188 agreements and other agreements with public or private entities
1189 for the same.

1190 (c) To provide any necessary bridges, culverts, wildlife
1191 corridors, or road crossings across any drain, ditch, canal,
1192 floodway, holding basin, excavation, public highway, tract,
1193 grade, fill, or cut and roadways over levees and embankments,
1194 and to construct any and all of such works and improvements
1195 across, through, or over any public right-of way, highway,
1196 grade, fill, or cut.

1197 (d) To provide district or other roads equal to or
1198 exceeding the specifications of the county in which such
1199 district or other roads are located, and to provide street
1200 lighting. This special power includes, but is not limited to,

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1201 roads, parkways, intersections, bridges, landscaping,
 1202 hardscaping, irrigation, bicycle lanes, sidewalks, jogging
 1203 paths, multiuse pathways and trails, street lighting, traffic
 1204 signals, regulatory or informational signage, road striping,
 1205 underground conduit, underground cable or fiber or wire
 1206 installed pursuant to an agreement with or tariff of a retail
 1207 provider of services, and all other customary elements of a
 1208 functioning modern road system in general or as tied to the
 1209 conditions of development approval for the area within and
 1210 without the district, and parking facilities that are
 1211 freestanding or that may be related to any innovative strategic
 1212 intermodal system of transportation pursuant to applicable
 1213 federal, state, and local laws and ordinances.

1214 (e) To provide buses, trolleys, rail access, mass transit
 1215 facilities, transit shelters, ridesharing facilities and
 1216 services, parking improvements, and related signage.

1217 (f) To provide investigation and remediation costs
 1218 associated with the cleanup of actual or perceived environmental
 1219 contamination within the district under the supervision or
 1220 direction of a competent governmental authority unless the
 1221 covered costs benefit any person who is a landowner within the
 1222 district and who caused or contributed to the contamination.

1223 (g) To provide observation, mitigation, wetland creation,
 1224 and wildlife habitat areas, including the maintenance of any
 1225 plant or animal species, and any related interest in real or

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1226 personal property.

1227 (h) Using its general and special powers as set forth in

1228 this act, to provide any other project within or without the

1229 boundaries of the district when the project is the subject of an

1230 agreement between the district and the Board of County

1231 Commissioners of Manatee County or with any other applicable

1232 public or private entity and is not inconsistent with the

1233 effective local comprehensive plans.

1234 (i) To provide parks and facilities for indoor and outdoor

1235 recreational, cultural, and educational uses.

1236 (j) To provide school buildings and related structures,

1237 which may be leased, sold, or donated to the school district,

1238 for use in the educational system when authorized by the

1239 district school board.

1240 (k) To provide security, including electronic intrusion-

1241 detection systems and patrol cars, when authorized by proper

1242 governmental agencies, and to contract with the appropriate

1243 local general-purpose government agencies for an increased level

1244 of such services within the district boundaries.

1245 (l) To provide control and elimination of mosquitoes and

1246 other arthropods of public health importance.

1247 (m) To enter into impact fee, mobility fee, or other

1248 similar credit agreements with Manatee County or other

1249 governmental bodies or a landowner developer and to sell or

1250 assign such credits on such terms as the district deems

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1251 appropriate.

1252 (n) To provide buildings and structures for district
 1253 offices, maintenance facilities, meeting facilities, town
 1254 centers, or any other projects authorized or granted by this
 1255 act.

1256 (o) To establish and create, at noticed meetings, such
 1257 departments of the board of supervisors of the district, as well
 1258 as committees, task forces, boards, or commissions, or other
 1259 agencies under the supervision and control of the district, as
 1260 from time to time the members of the board may deem necessary or
 1261 desirable in the performance of the acts or other things
 1262 necessary to exercise the board's general or special powers to
 1263 implement an innovative project to carry out the special and
 1264 limited purpose of the district as provided in this act and to
 1265 delegate the exercise of its powers to such departments, boards,
 1266 task forces, committees, or other agencies, and such
 1267 administrative duties and other powers as the board may deem
 1268 necessary or desirable, but only if there is a set of expressed
 1269 limitations for accountability, notice, and periodic written
 1270 reporting to the board that shall retain the powers of the
 1271 board.

1272 (p) To provide electrical, sustainable, or green
 1273 infrastructure improvements, facilities, and services,
 1274 including, but not limited to, recycling of natural resources,
 1275 reduction of energy demands, development and generation of

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1276 alternative or renewable energy sources and technologies,
 1277 mitigation of urban heat islands, sequestration, capping or
 1278 trading of carbon emissions or carbon emissions credits, LEED or
 1279 Florida Green Building Coalition certification, and development
 1280 of facilities and improvements for low-impact development; to
 1281 enter into joint ventures, public-private partnerships, and
 1282 other agreements; and to grant such easements as may be
 1283 necessary to accomplish the foregoing. Nothing herein shall
 1284 authorize the district to provide electric service to retail
 1285 customers or otherwise act to impair electric utility franchise
 1286 agreements.

1287 (q) To provide for any facilities or improvements that may
 1288 otherwise be provided for by any county or municipality,
 1289 including, but not limited to, libraries, annexes, substations,
 1290 and other buildings to house public officials, staff, and
 1291 employees.

1292 (r) To provide waste collection and disposal.

1293 (s) To provide for the construction and operation of
 1294 communications systems and related infrastructure for the
 1295 carriage and distribution of communications services; to enter
 1296 into joint ventures, public-private partnerships, and other
 1297 agreements; and to grant such easements as may be necessary to
 1298 accomplish the foregoing. For purposes of this paragraph,
 1299 communications systems means all facilities, buildings,
 1300 equipment, items, and methods necessary or desirable in order to

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1301 provide communications services, including, without limitation,
 1302 wires, cables, conduits, wireless cell sites, computers, modems,
 1303 satellite antennae sites, transmission facilities, network
 1304 facilities, and appurtenant devices necessary and appropriate to
 1305 support the provision of communications services. Communications
 1306 services includes, without limitation, Internet, voice
 1307 telephone, or similar services provided by voice over Internet
 1308 protocol, cable television, data transmission services,
 1309 electronic security monitoring services, and multi-channel video
 1310 programming distribution services. Nothing herein shall
 1311 authorize the district to provide communications services to
 1312 retail customers or otherwise act to impair existing service
 1313 provider franchise agreements. However, the district may
 1314 contract with such providers for resale purposes, provided the
 1315 district complies with s. 350.81, Florida Statutes, when
 1316 contracting for resale purposes.

1317 (t) To provide health care facilities and to enter into
 1318 public-private partnerships and agreements as may be necessary
 1319 to accomplish the foregoing.

1320 (u) To coordinate, work with, and, as the board deems
 1321 appropriate, enter into interlocal agreements with any public or
 1322 private entity for the provision of an institution or
 1323 institutions of higher education.

1324 (v) To coordinate, work with, and, as the board deems
 1325 appropriate, enter into public-private partnerships and

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1326 agreements as may be necessary or useful to effectuate the
 1327 purposes of this act.

1328
 1329 The special powers provided in this act may not be deemed
 1330 exclusive or restrictive but shall be deemed to incorporate all
 1331 powers express or implied necessary or incident to carrying out
 1332 such special powers, including the general powers provided by
 1333 this act to the district to implement its purposes. This
 1334 subsection shall be construed liberally in order to effectively
 1335 carry out the special and limited purpose of the district under
 1336 this act.

1337 (8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to
 1338 the other powers provided for in this act, and not in limitation
 1339 thereof, the district shall have the power, at any time and from
 1340 time to time after the issuance of any bonds of the district are
 1341 authorized, to borrow money for the purposes for which such
 1342 bonds are to be issued in anticipation of the receipt of the
 1343 proceeds of the sale of such bonds and to issue bond
 1344 anticipation notes in a principal sum not in excess of the
 1345 authorized maximum amount of such bond issue. Such notes shall
 1346 be in such denomination or denominations, bear interest at such
 1347 rate as the board may determine, not to exceed the maximum rate
 1348 allowed by general law, mature at such time or times not later
 1349 than 5 years after the date of issuance, and be in such form and
 1350 executed in such manner as the board shall prescribe. Such notes

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1351 may be sold at either public or private sale or, if such notes
 1352 shall be renewal notes, may be exchanged for notes then
 1353 outstanding on such terms as the board shall determine. Such
 1354 notes shall be paid from the proceeds of such bonds when issued.
 1355 The board may, in its discretion, in lieu of retiring the notes
 1356 by means of bonds, retire them by means of current revenues or
 1357 from any taxes or assessments levied for the payment of such
 1358 bonds, but, in such event, a like amount of the bonds authorized
 1359 may not be issued.

1360 (9) BORROWING.—The district at any time may obtain loans,
 1361 in such amount and on such terms and conditions as the board may
 1362 approve, for the purpose of paying any of the expenses of the
 1363 district or any costs incurred or that may be incurred in
 1364 connection with any of the projects of the district, which loans
 1365 shall bear such interest as the board determines, not to exceed
 1366 the maximum rate allowed by general law, and may be payable from
 1367 and secured by a pledge of such funds, revenues, taxes, and
 1368 assessments as the board may determine; provided, however, that
 1369 the provisions contained in any proceeding under which bonds
 1370 were theretofore issued and are then outstanding. For the
 1371 purpose of defraying such costs and expenses, the district may
 1372 issue negotiable notes, warrants, or other evidences of debt to
 1373 be payable at such times and to bear such interest as the board
 1374 may determine, not to exceed the maximum rate allowed by general
 1375 law, and to be sold or discounted at such price or prices not

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1376 less than 95 percent of par value and on such terms as the board
 1377 may deem advisable. The board shall have the right to provide
 1378 for the payment thereof by pledging the whole or any part of the
 1379 funds, revenues, taxes, and assessments of the district or by
 1380 covenanting to budget and appropriate from such funds. The
 1381 approval of the electors residing in the district is only
 1382 necessary when required by the State Constitution.

1383 (10) BONDS.—

1384 (a) Sale of bonds.—Bonds may be sold in blocks or
 1385 installments at different times, or an entire issue or series
 1386 may be sold at one time. Bonds may be sold at public or private
 1387 sale after such advertisement, if any, as the board may deem
 1388 advisable, but not in any event at less than 90 percent of the
 1389 par value thereof, together with accrued interest thereon. Bonds
 1390 may be sold or exchanged for refunding bonds. Special assessment
 1391 and revenue bonds may be delivered by the district as payment of
 1392 the purchase price of any project or part thereof, or a
 1393 combination of projects or parts thereof, or as the purchase
 1394 price or exchange for any property, real, personal, or mixed,
 1395 including franchises or services rendered by any contractor,
 1396 engineer, or other person, all at one time or in blocks from
 1397 time to time, in such manner and upon such terms as the board at
 1398 its discretion shall determine. The price or prices for any
 1399 bonds sold, exchanged, or delivered may be:

1400 1. The money paid for the bonds.

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1401 2. The principal amount, plus accrued interest to the date
 1402 of redemption or exchange, or outstanding obligations exchanged
 1403 for refunding bonds.

1404 3. In the case of special assessment or revenue bonds, the
 1405 amount of any indebtedness to contractors or other persons paid
 1406 with such bonds, or the fair value of any properties exchanged
 1407 for the bonds, as determined by the board.

1408 (b) Authorization and form of bonds.—Any general
 1409 obligation bonds, special assessment bonds, or revenue bonds may
 1410 be authorized by resolution or resolutions of the board which
 1411 shall be adopted by a majority of all the members thereof then
 1412 in office. Such resolution or resolutions may be adopted at the
 1413 same meeting at which they are introduced and need not be
 1414 published or posted. The board may, by resolution, authorize the
 1415 issuance of bonds and fix the aggregate amount of bonds to be
 1416 issued; the purpose or purposes for which the moneys derived
 1417 therefrom shall be expended, including, but not limited to,
 1418 payment of costs as defined in section 3; the rate or rates of
 1419 interest, not to exceed the maximum rate allowed by general law;
 1420 the denomination of the bonds; whether the bonds are to be
 1421 issued in one or multiple series; the date or dates of maturity,
 1422 which may not exceed 40 years after their respective dates of
 1423 issuance; the medium of payment; the place or places within or
 1424 without the state at which payment shall be made; registration
 1425 privileges; redemption terms and privileges, whether with or

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1426 without premium; the manner of execution; the form of the bonds,
 1427 including any interest coupons to be attached thereto; the
 1428 manner of execution of bonds and coupons; and any and all other
 1429 terms, covenants, and conditions thereof and the establishment
 1430 of revenue or other funds. Such authorizing resolution or
 1431 resolutions may further provide for the contracts authorized by
 1432 s. 159.825(1)(f) and (g), Florida Statutes, regardless of the
 1433 tax treatment of such bonds being authorized, subject to the
 1434 finding by the board of a net saving to the district resulting
 1435 by reason thereof. Such authorizing resolution may further
 1436 provide that such bonds may be executed in accordance with the
 1437 Registered Public Obligations Act, except that bonds not issued
 1438 in registered form shall be valid if manually countersigned by
 1439 an officer designated by appropriate resolution of the board.
 1440 The seal of the district may be affixed, lithographed, engraved,
 1441 or otherwise reproduced in facsimile on such bonds. In case any
 1442 officer whose signature shall appear on any bonds or coupons
 1443 shall cease to be such officer before the delivery of such
 1444 bonds, such signature or facsimile shall nevertheless be valid
 1445 and sufficient for all purposes as if he or she had remained in
 1446 office until such delivery.

1447 (c) Interim certificates; replacement certificates.-
 1448 Pending the preparation of definitive bonds, the board may issue
 1449 interim certificates or receipts or temporary bonds, in such
 1450 form and with such provisions as the board may determine,

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1451 exchangeable for definitive bonds when such bonds have been
 1452 executed and are available for delivery. The board may also
 1453 provide for the replacement of any bonds which become mutilated,
 1454 lost, or destroyed.

1455 (d) Negotiability of bonds.—Any bond issued under this act
 1456 or any temporary bond, in the absence of an express recital on
 1457 the face thereof that it is nonnegotiable, shall be fully
 1458 negotiable and shall be and constitute a negotiable instrument
 1459 within the meaning and for all purposes of the law merchant and
 1460 general law.

1461 (e) Defeasance.—The board may make such provision with
 1462 respect to the defeasance of the right, title, and interest of
 1463 the holders of any of the bonds and obligations of the district
 1464 in any revenues, funds, or other properties by which such bonds
 1465 are secured as the board deems appropriate and, without
 1466 limitation on the foregoing, may provide that when such bonds or
 1467 obligations become due and payable or shall have been called for
 1468 redemption and the whole amount of the principal and interest
 1469 and premium, if any, due and payable upon the bonds or
 1470 obligations then outstanding shall be held in trust for such
 1471 purpose, and provision shall also be made for paying all other
 1472 sums payable in connection with such bonds or other obligations,
 1473 and in such event the right, title, and interest of the holders
 1474 of the bonds in any revenues, funds, or other properties by
 1475 which such bonds are secured shall thereupon cease, terminate,

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1476 and become void; and the board may apply any surplus in any
 1477 sinking fund established in connection with such bonds or
 1478 obligations and all balances remaining in all other funds or
 1479 accounts other than moneys held for the redemption or payment of
 1480 the bonds or other obligations to any lawful purpose of the
 1481 district as the board shall determine.

1482 (f) Issuance of additional bonds.—If the proceeds of any
 1483 bonds are less than the cost of completing the project in
 1484 connection with which such bonds were issued, the board may
 1485 authorize the issuance of additional bonds, upon such terms and
 1486 conditions as the board may provide in the resolution
 1487 authorizing the issuance thereof, but only in compliance with
 1488 the resolution or other proceedings authorizing the issuance of
 1489 the original bonds.

1490 (g) Refunding bonds.—The district is authorized to issue
 1491 bonds to provide for the retirement or refunding of any bonds or
 1492 obligations of the district that at the time of such issuance
 1493 are or subsequent thereto become due and payable, or that at the
 1494 time of issuance have been called or are, or will be, subject to
 1495 call for redemption within 10 years thereafter, or the surrender
 1496 of which can be procured from the holders thereof at prices
 1497 satisfactory to the board. Refunding bonds may be issued at any
 1498 time that in the judgment of the board such issuance will be
 1499 advantageous to the district. Approval of the qualified electors
 1500 residing in the district is not required for the issuance of

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1501 refunding bonds except in cases in which such approval is
 1502 required by the State Constitution. The board may by resolution
 1503 confer upon the holders of such refunding bonds all rights,
 1504 powers, and remedies to which the holders would be entitled if
 1505 they continued to be the owners and had possession of the bonds
 1506 for the refinancing of which such refunding bonds are issued,
 1507 including, but not limited to, the preservation of the lien of
 1508 such bonds on the revenues of any project or on pledged funds,
 1509 without extinguishment, impairment, or diminution thereof. The
 1510 provisions of this act relating to bonds of the district shall,
 1511 unless the context otherwise requires, govern the issuance of
 1512 refunding bonds, the form and other details thereof, the rights
 1513 of the holders thereof, and the duties of the board with respect
 1514 to such bonds.

1515 (h) Revenue bonds.—

1516 1. The district shall have the power to issue revenue
 1517 bonds from time to time without limitation as to amount. Such
 1518 revenue bonds may be secured by, or payable from, the gross or
 1519 net pledge of the revenues to be derived from any project or
 1520 combination of projects; from the rates, fees, or other charges
 1521 to be collected from the users of any project or projects; from
 1522 any revenue-producing undertaking or activity of the district;
 1523 from special assessments; from benefit special assessments; or
 1524 from any other source or pledged security. Such bonds do not
 1525 constitute an indebtedness of the district and the approval of

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1526 the qualified electors is not required unless such bonds are
 1527 additionally secured by the full faith and credit and taxing
 1528 power of the district.

1529 2. Any two or more projects may be combined and
 1530 consolidated into a single project and may hereafter be operated
 1531 and maintained as a single project. The revenue bonds authorized
 1532 herein may be issued to finance any one or more of such
 1533 projects, regardless of whether such projects have been combined
 1534 and consolidated into a single project. If the board deems it
 1535 advisable, the proceedings authorizing such revenue bonds may
 1536 provide that the district may thereafter combine the projects
 1537 then being financed or theretofore financed with other projects
 1538 to be subsequently financed by the district and that revenue
 1539 bonds to be thereafter issued by the district shall be on parity
 1540 with the revenue bonds then being issued, all on such terms,
 1541 conditions, and limitations as shall have been provided in the
 1542 proceeding which authorized the original bonds.

1543 (i) General obligation bonds.—

1544 1. Subject to the limitations of this charter, the
 1545 district shall have the power to issue general obligation bonds
 1546 to finance or refinance capital projects or to refund
 1547 outstanding bonds in an aggregate principal amount of bonds
 1548 outstanding at any one time not in excess of 35 percent of the
 1549 assessed value of the taxable property within the district as
 1550 shown on the pertinent tax records at the time of the

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1551 authorization of the general obligation bonds for which the full
 1552 faith and credit of the district is pledged. Except for
 1553 refunding bonds, general obligation bonds may not be issued
 1554 unless the bonds are issued to finance or refinance a capital
 1555 project and the issuance has been approved at an election held
 1556 in accordance with the requirements for such election as
 1557 prescribed by the State Constitution. Such elections shall be
 1558 called to be held in the district by the Board of County
 1559 Commissioners of Manatee County upon the request of the board of
 1560 the district. The expenses of calling and holding an election
 1561 shall be at the expense of the district and the district shall
 1562 reimburse the county for any expenses incurred in calling or
 1563 holding such election.

1564 2. The district may pledge its full faith and credit for
 1565 the payment of the principal and interest on such general
 1566 obligation bonds and for any reserve funds provided therefor and
 1567 may unconditionally and irrevocably pledge itself to levy ad
 1568 valorem taxes on all taxable property in the district, to the
 1569 extent necessary for the payment thereof, without limitation as
 1570 to rate or amount.

1571 3. If the board determines to issue general obligation
 1572 bonds for more than one capital project, the approval of the
 1573 issuance of the bonds for each and all such projects may be
 1574 submitted to the electors on one ballot. The failure of the
 1575 electors to approve the issuance of bonds for any one or more

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1576 capital projects does not defeat the approval of bonds for any
 1577 capital project which has been approved by the electors.

1578 4. In arriving at the amount of general obligation bonds
 1579 permitted to be outstanding at any one time pursuant to
 1580 subparagraph 1., there may not be included any general
 1581 obligation bonds that are additionally secured by the pledge of:

1582 a. Any assessments levied in an amount sufficient to pay
 1583 the principal and interest on the general obligation bonds so
 1584 additionally secured, which assessments have been equalized and
 1585 confirmed by resolution of the board pursuant to this act or s.
 1586 170.08, Florida Statutes.

1587 b. Water revenues, sewer revenues, or water and sewer
 1588 revenues of the district to be derived from user fees in an
 1589 amount sufficient to pay the principal and interest on the
 1590 general obligation bonds so additionally secured.

1591 c. Any combination of assessments and revenues described
 1592 in sub-subparagraphs a. and b.

1593 (j) Bonds as legal investment or security.-

1594 1. Notwithstanding any other provision of law to the
 1595 contrary, all bonds issued under this act shall constitute legal
 1596 investments for savings banks, banks, trust companies, insurance
 1597 companies, executors, administrators, trustees, guardians, and
 1598 other fiduciaries and for any board, body, agency,
 1599 instrumentality, county, municipality, or other political
 1600 subdivision of the state and shall be and constitute security

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1601 which may be deposited by banks or trust companies as security
1602 for deposits of state, county, municipal, or other public funds
1603 or by insurance companies as required or voluntary statutory
1604 deposits.

1605 2. Any bonds issued by the district shall be incontestable
1606 in the hands of bona fide purchasers or holders for value and
1607 are not invalid because of any irregularity or defect in the
1608 proceedings for the issue and sale thereof.

1609 (k) Covenants.—Any resolution authorizing the issuance of
1610 bonds may contain such covenants as the board may deem
1611 advisable, and all such covenants shall constitute valid and
1612 legally binding and enforceable contracts between the district
1613 and the bondholders, regardless of the time of issuance thereof.
1614 Such covenants may include, without limitation, covenants
1615 concerning the disposition of the bond proceeds; the use and
1616 disposition of project revenues; the pledging of revenues,
1617 taxes, and assessments; the obligations of the district with
1618 respect to the operation of the project and the maintenance of
1619 adequate project revenues; the issuance of additional bonds; the
1620 appointment, powers, and duties of trustees and receivers; the
1621 acquisition of outstanding bonds and obligations; restrictions
1622 on the establishment of competing projects or facilities;
1623 restrictions on the sale or disposal of the assets and property
1624 of the district; the priority of assessment liens; the priority
1625 of claims by bondholders on the taxing power of the district;

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1626 the maintenance of deposits to ensure the payment of revenues by
 1627 users of district facilities and services; the discontinuance of
 1628 district services by reason of delinquent payments; acceleration
 1629 upon default; the execution of necessary instruments; the
 1630 procedure for amending or abrogating covenants with the
 1631 bondholders; and such other covenants as may be deemed necessary
 1632 or desirable for the security of the bondholders.

1633 (l) Validation proceedings.—The power of the district to
 1634 issue bonds under this act may be determined, and any of the
 1635 bonds of the district maturing over a period of more than 5
 1636 years shall be validated and confirmed, by court decree, under
 1637 chapter 75, Florida Statutes, and laws amendatory thereof or
 1638 supplementary thereto.

1639 (m) Tax exemption.—To the extent allowed by general law,
 1640 all bonds issued hereunder and interest paid thereon and all
 1641 fees, charges, and other revenues derived by the district from
 1642 the projects provided by this act are exempt from all taxes by
 1643 the state or by any political subdivision, agency, or
 1644 instrumentality thereof; however, any interest, income, or
 1645 profits on debt obligations issued hereunder are not exempt from
 1646 the tax imposed by chapter 220, Florida Statutes. Further, the
 1647 district is not exempt from chapter 212, Florida Statutes.

1648 (n) Application of s. 189.051, Florida Statutes.—Bonds
 1649 issued by the district shall meet the criteria set forth in s.
 1650 189.051, Florida Statutes.

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1651 (o) Act furnishes full authority for issuance of bonds.—
 1652 This act constitutes full and complete authority for the
 1653 issuance of bonds and the exercise of the powers of the district
 1654 provided herein. Procedures or proceedings, publications,
 1655 notices, consents, approvals, orders, acts, or things by the
 1656 board, or by any board, officer, commission, department, agency,
 1657 or instrumentality of the district, other than those required by
 1658 this act, are not required to perform anything under this act,
 1659 except that the issuance or sale of bonds pursuant to this act
 1660 shall comply with the general law requirements applicable to the
 1661 issuance or sale of bonds by the district. This act does not
 1662 authorize the district to utilize bond proceeds to fund the
 1663 ongoing operations of the district.

1664 (p) Pledge by the state to the bondholders of the
 1665 district.—The state pledges to the holders of any bonds issued
 1666 under this act that it will not limit or alter the rights of the
 1667 district to own, acquire, construct, reconstruct, improve,
 1668 maintain, operate, or furnish the projects or to levy and
 1669 collect the taxes, assessments, rentals, rates, fees, and other
 1670 charges provided for herein and to fulfill the terms of any
 1671 agreement made with the holders of such bonds or other
 1672 obligations and that it will not in any way impair the rights or
 1673 remedies of such holders.

1674 (q) Default.—A default on the bonds or obligations of the
 1675 district does not constitute a debt or obligation of the state

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1676 | or any general-purpose local government of the state. In the
 1677 | event of a default or dissolution of the district, a general-
 1678 | purpose local government is not required to assume the property
 1679 | of the district, the debts of the district, or the district's
 1680 | obligations to complete any infrastructure improvements or
 1681 | provide any services to the district. Section 189.076(2),
 1682 | Florida Statutes, does not apply to the district.

1683 | (11) TRUST AGREEMENTS.—Any issue of bonds shall be secured
 1684 | by a trust agreement or resolution by and between the district
 1685 | and a corporate trustee or trustees, which may be any trust
 1686 | company or bank having the powers of a trust company within or
 1687 | without the state. The resolution authorizing the issuance of
 1688 | the bonds or such trust agreement may pledge the revenues to be
 1689 | received from any projects of the district and may contain such
 1690 | provisions for protecting and enforcing the rights and remedies
 1691 | of the bondholders as the board may approve, including, without
 1692 | limitation, covenants setting forth the duties of the district
 1693 | in relation to the acquisition, construction, reconstruction,
 1694 | improvement, maintenance, repair, operation, and insurance of
 1695 | any projects; the fixing and revising of the rates, fees, and
 1696 | charges; and the custody, safeguarding, and application of all
 1697 | moneys and for the employment of consulting engineers in
 1698 | connection with such acquisition, construction, reconstruction,
 1699 | improvement, maintenance, repair, operation, or insurance. It
 1700 | shall be lawful for any bank or trust company within or without

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1701 the state which may act as a depository of the proceeds of bonds
 1702 or of revenues to furnish such indemnifying bonds or to pledge
 1703 such securities as may be required by the district. Such
 1704 resolution or trust agreement may set forth the rights and
 1705 remedies of the bondholders and of the trustee, if any, and may
 1706 restrict the individual right of action by bondholders. The
 1707 board may provide for the payment of proceeds of the sale of the
 1708 bonds and the revenues of any project to such officer, board, or
 1709 depository as it may designate for the custody thereof and may
 1710 provide for the method of disbursement thereof with such
 1711 safeguards and restrictions as it may determine. All expenses
 1712 incurred in carrying out such resolution or trust agreement may
 1713 be treated as part of the cost of operation of the project to
 1714 which such trust agreement pertains.

1715 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 1716 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 1717 ASSESSMENTS; MAINTENANCE TAXES.-

1718 (a) Ad valorem taxes.-At such time as all members of the
 1719 board are qualified electors who are elected by qualified
 1720 electors of the district, the board shall have the power to levy
 1721 and assess an ad valorem tax on all the taxable property in the
 1722 district to construct, operate, and maintain assessable
 1723 improvements; to pay the principal of, and interest on, any
 1724 general obligation bonds of the district; and to provide for any
 1725 sinking or other funds established in connection with any such

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1726 bonds. An ad valorem tax levied by the board for operating
 1727 purposes, exclusive of debt service on bonds, may not exceed 3
 1728 mills. The ad valorem tax provided for herein shall be in
 1729 addition to county and all other ad valorem taxes provided for
 1730 by general law. Such tax shall be assessed, levied, and
 1731 collected in the same manner and at the same time as county
 1732 taxes. The levy of ad valorem taxes must be approved by
 1733 referendum as required by Section 9, Article VII of the State
 1734 Constitution.

1735 (b) Benefit special assessments.—The board annually shall
 1736 determine, order, and levy the annual installment of the total
 1737 benefit special assessments for bonds issued and related
 1738 expenses to finance assessable improvements. These assessments
 1739 may be due and collected during each year county taxes are due
 1740 and collected, in which case such annual installment and levy
 1741 shall be evidenced to and certified to the property appraiser by
 1742 the board not later than August 31 of each year. Such assessment
 1743 shall be entered by the property appraiser on the county tax
 1744 rolls and shall be collected and enforced by the tax collector
 1745 in the same manner and at the same time as county taxes, and the
 1746 proceeds thereof shall be paid to the district. However, this
 1747 subsection does not prohibit the district in its discretion from
 1748 using the method provided in s. 197.3632, Florida Statutes, or
 1749 chapter 173, Florida Statutes, as each may be amended from time
 1750 to time, for collecting and enforcing these assessments. Each

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1751 annual installment of benefit special assessments shall be a
 1752 lien on the property against which assessed until paid and shall
 1753 be enforceable in like manner as county taxes. The amount of the
 1754 assessment for the exercise of the district's powers under
 1755 subsections (6) and (7) shall be determined by the board based
 1756 upon a report of the district's engineer and assessed by the
 1757 board upon such lands, which may be part or all of the lands
 1758 within the district benefited by the improvement, apportioned
 1759 between benefited lands in proportion to the benefits received
 1760 by each tract of land. The board may, if it determines it is in
 1761 the best interests of the district, set forth in the proceedings
 1762 initially levying such benefit special assessments or in
 1763 subsequent proceedings a formula for the determination of an
 1764 amount which, when paid by a taxpayer with respect to any tax
 1765 parcel, shall constitute a prepayment of all future annual
 1766 installments of such benefit special assessments. The payment of
 1767 which amount with respect to such tax parcel shall relieve and
 1768 discharge such tax parcel of the lien of such benefit special
 1769 assessments and any subsequent annual installment thereof. The
 1770 board may provide further that upon delinquency in the payment
 1771 of any annual installment of benefit special assessments, such
 1772 prepayment amount of all future annual installments of benefit
 1773 special assessments shall be and become immediately due and
 1774 payable together with such delinquent annual installment.

1775 (c) Non-ad valorem maintenance taxes.—If and when

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1776 authorized by general law, to maintain and to preserve the
 1777 physical facilities and services constituting the works,
 1778 improvements, or infrastructure owned by the district pursuant
 1779 to this act, to repair and restore any one or more of them, when
 1780 needed, and to defray the current expenses of the district,
 1781 including any sum which may be required to pay state and county
 1782 ad valorem taxes on any lands which may have been purchased and
 1783 which are held by the district under this act, the board of
 1784 supervisors may, upon the completion of said systems,
 1785 facilities, services, works, improvements, or infrastructure, in
 1786 whole or in part, as may be certified to the board by the
 1787 engineer of the board, levy annually a non-ad valorem and
 1788 nonmillage tax upon each tract or parcel of land within the
 1789 district, to be known as a "maintenance tax." A maintenance tax
 1790 shall be apportioned upon the basis of the net assessments of
 1791 benefits assessed as accruing from the original construction and
 1792 shall be evidenced to and certified by the board of supervisors
 1793 of the district not later than June 1 of each year to the
 1794 Manatee County tax collector and shall be extended on the tax
 1795 rolls and collected by the tax collector on the merged
 1796 collection roll of the tax collector in the same manner and at
 1797 the same time as county ad valorem taxes, and the proceeds
 1798 therefrom shall be paid to the district. The maintenance tax
 1799 shall be a lien until paid on the property against which
 1800 assessed and enforceable in like manner and of the same dignity

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1801 as county ad valorem taxes.

1802 (d) Maintenance special assessments.—To maintain and
1803 preserve the facilities and projects of the district, the board
1804 may levy a maintenance special assessment. This assessment may
1805 be evidenced to and certified to the tax collector by the board
1806 of supervisors not later than August 31 of each year and shall
1807 be entered by the property appraiser on the county tax rolls and
1808 shall be collected and enforced by the tax collector in the same
1809 manner and at the same time as county taxes, and the proceeds
1810 therefrom shall be paid to the district. However, this
1811 subsection does not prohibit the district in its discretion from
1812 using the method prescribed in s. 197.363, s. 197.3631, or s.
1813 197.3632, Florida Statutes, for collecting and enforcing these
1814 assessments. These maintenance special assessments shall be a
1815 lien on the property against which assessed until paid and shall
1816 be enforceable in like manner as county taxes. The amount of the
1817 maintenance special assessment for the exercise of the
1818 district's powers under this section shall be determined by the
1819 board based upon a report of the district's engineer and
1820 assessed by the board upon such lands, which may be all of the
1821 lands within the district benefited by the maintenance thereof,
1822 apportioned between the benefited lands in proportion to the
1823 benefits received by each tract of land.

1824 (e) Special assessments.—The board may levy and impose any
1825 special assessments pursuant to this subsection.

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1826 (f) Enforcement of taxes.—The collection and enforcement
 1827 of all taxes levied by the district shall be at the same time
 1828 and in like manner as county taxes and the provisions of general
 1829 law relating to the sale of lands for unpaid and delinquent
 1830 county taxes; the issuance, sale, and delivery of tax
 1831 certificates for such unpaid and delinquent county taxes; the
 1832 redemption thereof; the issuance to individuals of tax deeds
 1833 based thereon; and all other procedures in connection therewith
 1834 shall be applicable to the district to the same extent as if
 1835 such statutory provisions were expressly set forth in this act.
 1836 All taxes shall be subject to the same discounts as county
 1837 taxes.

1838 (g) When unpaid tax is delinquent; penalty.—All taxes
 1839 provided for in this act shall become delinquent and bear
 1840 penalties on the amount of such taxes in the same manner as
 1841 county taxes.

1842 (h) Status of assessments.—Benefit special assessments,
 1843 maintenance special assessments, and special assessments are
 1844 hereby found and determined to be non-ad valorem assessments as
 1845 defined in s. 197.3632(1), Florida Statutes. Maintenance taxes
 1846 are non-ad valorem taxes and are not special assessments.

1847 (i) Assessments constitute liens; collection.—Any and all
 1848 assessments, including special assessments, benefit special
 1849 assessments, and maintenance special assessments authorized and
 1850 granted by this subsection and maintenance taxes if authorized

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1851 by general law, shall constitute a lien on the property against
 1852 which assessed from the date of levy and imposition thereof
 1853 until paid, coequal with the lien of state, county, municipal,
 1854 and school board taxes. These assessments may be collected, at
 1855 the district's discretion, under authority of s. 197.3631,
 1856 Florida Statutes, as amended from time to time, by the tax
 1857 collector pursuant to ss. 197.3632 and 197.3635, Florida
 1858 Statutes, as amended from time to time, or in accordance with
 1859 other collection measures provided by general law. In addition
 1860 to, and not in limitation of, any powers otherwise set forth
 1861 herein or in general law, these assessments may also be enforced
 1862 pursuant to chapter 173, Florida Statutes, as amended from time
 1863 to time.

1864 (j) Land owned by governmental entity.—Except as otherwise
 1865 provided by general law, a levy of ad valorem taxes or non-ad
 1866 valorem assessments under this act or chapter 170 or chapter
 1867 197, Florida Statutes, or otherwise by the board of the district
 1868 on property of a governmental entity that is subject to a ground
 1869 lease as described in s. 190.003(14), Florida Statutes, does not
 1870 constitute a lien or encumbrance on the underlying fee interest
 1871 of such governmental entity.

1872 (13) SPECIAL ASSESSMENTS.—

1873 (a) As an alternative method to the levy and imposition of
 1874 special assessments pursuant to chapter 170, Florida Statutes,
 1875 pursuant to the authority under s. 197.3631, Florida Statutes,

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1876 or pursuant to other provisions of general law, now or hereafter
 1877 enacted, which provide a supplemental means or authority to
 1878 impose, levy, and collect special assessments as otherwise
 1879 authorized under this act, the board may levy and impose special
 1880 assessments to finance the exercise of any of its powers
 1881 permitted under this act using the following uniform procedures:

1882 1. At a noticed meeting, the board of supervisors of the
 1883 district may consider and review an engineer's report on the
 1884 costs of the systems, facilities, and services to be provided, a
 1885 preliminary special assessment methodology, and a preliminary
 1886 roll based on acreage or platted lands, depending upon whether
 1887 platting has occurred.

1888 a. The special assessment methodology shall address and
 1889 discuss and the board shall consider whether the systems,
 1890 facilities, and services being contemplated will result in
 1891 special benefits peculiar to the property, different in kind and
 1892 degree than general benefits, as a logical connection between
 1893 the systems, facilities, and services themselves and the
 1894 property, and whether the duty to pay the special assessments by
 1895 the property owners is apportioned in a manner that is fair and
 1896 equitable and not in excess of the special benefit received. It
 1897 shall be fair and equitable to designate a fixed proportion of
 1898 the annual debt service, together with interest thereon, on the
 1899 aggregate principal amount of bonds issued to finance such
 1900 systems, facilities, and services which give rise to unique,

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1901 special, and peculiar benefits to property of the same or
 1902 similar characteristics under the special assessment methodology
 1903 so long as such fixed proportion does not exceed the unique,
 1904 special, and peculiar benefits enjoyed by such property from
 1905 such systems, facilities, and services.

1906 b. The engineer's cost report shall identify the nature of
 1907 the proposed systems, facilities, and services, their location,
 1908 a cost breakdown plus a total estimated cost, including cost of
 1909 construction or reconstruction, labor, and materials, lands,
 1910 property, rights, easements, franchises, or systems, facilities,
 1911 and services to be acquired; cost of plans and specifications
 1912 and surveys of estimates of costs and revenues; costs of
 1913 engineering, legal, and other professional consultation
 1914 services; and other expenses or costs necessary or incident to
 1915 determining the feasibility or practicability of such
 1916 construction, reconstruction, or acquisition, administrative
 1917 expenses, relationship to the authority and power of the
 1918 district in its charter, and such other expenses or costs as may
 1919 be necessary or incident to the financing to be authorized by
 1920 the board of supervisors.

1921 c. The preliminary special assessment roll shall be in
 1922 accordance with the assessment methodology as may be adopted by
 1923 the board of supervisors; the special assessment roll shall be
 1924 completed as promptly as possible and shall show the acreage,
 1925 lots, lands, or plats assessed and the amount of the fairly and

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1926 reasonably apportioned assessment based on special and peculiar
 1927 benefit to the property, lot, parcel, or acreage of land; and,
 1928 if the special assessment against such lot, parcel, acreage, or
 1929 portion of land is to be paid in installments, the number of
 1930 annual installments in which the special assessment is divided
 1931 shall be entered into and shown upon the special assessment
 1932 roll.

1933 2. The board of supervisors of the district may determine
 1934 and declare by an initial special assessment resolution to levy
 1935 and assess the special assessments with respect to assessable
 1936 improvements stating the nature of the systems, facilities, and
 1937 services, improvements, projects, or infrastructure constituting
 1938 such assessable improvements, the information in the engineer's
 1939 cost report, the information in the special assessment
 1940 methodology as determined by the board at the noticed meeting
 1941 and referencing and incorporating as part of the resolution the
 1942 engineer's cost report, the preliminary special assessment
 1943 methodology, and the preliminary special assessment roll as
 1944 referenced exhibits to the resolution by reference. If the board
 1945 determines to declare and levy the special assessments by the
 1946 initial special assessment resolution, the board shall also
 1947 adopt and declare a notice resolution which shall provide and
 1948 cause the initial special assessment resolution to be published
 1949 in a newspaper of general circulation in Manatee County once a
 1950 week for 2 consecutive weeks and said board shall by the same

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1951 resolution fix a time and place at which the owner or owners of
 1952 the property to be assessed or any other persons interested
 1953 therein may appear before said board and be heard as to the
 1954 propriety and advisability of making such improvements, as to
 1955 the costs thereof, as to the manner of payment therefor, and as
 1956 to the amount thereof to be assessed against each property so
 1957 improved. Thirty days' notice in writing of such time and place
 1958 shall be given to such property owners. The notice shall include
 1959 the amount of the special assessment and shall be served by
 1960 mailing a copy to each assessed property owner at his or her
 1961 last known address, the names and addresses of such property
 1962 owners to be obtained from the record of the property appraiser
 1963 of the county political subdivision in which the land is located
 1964 or from such other sources as the district manager or engineer
 1965 deems reliable. Proof of such mailing shall be made by the
 1966 affidavit of the manager of the district or by the engineer,
 1967 said proof to be filed with the district manager. Failure to
 1968 mail said notice or notices does not invalidate any of the
 1969 proceedings hereunder. It is provided further that the last
 1970 publication shall be at least 1 week before the date of the
 1971 hearing on the final special assessment resolution. Said notice
 1972 shall describe the general areas to be improved and advise all
 1973 persons interested that the description of each property to be
 1974 assessed and the amount to be assessed to each piece, parcel,
 1975 lot, or acre of property may be ascertained at the office of the

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1976 | manager of the district. Such service by publication shall be
 1977 | verified by the affidavit of the publisher and filed with the
 1978 | manager of the district. Moreover, the initial special
 1979 | assessment resolution with its attached, referenced, and
 1980 | incorporated engineer's cost report, preliminary special
 1981 | assessment methodology, and preliminary special assessment roll,
 1982 | along with the notice resolution, shall be available for public
 1983 | inspection at the office of the manager and the office of the
 1984 | engineer or any other office designated by the board of
 1985 | supervisors in the notice resolution. Notwithstanding the
 1986 | foregoing, the landowners of all of the property which is
 1987 | proposed to be assessed may give the district written notice of
 1988 | waiver of any notice and publication provided for in this
 1989 | subparagraph. However, such notice and publication is not
 1990 | required, provided that any meeting of the board of supervisors
 1991 | to consider such resolution is a publicly noticed meeting.

1992 | 3. At the time and place named in the noticed resolution
 1993 | as provided for in subparagraph 2., the board of supervisors of
 1994 | the district shall meet and hear testimony from affected
 1995 | property owners as to the propriety and advisability of making
 1996 | the systems, facilities, services, projects, works,
 1997 | improvements, or infrastructure and funding them with
 1998 | assessments referenced in the initial special assessment
 1999 | resolution on the property. Following the testimony and
 2000 | questions from the members of the board or any professional

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2001 advisors to the district of the preparers of the engineer's cost
2002 report, the special assessment methodology, and the special
2003 assessment roll, the board of supervisors shall make a final
2004 decision on whether to levy and assess the particular special
2005 assessments. Thereafter, the board of supervisors shall meet as
2006 an equalizing board to hear and to consider any and all
2007 complaints as to the particular special assessments and shall
2008 adjust and equalize the special assessments to ensure proper
2009 assessment based on the benefit conferred on the property.

2010 4. When so equalized and approved by resolution or
2011 ordinance by the board of supervisors, to be called the final
2012 special assessment resolution, a final special assessment roll
2013 shall be filed with the clerk of the board and such special
2014 assessment shall stand confirmed and remain legal, valid, and
2015 binding first liens on the property against which such special
2016 assessments are made until paid, equal in dignity to the first
2017 liens of ad valorem taxation of county and municipal governments
2018 and school boards. However, upon completion of the systems,
2019 facilities, services, projects, improvements, works, or
2020 infrastructure, the district shall credit to each of the
2021 assessments the difference in the special assessment as
2022 originally made, approved, levied, assessed, and confirmed and
2023 the proportionate part of the actual cost of the improvement to
2024 be paid by the particular special assessments as finally
2025 determined upon the completion of the improvement; but in no

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2026 event shall the final special assessment exceed the amount of
 2027 the special and peculiar benefits as apportioned fairly and
 2028 reasonably to the property from the system, facility, or service
 2029 being provided as originally assessed. Promptly after such
 2030 confirmation, the special assessment shall be recorded by the
 2031 clerk of the district in the minutes of the proceedings of the
 2032 district, and the record of the lien in this set of minutes
 2033 shall constitute prima facie evidence of its validity. The board
 2034 of supervisors, in its sole discretion, may, by resolution,
 2035 grant a discount equal to all or a part of the payee's
 2036 proportionate share of the cost of the project consisting of
 2037 bond financing cost, such as capitalized interest, funded
 2038 reserves, and bond discounts included in the estimated cost of
 2039 the project, upon payment in full of any special assessments
 2040 during such period before the time such financing costs are
 2041 incurred as may be specified by the board of supervisors in such
 2042 resolution.

2043 5. District special assessments may be made payable in
 2044 installments over no more than 40 years after the date of the
 2045 payment of the first installment thereof and may bear interest
 2046 at fixed or variable rates.

2047 (b) Notwithstanding any provision of this act or chapter
 2048 170, Florida Statutes, that portion of s. 170.09, Florida
 2049 Statutes, which provides that special assessments may be paid
 2050 without interest at any time within 30 days after the

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2051 improvement is completed and a resolution accepting the same has
 2052 been adopted by the governing authority is not applicable to any
 2053 district special assessments, whether imposed, levied, and
 2054 collected pursuant to this act or any other provision of general
 2055 law, including, but not limited to, chapter 170, Florida
 2056 Statutes.

2057 (c) In addition, the district is authorized expressly in
 2058 the exercise of its rulemaking power to adopt rules that provide
 2059 for notice, levy, imposition, equalization, and collection of
 2060 assessments.

2061 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 2062 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

2063 (a) The board may, after any special assessments or
 2064 benefit special assessments for assessable improvements are
 2065 made, determined, and confirmed as provided in this act, issue
 2066 certificates of indebtedness for the amount so assessed against
 2067 the abutting property or property otherwise benefited, as the
 2068 case may be, and separate certificates shall be issued against
 2069 each part or parcel of land or property assessed, which
 2070 certificates shall state the general nature of the improvement
 2071 for which the assessment is made. The certificates shall be
 2072 payable in annual installments in accordance with the
 2073 installments of the special assessment for which they are
 2074 issued. The board may determine the interest to be borne by such
 2075 certificates, not to exceed the maximum rate allowed by general

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2076 law, and may sell such certificates at either private or public
2077 sale and determine the form, manner of execution, and other
2078 details of such certificates. The certificates shall recite that
2079 they are payable only from the special assessments levied and
2080 collected from the part or parcel of land or property against
2081 which they are issued. The proceeds of such certificates may be
2082 pledged for the payment of principal of and interest on any
2083 revenue bonds or general obligation bonds issued to finance in
2084 whole or in part such assessable improvement or, if not so
2085 pledged, may be used to pay the cost or part of the cost of such
2086 assessable improvements.

2087 (b) The district may also issue assessment bonds, revenue
2088 bonds, or other obligations payable from a special fund into
2089 which such certificates of indebtedness referred to in paragraph
2090 (a) may be deposited or, if such certificates of indebtedness
2091 have not been issued, may assign to such special fund for the
2092 benefit of the holders of such assessment bonds or other
2093 obligations, or to a trustee for such bondholders, the
2094 assessment liens provided for in this act unless such
2095 certificates of indebtedness or assessment liens have been
2096 theretofore pledged for any bonds or other obligations
2097 authorized hereunder. In the event of the creation of such
2098 special fund and the issuance of such assessment bonds or other
2099 obligations, the proceeds of such certificates of indebtedness
2100 or assessment liens deposited therein shall be used only for the

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2101 payment of the assessment bonds or other obligations issued as
 2102 provided in this section. The district is authorized to covenant
 2103 with the holders of such assessment bonds, revenue bonds, or
 2104 other obligations that it will diligently and faithfully enforce
 2105 and collect all the special assessments, and interest and
 2106 penalties thereon, for which such certificates of indebtedness
 2107 or assessment liens have been deposited in or assigned to such
 2108 fund; to foreclose such assessment liens so assigned to such
 2109 special fund or represented by the certificates of indebtedness
 2110 deposited in the special fund, after such assessment liens have
 2111 become delinquent, and deposit the proceeds derived from such
 2112 foreclosure, including interest and penalties, in such special
 2113 fund; and to make any other covenants deemed necessary or
 2114 advisable in order to properly secure the holders of such
 2115 assessment bonds or other obligations.

2116 (c) The assessment bonds, revenue bonds, or other
 2117 obligations issued pursuant to this subsection shall have such
 2118 dates of issuance and maturity as deemed advisable by the board;
 2119 however, the maturities of such assessment bonds or other
 2120 obligations may not be more than 2 years after the due date of
 2121 the last installment that will be payable on any of the special
 2122 assessments for which such assessment liens, or the certificates
 2123 of indebtedness representing such assessment liens, are assigned
 2124 to or deposited in such special fund.

2125 (d) Such assessment bonds, revenue bonds, or other

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2126 obligations issued under this subsection shall bear such
 2127 interest as the board may determine, not to exceed the maximum
 2128 rate allowed by general law, and shall be executed, shall have
 2129 such provisions for redemption before maturity, shall be sold in
 2130 such manner, and shall be subject to all of the applicable
 2131 provisions contained in this act for revenue bonds, except as
 2132 the same may be inconsistent with this subsection.

2133 (e) All assessment bonds, revenue bonds, or other
 2134 obligations issued under this subsection shall be, shall
 2135 constitute, and shall have all the qualities and incidents of
 2136 negotiable instruments under the law merchant and general laws.

2137 (15) TAX LIENS.—All taxes of the district provided for in
 2138 this act, together with all penalties for default in the payment
 2139 of the same and all costs in collecting the same, including a
 2140 reasonable attorney fee fixed by the court and taxed as a cost
 2141 in the action brought to enforce payment, shall, from January 1
 2142 of each year the property is liable to assessment and until
 2143 paid, constitute a lien of equal dignity with the liens for
 2144 state and county taxes and other taxes of equal dignity with
 2145 state and county taxes upon all the lands against which such
 2146 taxes shall be levied. A sale of any of the real property within
 2147 the district for state and county or other taxes may not operate
 2148 to relieve or release the property so sold from the lien for
 2149 subsequent district taxes or installments of district taxes,
 2150 which lien may be enforced against such property as though no

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2151 such sale thereof had been made. In addition, for purposes of s.
 2152 197.552, Florida Statutes, the lien of all special assessments
 2153 levied by the district shall constitute a lien of record held by
 2154 a municipal or county governmental unit. Sections 194.171,
 2155 197.122, 197.333, and 197.432, Florida Statutes, are applicable
 2156 to district taxes with the same force and effect as if such
 2157 sections were expressly provided in this act.

2158 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2159 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.-

2160 (a) The district shall have the power and right to:

2161 1. Pay any delinquent state, county, district, municipal,
 2162 or other tax or assessment upon lands located wholly or
 2163 partially within the boundaries of the district.

2164 2. Redeem or purchase any tax sales certificates issued or
 2165 sold on account of any state, county, district, municipal, or
 2166 other taxes or assessments upon lands located wholly or
 2167 partially within the boundaries of the district.

2168 (b) Delinquent taxes paid, or tax sales certificates
 2169 redeemed or purchased, by the district, together with all
 2170 penalties for the default in payment of the same and all costs
 2171 in collecting the same and a reasonable attorney fee, shall
 2172 constitute a lien in favor of the district of equal dignity with
 2173 the liens of state and county taxes and other taxes of equal
 2174 dignity with state and county taxes upon all the real property
 2175 against which the taxes were levied. The lien of the district

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2176 may be foreclosed in the manner provided in this act.

2177 (c) In any sale of land pursuant to s. 197.542, Florida
 2178 Statutes, as may be amended from time to time, the district may
 2179 certify to the clerk of the circuit court of the county holding
 2180 such sale the amount of taxes due to the district upon the lands
 2181 sought to be sold, and the district shall share in the
 2182 disbursement of the sales proceeds in accordance with this act
 2183 and under general law.

2184 (17) FORECLOSURE OF LIENS.—Any lien in favor of the
 2185 district arising under this act may be foreclosed by the
 2186 district by foreclosure proceedings in the name of the district
 2187 in a court of competent jurisdiction as provided by general law
 2188 in like manner as is provided in chapter 170 or chapter 173,
 2189 Florida Statutes, and any amendments thereto, and those chapters
 2190 shall be applicable to such proceedings with the same force and
 2191 effect as if those chapters were expressly provided in this act.
 2192 Any act required or authorized to be done by or on behalf of a
 2193 municipality in foreclosure proceedings under chapter 170 or
 2194 chapter 173, Florida Statutes, may be performed by such officer
 2195 or agent of the district as the board of supervisors may
 2196 designate. Such foreclosure proceedings may be brought at any
 2197 time after the expiration of 1 year from the date any tax, or
 2198 installment thereof, becomes delinquent; however, no lien shall
 2199 be foreclosed against any political subdivision or agency of the
 2200 state. Other legal remedies shall remain available.

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2201 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
 2202 FACILITIES, AND SERVICES.—To the full extent permitted by
 2203 general law, the district shall require all lands, buildings,
 2204 premises, persons, firms, and corporations within the district
 2205 to use the facilities of the district.

2206 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 2207 PROVISIONS REQUIRED.—

2208 (a) A contract may not be let by the board for any goods,
 2209 supplies, or materials to be purchased when the amount thereof
 2210 to be paid by the district shall exceed the amount provided in
 2211 s. 287.017, Florida Statutes, for category four, unless notice
 2212 of bids shall be published in a newspaper of general circulation
 2213 in Manatee County at least once. Any board seeking to construct
 2214 or improve a public building, structure, or other public works
 2215 shall comply with the bidding procedures of s. 255.20, Florida
 2216 Statutes, as amended from time to time, and other applicable
 2217 general law. In each case, the bid of the lowest responsive and
 2218 responsible bidder shall be accepted unless all bids are
 2219 rejected because the bids are too high or the board determines
 2220 it is in the best interests of the district to reject all bids.
 2221 The board may require the bidders to furnish bond with a
 2222 responsible surety to be approved by the board. Nothing in this
 2223 subsection shall prevent the board from undertaking and
 2224 performing the construction, operation, and maintenance of any
 2225 project or facility authorized by this act by the employment of

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2226 | labor, material, and machinery.

2227 | (b) The Consultants' Competitive Negotiation Act, s.
 2228 | 287.055, Florida Statutes, applies to contracts for engineering,
 2229 | architecture, landscape architecture, or registered surveying
 2230 | and mapping services let by the board.

2231 | (c) Contracts for maintenance services for any district
 2232 | facility or project shall be subject to competitive bidding
 2233 | requirements when the amount thereof to be paid by the district
 2234 | exceeds the amount provided in s. 287.017, Florida Statutes, as
 2235 | amended from time to time, for category four. The district shall
 2236 | adopt rules, policies, or procedures establishing competitive
 2237 | bidding procedures for maintenance services. Contracts for other
 2238 | services may not be subject to competitive bidding unless the
 2239 | district adopts a rule, policy, or procedure applying
 2240 | competitive bidding procedures to said contracts. Nothing herein
 2241 | shall preclude the use of requests for proposal instead of
 2242 | invitations to bid as determined by the district to be in its
 2243 | best interest.

2244 | (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 2245 | AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

2246 | (a) The district is authorized to prescribe, fix,
 2247 | establish, and collect rates, fees, rentals, or other charges,
 2248 | hereinafter sometimes referred to as "revenues," and to revise
 2249 | the same from time to time, for the systems, facilities, and
 2250 | services furnished by the district, within the limits of the

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2251 district, including, but not limited to, recreational
 2252 facilities, water management and control facilities, and water
 2253 and sewer systems; to recover the costs of making connection
 2254 with any district service, facility, or system; and to provide
 2255 for reasonable penalties against any user or property for any
 2256 such rates, fees, rentals, or other charges that are delinquent.

2257 (b) No such rates, fees, rentals, or other charges for any
 2258 of the facilities or services of the district shall be fixed
 2259 until after a public hearing at which all the users of the
 2260 proposed facility or services or owners, tenants, or occupants
 2261 served or to be served thereby and all other interested persons
 2262 shall have an opportunity to be heard concerning the proposed
 2263 rates, fees, rentals, or other charges. Rates, fees, rentals,
 2264 and other charges shall be adopted under the administrative
 2265 rulemaking authority of the district, but do not apply to
 2266 district leases. Notice of such public hearing setting forth the
 2267 proposed schedule or schedules of rates, fees, rentals, and
 2268 other charges shall have been published in a newspaper of
 2269 general circulation in Manatee County at least once and at least
 2270 10 days before such public hearing. The rulemaking hearing may
 2271 be adjourned from time to time. After such hearing, such
 2272 schedule or schedules, either as initially proposed or as
 2273 modified or amended, may be finally adopted. A copy of the
 2274 schedule or schedules of such rates, fees, rentals, or charges
 2275 as finally adopted shall be kept on file in an office designated

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2276 by the board and shall be open at all reasonable times to public
 2277 inspection. The rates, fees, rentals, or charges so fixed for
 2278 any class of users or property served shall be extended to cover
 2279 any additional users or properties thereafter served which shall
 2280 fall in the same class, without the necessity of any notice or
 2281 hearing.

2282 (c) Such rates, fees, rentals, and charges shall be just
 2283 and equitable and uniform for users of the same class, and when
 2284 appropriate may be based or computed either upon the amount of
 2285 service furnished, upon the average number of persons residing
 2286 or working in or otherwise occupying the premises served, or
 2287 upon any other factor affecting the use of the facilities
 2288 furnished, or upon any combination of the foregoing factors, as
 2289 may be determined by the board on an equitable basis.

2290 (d) The rates, fees, rentals, or other charges prescribed
 2291 shall be such as will produce revenues, together with any other
 2292 assessments, taxes, revenues, or funds available or pledged for
 2293 such purpose, at least sufficient to provide for the following
 2294 items, but not necessarily in the order stated:

2295 1. To provide for all expenses of operation and
 2296 maintenance of such facility or service.

2297 2. To pay when due all bonds and interest thereon for the
 2298 payment of which such revenues are, or shall have been, pledged
 2299 or encumbered, including reserves for such purpose.

2300 3. To provide for any other funds which may be required

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2301 under the resolution or resolutions authorizing the issuance of
 2302 bonds pursuant to this act.

2303 (e) The board shall have the power to enter into contracts
 2304 for the use of the projects of the district and with respect to
 2305 the services, systems, and facilities furnished or to be
 2306 furnished by the district.

2307 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that any
 2308 rates, fees, rentals, charges, or delinquent penalties are not
 2309 paid as and when due and are in default for 60 days or more, the
 2310 unpaid balance thereof and all interest accrued thereon,
 2311 together with reasonable attorney fees and costs, may be
 2312 recovered by the district in a civil action.

2313 (22) DISCONTINUANCE OF SERVICES OR FACILITIES.—In the
 2314 event the fees, rentals, or other charges for district services
 2315 or facilities are not paid when due, the board shall have the
 2316 power, under such reasonable rules and regulations as the board
 2317 may adopt, to discontinue and shut off such services or
 2318 facilities until such fees, rentals, or other charges, including
 2319 interest, penalties, and charges for the shutting off and
 2320 discontinuance and the restoration of such services or
 2321 facilities, are fully paid; and, for such purposes, the board
 2322 may enter on any lands, waters, or premises of any person, firm,
 2323 corporation, or body, public or private, within the district
 2324 limits. Such delinquent fees, rentals, or other charges,
 2325 together with interest, penalties, and charges for the shutting

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2326 off and discontinuance and the restoration of such services or
 2327 facilities and reasonable attorney fees and other expenses, may
 2328 be recovered by the district, which may also enforce payment of
 2329 such delinquent fees, rentals, or other charges by any other
 2330 lawful method of enforcement.

2331 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved
 2332 person may have recourse to such remedies in general law and at
 2333 equity as may be necessary to ensure compliance with this act,
 2334 including injunctive relief to enjoin or restrain any person
 2335 violating this act or any bylaws, resolutions, regulations,
 2336 rules, codes, or orders adopted under this act. In case any
 2337 building or structure is erected, constructed, reconstructed,
 2338 altered, repaired, converted, or maintained, or any building,
 2339 structure, land, or water is used, in violation of this act or
 2340 of any code, order, resolution, or other regulation made under
 2341 authority conferred by this act or under general law, the board
 2342 or any citizen residing in the district may institute any
 2343 appropriate action or proceeding to prevent such unlawful
 2344 erection, construction, reconstruction, alteration, repair,
 2345 conversion, maintenance, or use; to restrain, correct, or avoid
 2346 such violation; to prevent the occupancy of such building,
 2347 structure, land, or water; and to prevent any illegal act,
 2348 conduct, business, or use in or about such premises, land, or
 2349 water.

2350 (24) SUITS AGAINST THE DISTRICT.—Any suit or action

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2351 brought or maintained against the district for damages arising
 2352 out of tort, including, without limitation, any claim arising
 2353 upon account of an act causing an injury or loss of property,
 2354 personal injury, or death, shall be subject to the limitations
 2355 provided in s. 768.28, Florida Statutes.

2356 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All
 2357 district property shall be exempt from levy and sale by virtue
 2358 of an execution, and no execution or other judicial process
 2359 shall issue against such property, nor shall any judgment
 2360 against the district be a charge or lien on its property or
 2361 revenues; however, nothing contained herein shall apply to or
 2362 limit the rights of bondholders to pursue any remedy for the
 2363 enforcement of any lien or pledge given by the district in
 2364 connection with any of the bonds or obligations of the district.

2365 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—

2366 (a) The board of supervisors of the district may not ask
 2367 the Legislature to repeal or amend this act to expand or to
 2368 contract the boundaries of the district or otherwise cause the
 2369 merger or termination of the district without first obtaining a
 2370 resolution or official statement from Manatee County as required
 2371 by s. 189.031(2)(e)4., Florida Statutes, for creation of an
 2372 independent special district. The district's consent may be
 2373 evidenced by a resolution or other official written statement of
 2374 the district.

2375 (b) The district shall remain in existence until:

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2376 1. The district is terminated and dissolved pursuant to
 2377 amendment to this act by the Legislature.

2378 2. The district has become inactive pursuant to s.
 2379 189.062, Florida Statutes.

2380 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—The
 2381 district may merge with one or more community development
 2382 districts situated wholly within its boundaries. The district
 2383 shall be the surviving entity of the merger. Any mergers shall
 2384 commence upon each such community development district filing a
 2385 written request for merger with the district. A copy of the
 2386 written request shall also be filed with Manatee County. The
 2387 district, subject to the direction of its board of supervisors,
 2388 shall enter into a merger agreement which shall provide for the
 2389 proper allocation of debt, the manner in which such debt shall
 2390 be retired, the transition of the community development district
 2391 board, and the transfer of all financial obligations and
 2392 operating and maintenance responsibilities to the district. The
 2393 execution of the merger agreement by the district and each
 2394 community development district constitutes consent of the
 2395 landowners within each district. The district and each community
 2396 development district requesting merger shall hold a public
 2397 hearing within its boundaries to provide information about and
 2398 take public comment on the proposed merger in the merger
 2399 agreement. The public hearing shall be held within 45 days after
 2400 the execution of the merger agreement by all parties thereto.

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2401 Notice of the public hearing shall be published in a newspaper
 2402 of general circulation in Manatee County at least 14 days before
 2403 the hearing. At the conclusion of the public hearing, each
 2404 district shall consider a resolution approving or disapproving
 2405 the proposed merger. If the district and each community
 2406 development district which is a party to the merger agreement
 2407 adopt a resolution approving the proposed merger, the
 2408 resolutions and the merger agreement shall be filed with Manatee
 2409 County. Upon receipt of the resolutions approving the merger and
 2410 the merger agreement, Manatee County shall adopt a nonemergency
 2411 ordinance dissolving each community development district
 2412 pursuant to s. 190.046(10), Florida Statutes.

2413 (28) INCLUSION OF TERRITORY.—The inclusion of any or all
 2414 territory of the district within a municipality does not change,
 2415 alter, or affect the boundary, territory, existence, or
 2416 jurisdiction of the district.

2417 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
 2418 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this
 2419 district under this act, each contract for the initial sale of a
 2420 parcel of real property and each contract for the initial sale
 2421 of a residential unit within the district shall include,
 2422 immediately before the space reserved in the contract for the
 2423 signature of the purchaser, the following disclosure statement
 2424 in boldfaced and conspicuous type which is larger than the type
 2425 in the remaining text of the contract: "THE NORTH RIVER RANCH

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2426 IMPROVEMENT STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR
 2427 ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
 2428 THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION,
 2429 AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND
 2430 SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING
 2431 BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN
 2432 ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND
 2433 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY
 2434 GENERAL LAW."

2435 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days
 2436 after the election of the first board of supervisors creating
 2437 the district, the district shall cause to be recorded in the
 2438 grantor-grantee index of the property records in Manatee County
 2439 a "Notice of Creation and Establishment of the North River Ranch
 2440 Improvement Stewardship District." The notice shall, at a
 2441 minimum, include the legal description of the territory
 2442 described in this act.

2443 (31) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility,
 2444 service, works, improvement, project, or other infrastructure
 2445 owned by the district, or funded by federal tax exempt bonding
 2446 issued by the district, is public; and the district by rule may
 2447 regulate, and may impose reasonable charges or fees for, the use
 2448 thereof, but not to the extent that such regulation or
 2449 imposition of such charges or fees constitutes denial of
 2450 reasonable access.

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2451 Section 2. If any provision of this act or its application
2452 to any person or circumstance is held invalid, the invalidity
2453 does not affect the remaining provisions or applications of the
2454 act which can be given effect without the invalid provision or
2455 application, and to this end the provisions of this act are
2456 severable.

2457 Section 3. This act shall take effect upon becoming a law,
2458 except that the provisions of this act which authorize the levy
2459 of ad valorem taxation shall take effect only upon express
2460 approval by a majority vote of those qualified electors of the
2461 North River Ranch Improvement Stewardship District, as required
2462 by Section 9, Article VII of the State Constitution, voting in a
2463 referendum election held at such time as all members of the
2464 board are qualified electors who are elected by qualified
2465 electors of the district as provided in this act.