

1                   A bill to be entitled  
2           An act relating to Manatee County; creating the East  
3           River Ranch Stewardship District; providing a short  
4           title, legislative findings and intent, and  
5           definitions; establishing compliance with minimum  
6           requirements in s. 189.031(3), F.S., for creation of  
7           an independent special district; providing for  
8           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

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; providing for  
 32 | merger; providing for construction; providing  
 33 | severability; providing for a referendum; providing  
 34 | effective dates.

35 |

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

37 |

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

40 | Section 1. This act may be cited as the "East River Ranch  
 41 | 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

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

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

71 (d) While chapter 190, Florida Statutes, provides an  
72 opportunity for previous community development services and  
73 facilities to be provided by the continued use of community  
74 development districts in a manner that furthers the public  
75 interest, given the size of the East River Ranch Stewardship

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

90 (e) The existence and use of a special and limited purpose  
91 local government for the East River Ranch Stewardship District  
92 lands, subject to the Manatee County comprehensive plan, will  
93 provide for a comprehensive and complete community development  
94 approach to promote a sustainable and efficient land use pattern  
95 for the East River Ranch Stewardship District lands with long-  
96 term planning for conservation and development; provide  
97 opportunities for the mitigation of impacts and development of  
98 infrastructure in an orderly and timely manner; prevent the  
99 overburdening of the local general purpose government and the  
100 taxpayers; and provide an enhanced tax base and regional

101 employment and economic development opportunities.

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

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

115 (h) In order to be responsive to the critical timing  
 116 required through the exercise of its special management  
 117 functions, an independent special district requires financing of  
 118 those functions, including bondable lienable and nonlienable  
 119 revenue, with full and continuing public disclosure and  
 120 accountability, funded by landowners, both present and future,  
 121 and funded also by users of the systems, facilities, and  
 122 services provided to the land area by the special district,  
 123 without unduly burdening the taxpayers, citizens, and ratepayers  
 124 of the state or Manatee County.

125 (i) The special district created and established by this

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

133 (j) The creation by this act of the East River Ranch  
134 Stewardship District is not inconsistent with the Manatee County  
135 comprehensive plan.

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

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

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

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

148 (c) "Assessment bonds" means special obligations of the  
149 district which are payable solely from proceeds of the special  
150 assessments or benefit special assessments levied for assessable

151 improvements, provided that, in lieu of issuing assessment bonds  
152 to fund the costs of assessable improvements, the district may  
153 issue revenue bonds for such purposes payable from assessments.

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

158 (e) "Benefit special assessments" are district assessments  
159 imposed, levied, and collected pursuant section 6.

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

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

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

173 1. The expenses of determining the feasibility or  
174 practicability of acquisition, construction, or reconstruction.

175 2. The cost of surveys, estimates, plans, and

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



201 any lands within the district.

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

205 17. Any other expense or payment permitted by this act or  
 206 allowable by general law.

207 (i) "District" means the East River Ranch Stewardship  
 208 District.

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

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

215 (l) "East River Ranch Stewardship District" means the  
 216 special and single-purpose independent special district unit of  
 217 local government and political subdivision created and chartered  
 218 by this act, and limited to the performance of those general and  
 219 special powers authorized by its charter under this act, the  
 220 boundaries of which are set forth by this act, the governing  
 221 board of which is created and authorized to operate with legal  
 222 existence by this act, and the purpose of which is as set forth  
 223 in this act.

224 (m) "General obligation bonds" means bonds which are  
 225 secured by, or provide for their payment by, the pledge of the

226 full faith and credit and taxing power of the district.  
 227 (n) "General-purpose local government" means a county,  
 228 municipality, or consolidated city-county government.  
 229 (o) "Governing board member" means any member of the board  
 230 of supervisors.  
 231 (p) "Land development regulations" means those regulations  
 232 of the general purpose local government, adopted under the  
 233 Community Planning Act, codified as part II of chapter 163,  
 234 Florida Statutes, to which the district is subject and as to  
 235 which the district may not do anything that is inconsistent  
 236 therewith. Land development regulations are not considered  
 237 specific management, engineering, operations, or capital  
 238 improvement planning, needed in the daily management,  
 239 implementation, and supplying by the district of systems,  
 240 facilities, services, works, improvements, projects, or  
 241 infrastructure, so long as they remain subject to and are not  
 242 inconsistent with the applicable county codes.  
 243 (q) "Landowner" means the owner of a freehold estate as it  
 244 appears on the deed record, including a trustee, a private  
 245 corporation, and an owner of a condominium unit. "Landowner"  
 246 does not include a reversioner, remainder-man, mortgagee, or any  
 247 governmental entity which is not counted and does not need to be  
 248 notified of proceedings under this act. "Landowner" also means  
 249 the owner of a ground lease from a governmental entity, which  
 250 leasehold interest has a remaining term, excluding all renewal

251 options, in excess of 50 years.

252 (r) "Maintenance special assessments" are assessments  
 253 imposed, levied, and collected pursuant to section 6.

254 (s) "Non-ad valorem assessment" means only those  
 255 assessments which are not based upon millage and which can  
 256 become a lien against a homestead as permitted in s. 4, Art. X  
 257 of the State Constitution.

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

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

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

270 3. Any other powers, authority, or functions set forth in  
 271 this act.

272 (u) "Project" means any development, improvement,  
 273 property, power, utility, facility, enterprise, service, system,  
 274 works, or infrastructure now existing or hereafter undertaken or  
 275 established under this act.

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

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

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

296        (y) "Refunding bonds" means bonds issued to refinance  
297 outstanding bonds of any type and the interest and redemption  
298 premium thereon. Refunding bonds may be issuable and payable in  
299 the same manner as refinanced bonds, except that no approval by  
300 the electorate shall be required unless required by the State

301 Constitution.

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

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

325 (bb) "Special assessments" means assessments as imposed,

326 levied, and collected by the district for the costs of  
327 assessable improvements pursuant to this act, chapter 170,  
328 Florida Statutes, and the additional authority under s.  
329 197.3631, Florida Statutes, or any other provision of general  
330 law, now or hereinafter enacted, which provides or authorizes a  
331 supplemental means to impose, levy, or collect special  
332 assessments.

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

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

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

342 (dd) "Water system" means any plant, system, facility, or  
343 property, and any addition, extension, or improvement thereto at  
344 any future time constructed or acquired as a part thereof,  
345 useful, necessary, or having the present capacity for future use  
346 in connection with the development of sources, treatment,  
347 purification, or distribution of water. The term also includes  
348 dams, reservoirs, storage tanks, mains, lines, valves, pumping  
349 stations, laterals, and pipes for the purpose of carrying water  
350 to the premises connected with such system, and all rights,

351 easements, and franchises of any nature relating to any such  
352 system and necessary or convenient for the operation thereof.

353 (3) POLICY.—Based upon its findings, ascertainments,  
354 determinations, intent, purpose, and definitions, the  
355 Legislature states its policy expressly:

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

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

371 (c) The creation of the East River Ranch Stewardship  
372 District by and pursuant to this act, and its exercise of its  
373 management and related financing powers to implement its  
374 limited, single, and special purpose, is not a development order  
375 and does not trigger or invoke any provision within the meaning

376 of chapter 380, Florida Statutes, and all applicable  
377 governmental planning, environmental, and land development laws,  
378 regulations, rules, policies, and ordinances apply to all  
379 development of the land within the jurisdiction of the district  
380 as created by this act.

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

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

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

398 Section 3. Minimum charter requirements; creation and  
399 establishment; jurisdiction; construction; charter.-

400 (1) Pursuant to s. 189.031(3), Florida Statutes, the



401 Legislature sets forth that the minimum requirements in  
402 paragraphs (a) through (o) have been met in the identified  
403 provisions of this act as follows:

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

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

412 (c) The methods for establishing the district are provided  
413 in this section.

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

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

418 (f) The maximum compensation of board members is provided  
419 in section 6.

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

422 (h) The requirements for financial disclosure, noticing,  
423 and reporting are provided in section 6.

424 (i) The procedures and requirements for issuing bonds are  
425 provided in section 6.

426 (j) The requirements for elections or referendums and  
427 qualifications of an elector of the district are provided in  
428 this section and section 6.

429 (k) The methods for financing the district are provided in  
430 section 6.

431 (l) Other than taxes levied for the payment of bonds and  
432 taxes levied for periods of up to 2 years when authorized by a  
433 vote of the electors of the district, the authority to levy ad  
434 valorem tax and the authorized millage rate are provided in  
435 section 6.

436 (m) The methods for collecting non-ad valorem assessments,  
437 fees, or service charges are provided in section 6.

438 (n) The requirements for planning are provided in this  
439 section and section 6.

440 (o) The geographic boundary limitations of the district  
441 are provided in section 4.

442 (2) The East River Ranch Stewardship District is created  
443 and incorporated as a public body corporate and politic, an  
444 independent special and limited purpose local government, an  
445 independent special district, under s. 189.031, Florida  
446 Statutes, and as defined in this act and in s. 189.012(3),  
447 Florida Statutes, in and for portions of Manatee County. Any  
448 amendments to chapter 190, Florida Statutes, after January 1,  
449 2023, granting additional general powers, special powers,  
450 authorities, or projects to a community development district by

451 amendment to its uniform charter contained in ss. 190.006-  
452 190.041, Florida Statutes, which are not inconsistent with this  
453 act, shall constitute a general power, special power, authority,  
454 or function of the East River Ranch Stewardship District. All  
455 notices for the enactment by the Legislature of this special act  
456 have been provided pursuant to the State Constitution, the Laws  
457 of Florida, and the rules of the House of Representatives and of  
458 the Senate. A referendum subsequent to the effective date of  
459 this act is not required as a condition of establishing the  
460 district. Therefore, the district, as created by this act, is  
461 established on the property described in this act.

462 (3) The territorial boundary of the district shall embrace  
463 and include all of that certain real property described in  
464 section 4.

465 (4) The jurisdiction of the district, in the exercise of  
466 its general and special powers, and in the carrying out of its  
467 special and limited purposes, is both within the external  
468 boundaries of the legal description of this district and  
469 extraterritorially when limited to, and as authorized expressly  
470 elsewhere in, the charter of the district as created in this act  
471 or applicable general law. This special and limited purpose  
472 district is created as a public body corporate and politic, and  
473 local government authority and power is limited by its charter,  
474 this act, and subject to other general laws, including chapter  
475 189, Florida Statutes, except that an inconsistent provision in

476 this act shall control and the district has jurisdiction to  
 477 perform such acts and exercise such authorities, functions, and  
 478 powers as shall be necessary, convenient, incidental, proper, or  
 479 reasonable for the implementation of its special and limited  
 480 purpose regarding the sound planning, provision, acquisition,  
 481 development, operation, maintenance, and related financing of  
 482 those public systems, facilities, services, improvements,  
 483 projects, and infrastructure works as authorized herein,  
 484 including those necessary and incidental thereto. The district  
 485 shall only exercise any of its powers extraterritorially within  
 486 Manatee County after execution of an interlocal agreement  
 487 between the district and Manatee County consenting to the  
 488 district's exercise of any of such powers within Manatee County  
 489 or an applicable development order or as part of other land  
 490 development regulations issued by Manatee County.

491 (5) The exclusive charter of the East River Ranch  
 492 Stewardship District is this act and, except as otherwise  
 493 provided in subsection (2), may be amended only by special act  
 494 of the Legislature.

495 Section 4. Formation; boundaries.—The East River Ranch  
 496 Stewardship District, an independent special district, is  
 497 created and incorporated in Manatee County and shall embrace and  
 498 include the territory described as:

499  
 500 PARCEL A

501 COMMENCE AT THE NORTHEAST CORNER OF SECTION 5,  
 502 TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE S00°45'25"W,  
 503 ALONG THE EAST LINE OF SAID SECTION 5, A DISTANCE OF  
 504 1279.85 FEET TO THE POINT OF BEGINNING; THENCE  
 505 CONTINUE S00°45'25"W, ALONG SAID EAST LINE, A DISTANCE  
 506 OF 113.73 FEET TO THE NORTHEAST CORNER OF THE  
 507 SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5;  
 508 THENCE S00°22'19"W, ALONG SAID EAST LINE, A DISTANCE  
 509 OF 1338.59 FEET TO THE NORTHEAST CORNER OF THE  
 510 SOUTHEAST 1/4 OF SAID SECTION 5; THENCE S00°32'45"W,  
 511 ALONG SAID EAST LINE, A DISTANCE OF 659.91 FEET;  
 512 THENCE S88°53'22"E, A DISTANCE OF 1328.65 FEET; THENCE  
 513 S00°52'42"W, A DISTANCE OF 988.68 FEET; THENCE  
 514 S88°56'20"E, A DISTANCE OF 15.00 FEET; THENCE  
 515 S00°52'42"W, A DISTANCE OF 988.66 FEET TO A POINT ON  
 516 THE SOUTH LINE OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE  
 517 20 EAST; THENCE N88°59'20"W, ALONG SAID SOUTH LINE, A  
 518 DISTANCE OF 1332.15 FEET TO THE NORTHEAST CORNER OF  
 519 SECTION 8, TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE  
 520 S01°02'12"W, ALONG THE EAST LINE OF SAID SECTION 8, A  
 521 DISTANCE OF 1642.39 FEET; THENCE S88°53'42"E, A  
 522 DISTANCE OF 152.29 FEET; THENCE S01°03'10"W, A  
 523 DISTANCE OF 327.93 FEET; THENCE S88°52'35"E, A  
 524 DISTANCE OF 2517.79 FEET TO A POINT ON THE WEST LINE  
 525 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 35 SOUTH,

526 RANGE 20 EAST; THENCE N00°52'19"E, ALONG THE WEST LINE  
 527 OF SAID NORTHEAST 1/4, A DISTANCE OF 328.41 FEET;  
 528 THENCE S88°53'42"E, A DISTANCE OF 1334.27 FEET; THENCE  
 529 S00°47'17"W, A DISTANCE OF 123.92 FEET TO THE  
 530 CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE  
 531 THE FOLLOWING EIGHT (8) COURSES: (1) S89°15'06"E, A  
 532 DISTANCE OF 60.71 FEET; (2) S81°26'25"E, A DISTANCE OF  
 533 98.74 FEET; (3) S30°23'02"E, A DISTANCE OF 76.31 FEET;  
 534 (4) S36°08'28"E, A DISTANCE OF 117.55 FEET; (5)  
 535 S69°28'29"E, A DISTANCE OF 108.56 FEET; (6)  
 536 N88°30'54"E, A DISTANCE OF 70.51 FEET; (7)  
 537 S18°26'07"E, A DISTANCE OF 80.55 FEET; (8)  
 538 S56°36'04"E, A DISTANCE OF 75.53 FEET; THENCE LEAVING  
 539 SAID CREEK CENTERLINE, S88°52'35"E, A DISTANCE OF  
 540 755.46 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE  
 541 OF COUNTY ROAD 675; THENCE S00°42'15"W, ALONG SAID  
 542 WEST RIGHT-OF-WAY LINE, A DISTANCE OF 545.86 FEET TO A  
 543 POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID  
 544 SECTION 9; THENCE N88°49'47"W, ALONG SAID NORTH LINE,  
 545 A DISTANCE OF 102.00 FEET; THENCE S00°42'31"W, A  
 546 DISTANCE OF 329.38 FEET; THENCE N88°49'47"W, A  
 547 DISTANCE OF 3631.22 FEET; THENCE S00°57'22"W, A  
 548 DISTANCE OF 1315.02 FEET; THENCE N88°43'31"W, A  
 549 DISTANCE OF 495.13 FEET; THENCE S01°02'12"W, A  
 550 DISTANCE OF 1645.42 FEET; THENCE N88°42'18"W, A

551 DISTANCE OF 136.60 FEET; THENCE S00°46'45"W, A  
 552 DISTANCE OF 660.29 FEET; THENCE S88°45'53"E, A  
 553 DISTANCE OF 406.28 FEET; THENCE S88°44'25"E, A  
 554 DISTANCE OF 1338.79 FEET; THENCE S00°58'21"W, A  
 555 DISTANCE OF 390.05 FEET; THENCE S88°44'34"E, A  
 556 DISTANCE OF 166.52 FEET TO A POINT ON A CURVE CONCAVE  
 557 NORTHWESTERLY, HAVING A RADIUS OF 1000.00 FEET, A  
 558 CENTRAL ANGLE OF 28°12'01", A CHORD BEARING OF  
 559 N77°09'25"E AND A CHORD DISTANCE OF 487.23 FEET;  
 560 THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE  
 561 492.19 FEET; THENCE N63°03'25"E, A DISTANCE OF 1646.21  
 562 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY,  
 563 HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF  
 564 28°14'17", A CHORD BEARING OF N77°10'34"E AND A CHORD  
 565 DISTANCE OF 243.94 FEET; THENCE NORTHEASTERLY ALONG  
 566 THE ARC OF SAID CURVE 246.42 FEET; THENCE S88°42'36"E,  
 567 A DISTANCE OF 301.17 FEET TO A POINT ON THE WEST  
 568 RIGHT-OF-WAY LINE OF COUNTY ROAD 675; THENCE  
 569 S00°00'52"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A  
 570 DISTANCE OF 80.40 FEET; THENCE N88°47'29"W, LEAVING  
 571 SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 100.00  
 572 FEET; THENCE S00°42'38"W, A DISTANCE OF 737.03 FEET;  
 573 THENCE S88°47'29"E, A DISTANCE OF 100.00 FEET TO A  
 574 POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID COUNTY  
 575 ROAD 675; THENCE S00°42'38"W, ALONG SAID WEST RIGHT-

576 OF-WAY LINE, A DISTANCE OF 60.00 FEET; THENCE  
 577 N88°47'29"W, LEAVING SAID WEST RIGHT-OF-WAY LINE, A  
 578 DISTANCE OF 100.00 FEET; THENCE S00°42'38"W, A  
 579 DISTANCE OF 753.03 FEET; THENCE S88°47'29"E, A  
 580 DISTANCE OF 100.00 FEET TO A POINT ON THE WEST RIGHT-  
 581 OF-WAY LINE OF SAID COUNTY ROAD 675; THENCE  
 582 S00°42'38"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A  
 583 DISTANCE OF 100.00 FEET; THENCE N88°47'29"W, LEAVING  
 584 SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 100.00  
 585 FEET; THENCE S00°42'38"W, A DISTANCE OF 151.21 FEET TO  
 586 A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF  
 587 SECTION 16; THENCE N88°47'29"W, ALONG SAID SOUTH LINE,  
 588 A DISTANCE OF 2540.81 FEET TO THE CENTER OF SAID  
 589 SECTION 16; THENCE CONTINUE N88°47'29"W, ALONG THE  
 590 SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16, A  
 591 DISTANCE OF 2675.68 FEET TO THE SOUTHWEST CORNER OF  
 592 THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE  
 593 N88°56'55"W, A DISTANCE OF 1339.54 FEET; THENCE  
 594 S00°52'29"W, A DISTANCE OF 2638.64 FEET TO A POINT ON  
 595 THE SOUTH LINE OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE  
 596 20 EAST; THENCE N88°50'38"W ALONG THE SOUTH LINE OF  
 597 SAID SECTION 17, A DISTANCE OF 1342.56 FEET TO THE  
 598 SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION  
 599 17, BEING A FOUND 4"X4" CONCRETE MONUMENT PER  
 600 CERTIFIED CORNER RECORD NUMBER 112939; THENCE



601 N00°56'25"E ALONG THE WEST LINE OF SAID SOUTHEAST 1/4,  
 602 A DISTANCE OF 3295.17 FEET TO THE SOUTHWEST CORNER OF  
 603 TRACT 38, WATERBURY GRAPEFRUIT TRACTS, AS RECORDED IN  
 604 PLAT BOOK 2, PAGE 37, PUBLIC RECORDS OF MANATEE  
 605 COUNTY, FLORIDA; THENCE S88°58'33"E ALONG THE SOUTH  
 606 LINE OF SAID TRACT 38, A DISTANCE OF 1338.95 FEET TO  
 607 THE SOUTHEAST CORNER OF SAID TRACT 38; THENCE  
 608 N00°53'21"E ALONG THE EAST LINE OF SAID TRACT 38, A  
 609 DISTANCE OF 329.78 FEET TO THE NORTHEAST CORNER OF  
 610 SAID TRACT 38; THENCE N88°59'13"W ALONG THE NORTH LINE  
 611 OF SAID TRACT 38, A DISTANCE OF 1338.65 FEET TO THE  
 612 NORTHWEST CORNER OF SAID TRACT 38, SAID CORNER ALSO  
 613 LYING OF ON THE EAST LINE OF THE NORTHWEST 1/4 OF SAID  
 614 SECTION 17; THENCE N00°56'25"E ALONG SAID EAST LINE, A  
 615 DISTANCE OF 1318.07 FEET TO THE SOUTHEAST CORNER OF  
 616 TRACT 32 OF SAID WATERBURY GRAPEFRUIT TRACTS; THENCE  
 617 N89°02'21"W ALONG THE SOUTH LINE OF TRACT 32 AND TRACT  
 618 1 OF SAID WATERBURY GRAPEFRUIT TRACTS , A DISTANCE OF  
 619 2674.78 FEET TO THE SOUTHWEST CORNER OF TRACT 1 OF  
 620 SAID WATERBURY GRAPEFRUIT TRACTS IN SECTION 17, ALSO  
 621 BEING ON THE WEST LINE OF SECTION 17, TOWNSHIP 35  
 622 SOUTH, RANGE 20 EAST; THENCE N01°03'37"E ALONG SAID  
 623 WEST LINE OF THE NORTHWEST 1/4 OF SECTION 17, A  
 624 DISTANCE OF 328.91 FEET TO THE SOUTHWEST CORNER OF  
 625 SECTION 8, TOWNSHIP 35 SOUTH, RANGE 20 EAST, BEING A

626 FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION CAP, PER  
 627 CERTIFIED CORNER RECORD NUMBER 112943; THENCE  
 628 N00°59'04"E ALONG THE WEST LINE OF THE SOUTHWEST 1/4  
 629 OF SAID SECTION 8, A DISTANCE OF 2632.06 FEET TO THE  
 630 NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION  
 631 8, BEING A FOUND 5/8" IRON ROD AND CAP STAMPED "LB  
 632 7866"; THENCE S88°59'45"E ALONG THE NORTH LINE OF SAID  
 633 SOUTHWEST 1/4, A DISTANCE OF 2675.39 FEET TO THE  
 634 SOUTHWEST CORNER OF TRACT 40 OF THE AFOREMENTIONED  
 635 WATERBURY GRAPEFRUIT TRACTS, SAID LINE ALSO BEING THE  
 636 CENTER OF SAID SECTION 8; THENCE N01°00'46"E ALONG THE  
 637 WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 8, A  
 638 DISTANCE OF 2640.98 FEET TO THE SOUTHWEST CORNER OF  
 639 THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 35 SOUTH,  
 640 RANGE 20 EAST; THENCE N00°46'37"E ALONG THE WEST LINE  
 641 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, A DISTANCE OF  
 642 1326.93 FEET TO THE NORTHWEST CORNER OF TRACT 45 IN  
 643 SECTION 5 OF SAID WATERBURY GRAPEFRUIT TRACTS; THENCE  
 644 S88°32'30"E ALONG THE NORTH LINE OF SAID TRACT 45 AND  
 645 TRACT 52, A DISTANCE OF 2671.35 FEET; TO A POINT ON  
 646 THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 5,  
 647 SAID POINT ALSO BEING THE NORTHEAST CORNER OF TRACT 52  
 648 OF SAID WATERBURY GRAPEFRUIT TRACTS; THENCE  
 649 N00°32'45"E ALONG SAID EAST LINE, A DISTANCE OF 659.91  
 650 FEET; THENCE N88°27'18"W, A DISTANCE OF 1334.37FEET;

651 THENCE N00°46'47"E, A DISTANCE OF 661.44 FEET TO A  
 652 FOUND 5/8 INCH IRON ROD WITH NO IDENTIFICATION CAP,  
 653 BEING ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID  
 654 SECTION 5; THENCE N88°23'14"W ALONG SAID SOUTH LINE, A  
 655 DISTANCE OF 246.14 FEET; THENCE N00°48'24"E, 2585.94  
 656 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF  
 657 STATE ROAD 64 PER FLORIDA DEPARTMENT RIGHT-OF-WAY MAP  
 658 SECTION 1305-250; THENCE S88°16'14"EALONG SAID  
 659 SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 450.68 FEET;  
 660 THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE  
 661 S01°03'06"E, A DISTANCE OF 210.91 FEET; THENCE  
 662 S89°15'05"E, A DISTANCE OF 209.18 FEET; THENCE  
 663 S00°14'43"W, A DISTANCE OF 725.30 FEET; THENCE  
 664 N89°04'55"W, A DISTANCE OF 206.51 FEET; THENCE  
 665 S00°48'34"W, A DISTANCE OF 211.00 FEET; THENCE  
 666 S89°04'55"E, A DISTANCE OF 1100.20 FEET TO THE POINT  
 667 OF BEGINNING.

668  
 669 CONTAINING 59,307,393 SQUARE FEET OR 1,361.5104 ACRES

670  
 671 TOGETHER WITH:

672  
 673 PARCEL B  
 674 TRACTS 1 AND 2 OF SECTION 9 TOWNSHIP 35 SOUTH, RANGE  
 675 20 EAST, IN WATERBURY GRAPEFRUIT TRACTS THEREOF

676 RECORDED IN PLAT BOOK 2, PAGE 37, OF THE PUBLIC  
 677 RECORDS OF MANATEE COUNTY, FLORIDA.  
 678 THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS  
 679 (AS -SURVEYED LEGAL DESCRIPTION)  
 680 COMMENCE AT THE NORTHEAST CORNER OF SECTION 9,  
 681 TOWNSHIP 35 SOUTH, RANGE 20 EAST; THENCE N88°59'20"W,  
 682 ALONG THE NORTH LINE OF SECTION 9, A DISTANCE OF  
 683 3,995.81 FEET TO THE POINT OF BEGINNING. THENCE  
 684 S00°58'18"W, A DISTANCE OF 658.21 FEET; THENCE  
 685 N88°56'07"W, A DISTANCE OF 1332.91 FEET TO A POINT ON  
 686 THE WEST LINE OF SAID SECTION 9; THENCE N01°01'12"E,  
 687 ALONG THE WEST LINE OF SAID SECTION 9, A DISTANCE OF  
 688 656.95 FEET; THENCE S88°59'20"E, A DISTANCE OF  
 689 1,332.15 FEET TO THE POINT OF BEGINNING.  
 690  
 691 CONTAINING 876,255 SQUARE FEET OR 20.12 ACRES, MORE OR  
 692 LESS.  
 693  
 694 THE TOTAL OF PARCEL A AND PARCEL B IS 60,183,648  
 695 SQUARE FEET OR 1,381.6304 ACRES MORE OR LESS.  
 696  
 697 Being subject to any rights-of-way, restrictions, and easements  
 698 of record.  
 699 Section 5. Board of supervisors; members and meetings;  
 700 organization; powers; duties; terms of office; related election

701 requirements.-

702 (1) The board of the district shall exercise the powers  
703 granted to the district pursuant to this act. The board shall  
704 consist of five members, each of whom shall hold office for a  
705 term of 4 years, as provided in this section, except as  
706 otherwise provided herein for initial board members, and until a  
707 successor is chosen and qualified. The members of the board must  
708 be residents of the state and citizens of the United States.

709 (2)(a) Within 90 days after the effective date of this  
710 act, there shall be held a meeting of the landowners of the  
711 district for the purpose of electing five supervisors for the  
712 district. Notice of the landowners' meeting shall be published  
713 in a newspaper of general circulation in the general area of the  
714 district once a week for 2 consecutive weeks, the last day of  
715 such publication to be not fewer than 14 days nor more than 28  
716 days before the date of the election. The landowners, when  
717 assembled at such meeting, shall organize by electing a chair,  
718 who shall conduct the meeting. The chair may be any person  
719 present at the meeting. If the chair is a landowner or proxy  
720 holder of a landowner, he or she may nominate candidates and  
721 make and second motions. The landowners present at the meeting,  
722 in person or by proxy, shall constitute a quorum. At any  
723 landowners' meeting, 50 percent of the district acreage is not  
724 required to constitute a quorum, and each governing board member  
725 elected by landowners shall be elected by a majority of the

726 acreage represented either by owner or proxy present and voting  
727 at said meeting.

728 (b) At such meeting, each landowner shall be entitled to  
729 cast one vote per acre of land owned by him or her and located  
730 within the district for each person to be elected. A landowner  
731 may vote in person or by proxy in writing. Each proxy must be  
732 signed by one of the legal owners of the property for which the  
733 vote is cast and must contain the typed or printed name of the  
734 individual who signed the proxy; the street address, legal  
735 description of the property, or tax parcel identification  
736 number; and the number of authorized votes. If the proxy  
737 authorizes more than one vote, each property must be listed and  
738 the number of acres of each property must be included. The  
739 signature on a proxy need not be notarized. A fraction of an  
740 acre shall be treated as 1 acre, entitling the landowner to one  
741 vote with respect thereto. The three candidates receiving the  
742 highest number of votes shall each be elected for terms expiring  
743 November 14, 2028, and the two candidates receiving the next  
744 largest number of votes shall each be elected for terms expiring  
745 November 17, 2026, with the term of office for each successful  
746 candidate commencing upon election. The members of the first  
747 board elected by landowners shall serve their respective terms;  
748 however, the next election of board members shall be held on the  
749 first Tuesday after the first Monday in November 2026.  
750 Thereafter, there shall be an election by landowners for the

751 district every 2 years on the first Tuesday after the first  
752 Monday in November, which shall be noticed pursuant to paragraph  
753 (a). The second and subsequent landowners' election shall be  
754 announced at a public meeting of the board at least 90 days  
755 before the date of the landowners' meeting and shall also be  
756 noticed pursuant to paragraph (a). Instructions on how all  
757 landowners may participate in the election, along with sample  
758 proxies, shall be provided during the board meeting that  
759 announces the landowners' meeting. Each supervisor elected in or  
760 after November 2026 shall serve a 4-year term.

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

765 2.a. Regardless of whether the district has proposed to  
766 levy ad valorem taxes, board members shall be elected by  
767 qualified electors of the district as the district becomes  
768 populated with qualified electors. The transition shall occur  
769 such that the composition of the board, after the first general  
770 election following a trigger of the qualified elector population  
771 thresholds set forth below, shall be as follows:

772 (I) Once 3,542 qualified electors reside within the  
773 district, one governing board member shall be a person who is a  
774 qualified elector of the district and who was elected by the  
775 qualified electors, and four governing board members shall be

776 persons who were elected by the landowners.

777 (II) Once 7,085 qualified electors reside within the  
 778 district, two governing board members shall be persons who are  
 779 qualified electors of the district and who were elected by the  
 780 qualified electors, and three governing board members shall be  
 781 persons elected by the landowners.

782 (III) Once 10,627 qualified electors reside within the  
 783 district, three governing board members shall be persons who are  
 784 qualified electors of the district and who were elected by the  
 785 qualified electors, and two governing board members shall be  
 786 persons who were elected by the landowners.

787 (IV) Once 14,140 qualified electors reside within the  
 788 district, four governing board members shall be persons who are  
 789 qualified electors of the district and who were elected by the  
 790 qualified electors, and one governing board member shall be a  
 791 person who was elected by the landowners.

792 (V) Once 17,712 qualified electors reside within the  
 793 district, all five governing board members shall be persons who  
 794 are qualified electors of the district and who were elected by  
 795 the qualified electors.

796  
 797 Nothing in this sub-subparagraph is intended to require an  
 798 election prior to the expiration of an existing board member's  
 799 term.

800 b. On or before June 1 of each election year, the board



801 shall determine the number of qualified electors in the district  
802 as of the immediately preceding April 15. The board shall use  
803 and rely upon the official records maintained by the supervisor  
804 of elections and property appraiser or tax collector in Manatee  
805 County in making this determination. Such determination shall be  
806 made at a properly noticed meeting of the board and shall become  
807 a part of the official minutes of the district.

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

811 d. All governing board members elected by qualified  
812 electors shall reside in the district.

813 e. Once the district qualifies to have any of its board  
814 members elected by the qualified electors of the district, the  
815 initial and all subsequent elections by the qualified electors  
816 of the district shall be held at the general election in  
817 November. The board shall adopt a resolution, if necessary, to  
818 implement this requirement. The transition process described  
819 herein is intended to be in lieu of the process set forth in s.  
820 189.041, Florida Statutes.

821 (b) Elections of board members by qualified electors held  
822 pursuant to this subsection shall be nonpartisan and shall be  
823 conducted in the manner prescribed by general law for holding  
824 general elections. Board members shall assume the office on the  
825 second Tuesday following their election.

826 (c) Candidates seeking election to office by qualified  
827 electors under this subsection shall conduct their campaigns in  
828 accordance with chapter 106, Florida Statutes, and shall file  
829 qualifying papers and qualify for individual seats in accordance  
830 with s. 99.061, Florida Statutes.

831 (d) The supervisor of elections shall appoint the  
832 inspectors and clerks of elections, prepare and furnish the  
833 ballots, designate polling places, and canvass the returns of  
834 the election of board members by qualified electors. The county  
835 canvassing board shall declare and certify the results of the  
836 election.

837 (4) Members of the board, regardless of how elected, shall  
838 be public officers, shall be known as supervisors, and, upon  
839 entering into office, shall take and subscribe to the oath of  
840 office as prescribed by s. 876.05, Florida Statutes. Members of  
841 the board shall be subject to ethics and conflict of interest  
842 laws of the state that apply to all local public officers. They  
843 shall hold office for the terms for which they were elected or  
844 appointed and until their successors are chosen and qualified.  
845 If, during the term of office, a vacancy occurs, the remaining  
846 members of the board shall fill each vacancy by an appointment  
847 for the remainder of the unexpired term.

848 (5) Any elected member of the board of supervisors may be  
849 removed by the Governor for malfeasance, misfeasance,  
850 dishonesty, incompetency, or failure to perform the duties

851 imposed upon him or her by this act, and any vacancies that may  
852 occur in such office for such reasons shall be filled by the  
853 Governor as soon as practicable.

854 (6) A majority of the members of the board constitutes a  
855 quorum for the purposes of conducting its business and  
856 exercising its powers and for all other purposes. Action taken  
857 by the district shall be upon a vote of a majority of the  
858 members present unless general law or a rule of the district  
859 requires a greater number.

860 (7) As soon as practicable after each election or  
861 appointment, the board shall organize by electing one of its  
862 members as chair and by electing a secretary, who need not be a  
863 member of the board, and such other officers as the board may  
864 deem necessary.

865 (8) The board shall keep a permanent record book entitled  
866 "Record of Proceedings of East River Ranch Stewardship  
867 District," in which shall be recorded minutes of all meetings,  
868 resolutions, proceedings, certificates, bonds given by all  
869 employees, and any and all corporate acts. The record book and  
870 all other district records shall at reasonable times be opened  
871 to inspection in the same manner as state, county, and municipal  
872 records pursuant to chapter 119, Florida Statutes. The record  
873 book shall be kept at the office or other regular place of  
874 business maintained by the board in a designated location in  
875 Manatee County.

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

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

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

885       (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ  
886 and fix the compensation of a district manager, who shall have  
887 charge and supervision of the works of the district and shall be  
888 responsible for preserving and maintaining any improvement or  
889 facility constructed or erected pursuant to this act, for  
890 maintaining and operating the equipment owned by the district,  
891 and for performing such other duties as may be prescribed by the  
892 board. It is not a conflict of interest or an abuse of public  
893 position under chapter 112, Florida Statutes, for a board  
894 member, the district manager, or another employee of the  
895 district to be a stockholder, officer, or employee of a  
896 landowner. The district manager may hire or otherwise employ and  
897 terminate the employment of such other persons, including,  
898 without limitation, professional, supervisory, and clerical  
899 employees, as may be necessary and authorized by the board. The  
900 compensation and other conditions of employment of the officers

901 and employees of the district shall be as provided by the board.

902 (2) TREASURER.—The board shall designate a person who is a  
903 resident of the state as treasurer of the district, who shall  
904 have charge of the funds of the district. Such funds shall be  
905 disbursed only upon the order of or pursuant to a resolution of  
906 the board by warrant or check countersigned by the treasurer and  
907 by such other person as may be authorized by the board. The  
908 board may give the treasurer such other or additional powers and  
909 duties as the board may deem appropriate and may fix his or her  
910 compensation. The board may require the treasurer to give a bond  
911 in such amount, on such terms, and with such sureties as may be  
912 deemed satisfactory to the board to secure the performance by  
913 the treasurer of his or her powers and duties. The financial  
914 records of the board shall be audited by an independent  
915 certified public accountant in accordance with the requirements  
916 of general law.

917 (3) PUBLIC DEPOSITORY.—The board is authorized to select  
918 as a depository for its funds any qualified public depository as  
919 defined in s. 280.02, Florida Statutes, which meets all the  
920 requirements of chapter 280, Florida Statutes, and has been  
921 designated by the treasurer as a qualified public depository  
922 upon such terms and conditions as to the payment of interest by  
923 such depository upon the funds so deposited as the board may  
924 deem just and reasonable.

925 (4) BUDGET; REPORTS AND REVIEWS.—

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

929 (b) On or before July 15 of each year, the district  
930 manager shall prepare a proposed budget for the ensuing fiscal  
931 year to be submitted to the board for board approval. The  
932 proposed budget shall include at the direction of the board an  
933 estimate of all necessary expenditures of the district for the  
934 ensuing fiscal year and an estimate of income to the district  
935 from the taxes and assessments provided in this act. The board  
936 shall consider the proposed budget item by item and may either  
937 approve the budget as proposed by the district manager or modify  
938 the same in part or in whole. The board shall indicate its  
939 approval of the budget by resolution, which resolution shall  
940 provide for a hearing on the budget as approved. Notice of the  
941 hearing on the budget shall be published in a newspaper of  
942 general circulation in the general area of the district once a  
943 week for 2 consecutive weeks, except that the first publication  
944 shall be no fewer than 15 days before the date of the hearing.  
945 The notice shall further contain a designation of the day, time,  
946 and place of the public hearing. At the day, time, and place  
947 designated in the notice, the board shall hear all objections to  
948 the budget as proposed and may make such changes as the board  
949 deems necessary. At the conclusion of the budget hearing, the  
950 board shall, by resolution, adopt the budget as finally approved

951 by the board. The budget shall be adopted before October 1 of  
 952 each year.

953 (c) At least 60 days before adoption, the board of  
 954 supervisors of the district shall submit to the Board of County  
 955 Commissioners of Manatee County, for purposes of disclosure and  
 956 information only, the proposed annual budget for the ensuing  
 957 fiscal year, and the board of county commissioners may submit  
 958 written comments to the board of supervisors solely for the  
 959 assistance and information of the board of supervisors in  
 960 adopting its annual district budget.

961 (d) The board of supervisors shall submit annually a  
 962 public facilities report to the Board of County Commissioners of  
 963 Manatee County pursuant to s. 189.08, Florida Statutes. The  
 964 board of county commissioners may use and rely on the district's  
 965 public facilities report in the preparation or revision of the  
 966 Manatee County comprehensive plan.

967 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC  
 968 ACCESS.—The district shall take affirmative steps to provide for  
 969 the full disclosure of information relating to the public  
 970 financing and maintenance of improvements to real property  
 971 undertaken by the district. Such information shall be made  
 972 available to all existing and prospective residents of the  
 973 district. The district shall furnish each developer of a  
 974 residential development within the district with sufficient  
 975 copies of that information to provide each prospective initial

976 purchaser of property in that development with a copy; and any  
977 developer of a residential development within the district, when  
978 required by general law to provide a public offering statement,  
979 shall include a copy of such information relating to the public  
980 financing and maintenance of improvements in the public offering  
981 statement. The district shall file the disclosure documents  
982 required by this subsection and any amendments thereto in the  
983 property records of each county in which the district is  
984 located. By the end of the first full fiscal year of the  
985 district's creation, the district shall maintain an official  
986 website in accordance with s. 189.069, Florida Statutes.

987 (6) GENERAL POWERS.—The district shall have, and the board  
988 may exercise, the following general powers:

989 (a) To sue and be sued in the name of the district; to  
990 adopt and use a seal and authorize the use of a facsimile  
991 thereof; to acquire, by purchase, gift, devise, or otherwise,  
992 and to dispose of, real and personal property, or any estate  
993 therein; and to make and execute contracts and other instruments  
994 necessary or convenient to the exercise of its powers.

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

998 (c) To contract for the services of consultants to perform  
999 planning, engineering, legal, or other appropriate services of a  
1000 professional nature. Such contracts shall be subject to public



1001 bidding or competitive negotiation requirements as set forth in  
 1002 general law applicable to independent special districts.

1003 (d) To borrow money and accept gifts; to apply for and use  
 1004 grants or loans of money or other property from the United  
 1005 States, the state, a unit of local government, or any person for  
 1006 any district purposes and enter into agreements required in  
 1007 connection therewith; and to hold, use, and dispose of such  
 1008 moneys or property for any district purposes in accordance with  
 1009 the terms of the gift, grant, loan, or agreement relating  
 1010 thereto.

1011 (e) To adopt and enforce rules and orders pursuant to  
 1012 chapter 120, Florida Statutes, prescribing the powers, duties,  
 1013 and functions of the officers of the district; the conduct of  
 1014 the business of the district; the maintenance of the records of  
 1015 the district; and the form of certificates evidencing tax liens  
 1016 of the district and all other documents and records of the  
 1017 district. The board may also adopt and enforce administrative  
 1018 rules with respect to any of the projects of the district and  
 1019 define the area to be included therein. The board may also adopt  
 1020 resolutions which may be necessary for the conduct of district  
 1021 business.

1022 (f) To maintain an office at such place or places as the  
 1023 board of supervisors designates in Manatee County and within the  
 1024 district when facilities are available.

1025 (g) To hold, control, and acquire by donation, purchase,

1026 or condemnation, or dispose of, any public easements,  
1027 dedications to public use, platted reservations for public  
1028 purposes, or any reservations for those purposes authorized by  
1029 this act and to make use of such easements, dedications, or  
1030 reservations for the purposes authorized by this act.

1031 (h) To lease as lessor or lessee to or from any person,  
1032 firm, corporation, association, or body, public or private, any  
1033 projects of the type that the district is authorized to  
1034 undertake and facilities or property of any nature for the use  
1035 of the district to carry out the purposes authorized by this  
1036 act.

1037 (i) To borrow money and issue bonds, certificates,  
1038 warrants, notes, or other evidence of indebtedness as provided  
1039 herein; to levy such taxes and assessments as may be authorized;  
1040 and to charge, collect, and enforce fees and other user charges.

1041 (j) To raise, by user charges or fees authorized by  
1042 resolution of the board, amounts of money which are necessary  
1043 for the conduct of district activities and services and to  
1044 enforce their receipt and collection in the manner prescribed by  
1045 resolution not inconsistent with general law.

1046 (k) To exercise all powers of eminent domain now or  
1047 hereafter conferred on counties in this state; provided,  
1048 however, that such power of eminent domain may not be exercised  
1049 outside the territorial limits of the district unless the  
1050 district receives prior approval by vote of a resolution of the

1051 governing body of the county if the taking will occur in an  
1052 unincorporated area in that county, or the governing body of the  
1053 city if the taking will occur in an incorporated area. The  
1054 district does not have the power to exercise eminent domain over  
1055 municipal, county, state, or federal property. The powers  
1056 hereinabove granted to the district shall be so construed to  
1057 enable the district to fulfill the objects and purposes of the  
1058 district as set forth in this act

1059 (l) To cooperate with, or contract with, other  
1060 governmental agencies as may be necessary, convenient,  
1061 incidental, or proper in connection with any of the powers,  
1062 duties, or purposes authorized by this act.

1063 (m) To assess and to impose upon lands in the district ad  
1064 valorem taxes as provided by this act.

1065 (n) If and when authorized by general law, to determine,  
1066 order, levy, impose, collect, and enforce maintenance taxes.

1067 (o) To determine, order, levy, impose, collect, and  
1068 enforce assessments pursuant to this act and chapter 170,  
1069 Florida Statutes, pursuant to authority granted in s. 197.3631,  
1070 Florida Statutes, or pursuant to other provisions of general law  
1071 now or hereinafter enacted which provide or authorize a  
1072 supplemental means to order, levy, impose, or collect special  
1073 assessments. Such special assessments, at the discretion of the  
1074 district, may be collected and enforced pursuant to ss. 197.3632  
1075 and 197.3635, Florida Statutes, and chapters 170 and 173,

1076 Florida Statutes, as they may be amended from time to time, or  
 1077 as provided by this act, or by other means authorized by general  
 1078 law now or hereinafter enacted. The district may levy such  
 1079 special assessments for the purposes provided in this act and to  
 1080 pay special assessments imposed by Manatee County on lands  
 1081 within the district.

1082 (p) To exercise such special powers and other express  
 1083 powers as may be authorized and granted by this act in the  
 1084 charter of the district, including powers as provided in any  
 1085 interlocal agreement entered into pursuant to chapter 163,  
 1086 Florida Statutes, or which shall be required or permitted to be  
 1087 undertaken by the district pursuant to any development order,  
 1088 including any detailed specific area plan development order, or  
 1089 any interlocal service agreement with Manatee County for fair-  
 1090 share capital construction funding for any certain capital  
 1091 facilities or systems required of a developer pursuant to any  
 1092 applicable development order or agreement.

1093 (q) To exercise all of the powers necessary, convenient,  
 1094 incidental, or proper in connection with any other powers or  
 1095 duties or the special and limited purpose of the district  
 1096 authorized by this act.

1097  
 1098 This subsection shall be construed liberally in order to  
 1099 effectively carry out the special and limited purpose of this  
 1100 act.

1101        (7) SPECIAL POWERS.—The district shall have, and the board  
 1102 may exercise, the following special powers to implement its  
 1103 lawful and special purpose and to provide, pursuant to that  
 1104 purpose, systems, facilities, services, improvements, projects,  
 1105 works, and infrastructure, each of which constitutes a lawful  
 1106 public purpose when exercised pursuant to this charter, subject  
 1107 to, and not inconsistent with, general law regarding utility  
 1108 providers' territorial and service agreements, the regulatory  
 1109 jurisdiction and permitting authority of all other applicable  
 1110 governmental bodies, agencies, and any special districts having  
 1111 authority with respect to any area included therein, and to  
 1112 plan, establish, acquire, construct or reconstruct, enlarge or  
 1113 extend, equip, operate, finance, fund, and maintain  
 1114 improvements, systems, facilities, services, works, projects,  
 1115 and infrastructure. Any or all of the following special powers  
 1116 are granted by this act in order to implement the special and  
 1117 limited purpose of the district but do not constitute  
 1118 obligations to undertake such improvements, systems, facilities,  
 1119 services, works, projects, or infrastructure:

1120        (a) To provide water management and control for the lands  
 1121 within the district, including irrigation systems and  
 1122 facilities, and to connect some or any of such facilities with  
 1123 roads and bridges. In the event that the board assumes the  
 1124 responsibility for providing water management and control for  
 1125 the district which is to be financed by benefit special

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1126 assessments, the board shall adopt plans and assessments  
1127 pursuant to general law or may proceed to adopt water management  
1128 and control plans, assess for benefits, and apportion and levy  
1129 special assessments as follows:

1130 1. The board shall cause to be made by the district's  
1131 engineer, or such other engineer or engineers as the board may  
1132 employ for that purpose, complete and comprehensive water  
1133 management and control plans for the lands located within the  
1134 district that will be improved in any part or in whole by any  
1135 system of facilities that may be outlined and adopted, and the  
1136 engineer shall make a report in writing to the board with maps  
1137 and profiles of said surveys and an estimate of the cost of  
1138 carrying out and completing the plans.

1139 2. Upon the completion of such plans, the board shall hold  
1140 a hearing thereon to hear objections thereto, shall give notice  
1141 of the time and place fixed for such hearing by publication in a  
1142 newspaper of general circulation in the general area of the  
1143 district once a week for 2 consecutive weeks, and shall permit  
1144 the inspection of the plan at the office of the district by all  
1145 persons interested. All objections to the plan shall be filed at  
1146 or before the time fixed in the notice for the hearing and shall  
1147 be in writing.

1148 3. After the hearing, the board shall consider the  
1149 proposed plan and any objections thereto and may modify, reject,  
1150 or adopt the plan or continue the hearing until a day certain

1151 for further consideration of the proposed plan or modifications  
1152 thereof.

1153 4. When the board approves a plan, a resolution shall be  
1154 adopted and a certified copy thereof shall be filed in the  
1155 office of the secretary and incorporated by him or her into the  
1156 records of the district.

1157 5. The water management and control plan may be altered in  
1158 detail from time to time until the engineer's report pursuant to  
1159 s. 298.301, Florida Statutes, is filed, but not in such manner  
1160 as to materially affect the conditions of its adoption. After  
1161 the engineer's report has been filed, the plan may not be  
1162 altered, except as provided by this act.

1163 6. Within 20 days after the final adoption of the plan by  
1164 the board, the board shall proceed pursuant to s. 298.301,  
1165 Florida Statutes.

1166 (b) To provide water supply, sewer, wastewater, and  
1167 reclaimed water management, reclamation, and reuse, or any  
1168 combination thereof, and any irrigation systems, facilities, and  
1169 services and to construct and operate water systems, sewer  
1170 systems, irrigation systems, and reclaimed water systems such as  
1171 connecting intercepting or outlet sewers and sewer mains and  
1172 pipes and water mains, conduits, or pipelines in, along, and  
1173 under any street, alley, highway, or other public place or way,  
1174 and to dispose of any water, effluent, residue, or other  
1175 byproduct of such water system, sewer system, irrigation system

1176 or reclaimed water system and to enter into interlocal  
1177 agreements and other agreements with public or private entities  
1178 for the same.

1179 (c) To provide any necessary bridges, culverts, wildlife  
1180 corridors, or road crossings across any drain, ditch, canal,  
1181 floodway, holding basin, excavation, public highway, tract,  
1182 grade, fill, or cut and roadways over levees and embankments,  
1183 and to construct any and all of such works and improvements  
1184 across, through, or over any public right-of way, highway,  
1185 grade, fill, or cut.

1186 (d) To provide district or other roads equal to or  
1187 exceeding the specifications of the county in which such  
1188 district or other roads are located, and to provide street  
1189 lighting. This special power includes, but is not limited to,  
1190 roads, parkways, intersections, bridges, landscaping,  
1191 hardscaping, irrigation, bicycle lanes, sidewalks, jogging  
1192 paths, multiuse pathways and trails, street lighting, traffic  
1193 signals, regulatory or informational signage, road striping,  
1194 underground conduit, underground cable or fiber or wire  
1195 installed pursuant to an agreement with or tariff of a retail  
1196 provider of services, and all other customary elements of a  
1197 functioning modern road system in general or as tied to the  
1198 conditions of development approval for the area within and  
1199 without the district, and parking facilities that are  
1200 freestanding or that may be related to any innovative strategic



1201 intermodal system of transportation pursuant to applicable  
 1202 federal, state, and local laws and ordinances.

1203 (e) To provide buses, trolleys, rail access, mass transit  
 1204 facilities, transit shelters, ridesharing facilities and  
 1205 services, parking improvements, and related signage.

1206 (f) To provide investigation and remediation costs  
 1207 associated with the cleanup of actual or perceived environmental  
 1208 contamination within the district under the supervision or  
 1209 direction of a competent governmental authority unless the  
 1210 covered costs benefit any person who is a landowner within the  
 1211 district and who caused or contributed to the contamination.

1212 (g) To provide observation, mitigation, wetland creation,  
 1213 and wildlife habitat areas, including the maintenance of any  
 1214 plant or animal species, and any related interest in real or  
 1215 personal property.

1216 (h) Using its general and special powers as set forth in  
 1217 this act, to provide any other project within or without the  
 1218 boundaries of the district when the project is the subject of an  
 1219 agreement between the district and the Board of County  
 1220 Commissioners of Manatee County or with any other applicable  
 1221 public or private entity, and is not inconsistent with the  
 1222 effective local comprehensive plans.

1223 (i) To provide parks and facilities for indoor and outdoor  
 1224 recreational, cultural, and educational uses.

1225 (j) To provide fire prevention and control, including fire

1226 stations, water mains and plugs, fire trucks, and other vehicles  
 1227 and equipment.

1228 (k) To provide school buildings and related structures,  
 1229 which may be leased, sold, or donated to the school district,  
 1230 for use in the educational system when authorized by the  
 1231 district school board.

1232 (l) To provide security, including electronic intrusion-  
 1233 detection systems and patrol cars, when authorized by proper  
 1234 governmental agencies, and to contract with the appropriate  
 1235 local general-purpose government agencies for an increased level  
 1236 of such services within the district boundaries. However, this  
 1237 paragraph does not prohibit the district from contracting with a  
 1238 towing operator to remove a vehicle or vessel from a district-  
 1239 owned facility or property if the district follows the  
 1240 authorization and notice and procedural requirements in s.  
 1241 715.07, Florida Statutes, for an owner or lessee of private  
 1242 property. The district's selection of a towing operator is not  
 1243 subject to public bidding if the towing operator is included in  
 1244 an approved list of town operators maintained by the local  
 1245 government that has jurisdiction over the district's facility or  
 1246 property.

1247 (m) To provide control and elimination of mosquitoes and  
 1248 other arthropods of public health importance.

1249 (n) To enter into impact fee, mobility fee, or other  
 1250 similar credit agreements with Manatee County or other

1251 governmental bodies or a landowner developer and to sell or  
1252 assign such credits on such terms as the district deems  
1253 appropriate.

1254 (o) To provide buildings and structures for district  
1255 offices, maintenance facilities, meeting facilities, town  
1256 centers, or any other projects authorized or granted by this  
1257 act.

1258 (p) To establish and create, at noticed meetings, such  
1259 departments of the board of supervisors of the district, as well  
1260 as committees, task forces, boards, or commissions, or other  
1261 agencies under the supervision and control of the district, as  
1262 from time to time the members of the board may deem necessary or  
1263 desirable in the performance of the acts or other things  
1264 necessary to exercise the board's general or special powers to  
1265 implement an innovative project to carry out the special and  
1266 limited purpose of the district as provided in this act and to  
1267 delegate the exercise of its powers to such departments, boards,  
1268 task forces, committees, or other agencies, and such  
1269 administrative duties and other powers as the board may deem  
1270 necessary or desirable, but only if there is a set of expressed  
1271 limitations for accountability, notice, and periodic written  
1272 reporting to the board that shall retain the powers of the  
1273 board.

1274 (q) To provide electrical, sustainable, or green  
1275 infrastructure improvements, facilities, and services,

1276 including, but not limited to, recycling of natural resources,  
1277 reduction of energy demands, development and generation of  
1278 alternative or renewable energy sources and technologies,  
1279 mitigation of urban heat islands, sequestration, capping or  
1280 trading of carbon emissions or carbon emissions credits, LEED or  
1281 Florida Green Building Coalition certification, and development  
1282 of facilities and improvements for low-impact development; to  
1283 enter into joint ventures, public-private partnerships, and  
1284 other agreements; and to grant such easements as may be  
1285 necessary to accomplish the foregoing. Nothing herein shall  
1286 authorize the district to provide electric service to retail  
1287 customers or otherwise act to impair electric utility franchise  
1288 agreements.

1289 (r) To provide for any facilities or improvements that may  
1290 otherwise be provided for by any county or municipality,  
1291 including, but not limited to, libraries, annexes, substations,  
1292 and other buildings to house public officials, staff, and  
1293 employees.

1294 (s) To provide waste collection and disposal.

1295 (t) To provide for the construction and operation of  
1296 communications systems and related infrastructure for the  
1297 carriage and distribution of communications services, to enter  
1298 into joint ventures, public-private partnerships, and other  
1299 agreements, and to grant such easements as may be necessary to  
1300 accomplish the foregoing. For purposes of this paragraph,

1301 "communications systems" means all facilities, buildings,  
 1302 equipment, items, and methods necessary or desirable in order to  
 1303 provide communications services, including, without limitation,  
 1304 wires, cables, conduits, wireless cell sites, computers, modems,  
 1305 satellite antennae sites, transmission facilities, network  
 1306 facilities, and appurtenant devices necessary and appropriate to  
 1307 support the provision of communications services.

1308 "Communications services" includes, without limitation,  
 1309 Internet, voice telephone, or similar services provided by voice  
 1310 over Internet protocol, cable television, data transmission  
 1311 services, electronic security monitoring services, and multi-  
 1312 channel video programming distribution services. Nothing herein  
 1313 shall authorize the district to provide communications services  
 1314 to retail customers or otherwise act to impair existing service  
 1315 provider franchise agreements. However, the district may  
 1316 contract with such providers for resale purposes, provided the  
 1317 district complies with s. 350.81, Florida Statutes, when  
 1318 contracting for resale purposes.

1319 (u) To provide health care facilities and to enter into  
 1320 public-private partnerships and agreements as may be necessary  
 1321 to accomplish the foregoing.

1322 (v) To coordinate, work with, and, as the board deems  
 1323 appropriate, enter into interlocal agreements with any public or  
 1324 private entity for the provision of an institution or  
 1325 institutions of higher education.

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1326 (w) To coordinate, work with, and, as the board deems  
1327 appropriate, enter into public-private partnerships and  
1328 agreements as may be necessary or useful to effectuate the  
1329 purposes of this act.

1330  
1331 The special powers provided in this act may not be deemed  
1332 exclusive or restrictive but shall be deemed to incorporate all  
1333 powers, express or implied, necessary or incident to carrying  
1334 out such special powers, including the general powers provided  
1335 by this act to the district to implement its purposes. This  
1336 subsection shall be construed liberally in order to effectively  
1337 carry out the special and limited purpose of the district under  
1338 this act.

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

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1351 than 5 years after the date of issuance, and be in such form and  
1352 executed in such manner as the board shall prescribe. Such notes  
1353 may be sold at either public or private sale or, if such notes  
1354 shall be renewal notes, may be exchanged for notes then  
1355 outstanding on such terms as the board shall determine. Such  
1356 notes shall be paid from the proceeds of such bonds when issued.  
1357 The board may, in its discretion, in lieu of retiring the notes  
1358 by means of bonds, retire them by means of current revenues or  
1359 from any taxes or assessments levied for the payment of such  
1360 bonds, but, in such event, a like amount of the bonds authorized  
1361 may not be issued.

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

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1376 may determine, not to exceed the maximum rate allowed by general  
1377 law, and to be sold or discounted at such price or prices not  
1378 less than 95 percent of par value and on such terms as the board  
1379 may deem advisable. The board shall have the right to provide  
1380 for the payment thereof by pledging the whole or any part of the  
1381 funds, revenues, taxes, and assessments of the district or by  
1382 covenanting to budget and appropriate from such funds. The  
1383 approval of the electors residing in the district is only  
1384 necessary when required by the State Constitution.

1385 (10) BONDS.—

1386 (a) Sale of bonds.—Bonds may be sold in blocks or  
1387 installments at different times, or an entire issue or series  
1388 may be sold at one time. Bonds may be sold at public or private  
1389 sale after such advertisement, if any, as the board may deem  
1390 advisable, but not in any event at less than 90 percent of the  
1391 par value thereof, together with accrued interest thereon. Bonds  
1392 may be sold or exchanged for refunding bonds. Special assessment  
1393 and revenue bonds may be delivered by the district as payment of  
1394 the purchase price of any project or part thereof, or a  
1395 combination of projects or parts thereof, or as the purchase  
1396 price or exchange for any property, real, personal, or mixed,  
1397 including franchises or services rendered by any contractor,  
1398 engineer, or other person, all at one time or in blocks from  
1399 time to time, in such manner and upon such terms as the board at  
1400 its discretion shall determine. The price or prices for any



1401 bonds sold, exchanged, or delivered may be:

1402 1. The money paid for the bonds.

1403 2. The principal amount, plus accrued interest to the date

1404 of redemption or exchange, or outstanding obligations exchanged

1405 for refunding bonds.

1406 3. In the case of special assessment or revenue bonds, the

1407 amount of any indebtedness to contractors or other persons paid

1408 with such bonds, or the fair value of any properties exchanged

1409 for the bonds, as determined by the board.

1410 (b) Authorization and form of bonds.—Any general

1411 obligation bonds, special assessment bonds, or revenue bonds may

1412 be authorized by resolution or resolutions of the board which

1413 shall be adopted by a majority of all the members thereof then

1414 in office. Such resolution or resolutions may be adopted at the

1415 same meeting at which they are introduced and need not be

1416 published or posted. The board may, by resolution, authorize the

1417 issuance of bonds and fix the aggregate amount of bonds to be

1418 issued; the purpose or purposes for which the moneys derived

1419 therefrom shall be expended, including, but not limited to,

1420 payment of costs as defined in section 2; the rate or rates of

1421 interest, not to exceed the maximum rate allowed by general law;

1422 the denomination of the bonds; whether the bonds are to be

1423 issued in one or multiple series; the date or dates of maturity,

1424 which may not exceed 40 years after their respective dates of

1425 issuance; the medium of payment; the place or places within or

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1426 without the state at which payment shall be made; registration  
1427 privileges; redemption terms and privileges, whether with or  
1428 without premium; the manner of execution; the form of the bonds,  
1429 including any interest coupons to be attached thereto; the  
1430 manner of execution of bonds and coupons; and any and all other  
1431 terms, covenants, and conditions thereof and the establishment  
1432 of revenue or other funds. Such authorizing resolution or  
1433 resolutions may further provide for the contracts authorized by  
1434 s. 159.825(1)(f) and (g), Florida Statutes, regardless of the  
1435 tax treatment of such bonds being authorized, subject to the  
1436 finding by the board of a net saving to the district resulting  
1437 by reason thereof. Such authorizing resolution or resolutions  
1438 may further provide that such bonds may be executed in  
1439 accordance with the Registered Public Obligations Act, except  
1440 that bonds not issued in registered form shall be valid if  
1441 manually countersigned by an officer designated by appropriate  
1442 resolution of the board. The seal of the district may be  
1443 affixed, lithographed, engraved, or otherwise reproduced in  
1444 facsimile on such bonds. In case any officer whose signature  
1445 shall appear on any bonds or coupons shall cease to be such  
1446 officer before the delivery of such bonds, such signature or  
1447 facsimile shall nevertheless be valid and sufficient for all  
1448 purposes as if he or she had remained in office until such  
1449 delivery.

1450 (c) Interim certificates; replacement certificates.-

1451 Pending the preparation of definitive bonds, the board may issue  
1452 interim certificates or receipts or temporary bonds, in such  
1453 form and with such provisions as the board may determine,  
1454 exchangeable for definitive bonds when such bonds have been  
1455 executed and are available for delivery. The board may also  
1456 provide for the replacement of any bonds which become mutilated,  
1457 lost, or destroyed.

1458 (d) Negotiability of bonds.—Any bond issued under this act  
1459 or any temporary bond, in the absence of an express recital on  
1460 the face thereof that it is nonnegotiable, shall be fully  
1461 negotiable and shall be and constitute a negotiable instrument  
1462 within the meaning and for all purposes of the law merchant and  
1463 general law.

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

1476 and in such event the right, title, and interest of the holders  
1477 of the bonds in any revenues, funds, or other properties by  
1478 which such bonds are secured shall thereupon cease, terminate,  
1479 and become void; and the board may apply any surplus in any  
1480 sinking fund established in connection with such bonds or  
1481 obligations and all balances remaining in all other funds or  
1482 accounts other than moneys held for the redemption or payment of  
1483 the bonds or other obligations to any lawful purpose of the  
1484 district as the board shall determine.

1485 (f) Issuance of additional bonds.—If the proceeds of any  
1486 bonds are less than the cost of completing the project in  
1487 connection with which such bonds were issued, the board may  
1488 authorize the issuance of additional bonds, upon such terms and  
1489 conditions as the board may provide in the resolution  
1490 authorizing the issuance thereof, but only in compliance with  
1491 the resolution or other proceedings authorizing the issuance of  
1492 the original bonds.

1493 (g) Refunding bonds.—The district is authorized to issue  
1494 bonds to provide for the retirement or refunding of any bonds or  
1495 obligations of the district that at the time of such issuance  
1496 are or subsequent thereto become due and payable, or that at the  
1497 time of issuance have been called or are, or will be, subject to  
1498 call for redemption within 10 years thereafter, or the surrender  
1499 of which can be procured from the holders thereof at prices  
1500 satisfactory to the board. Refunding bonds may be issued at any

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1501 time that in the judgment of the board such issuance will be  
1502 advantageous to the district. Approval of the qualified electors  
1503 residing in the district is not required for the issuance of  
1504 refunding bonds except in cases in which such approval is  
1505 required by the State Constitution. The board may by resolution  
1506 confer upon the holders of such refunding bonds all rights,  
1507 powers, and remedies to which the holders would be entitled if  
1508 they continued to be the owners and had possession of the bonds  
1509 for the refinancing of which such refunding bonds are issued,  
1510 including, but not limited to, the preservation of the lien of  
1511 such bonds on the revenues of any project or on pledged funds,  
1512 without extinguishment, impairment, or diminution thereof. The  
1513 provisions of this act relating to bonds of the district shall,  
1514 unless the context otherwise requires, govern the issuance of  
1515 refunding bonds, the form and other details thereof, the rights  
1516 of the holders thereof, and the duties of the board with respect  
1517 to such bonds.

1518 (h) Revenue bonds.—

1519 1. The district shall have the power to issue revenue  
1520 bonds from time to time without limitation as to amount. Such  
1521 revenue bonds may be secured by, or payable from, the gross or  
1522 net pledge of the revenues to be derived from any project or  
1523 combination of projects; from the rates, fees, or other charges  
1524 to be collected from the users of any project or projects; from  
1525 any revenue-producing undertaking or activity of the district;

1526 from special assessments; from benefit special assessments; or  
1527 from any other source or pledged security. Such bonds do not  
1528 constitute an indebtedness of the district, and the approval of  
1529 the qualified electors is not required unless such bonds are  
1530 additionally secured by the full faith and credit and taxing  
1531 power of the district.

1532 2. Any two or more projects may be combined and  
1533 consolidated into a single project and may hereafter be operated  
1534 and maintained as a single project. The revenue bonds authorized  
1535 herein may be issued to finance any one or more of such  
1536 projects, regardless of whether such projects have been combined  
1537 and consolidated into a single project. If the board deems it  
1538 advisable, the proceedings authorizing such revenue bonds may  
1539 provide that the district may thereafter combine the projects  
1540 then being financed or theretofore financed with other projects  
1541 to be subsequently financed by the district and that revenue  
1542 bonds to be thereafter issued by the district shall be on parity  
1543 with the revenue bonds then being issued, all on such terms,  
1544 conditions, and limitations as shall have been provided in the  
1545 proceeding which authorized the original bonds.

1546 (i) General obligation bonds.—

1547 1. Subject to the limitations of this charter, the  
1548 district shall have the power to issue general obligation bonds  
1549 to finance or refinance capital projects or to refund  
1550 outstanding bonds in an aggregate principal amount of bonds

1551 outstanding at any one time not in excess of 35 percent of the  
1552 assessed value of the taxable property within the district as  
1553 shown on the pertinent tax records at the time of the  
1554 authorization of the general obligation bonds for which the full  
1555 faith and credit of the district is pledged. Except for  
1556 refunding bonds, general obligation bonds may not be issued  
1557 unless the bonds are issued to finance or refinance a capital  
1558 project and the issuance has been approved at an election held  
1559 in accordance with the requirements for such election as  
1560 prescribed by the State Constitution. Such elections shall be  
1561 called to be held in the district by the Board of County  
1562 Commissioners of Manatee County upon the request of the board of  
1563 the district. The expenses of calling and holding an election  
1564 shall be at the expense of the district, and the district shall  
1565 reimburse the county for any expenses incurred in calling or  
1566 holding such election.

1567 2. The district may pledge its full faith and credit for  
1568 the payment of the principal and interest on such general  
1569 obligation bonds and for any reserve funds provided therefor and  
1570 may unconditionally and irrevocably pledge itself to levy ad  
1571 valorem taxes on all taxable property in the district, to the  
1572 extent necessary for the payment thereof, without limitation as  
1573 to rate or amount.

1574 3. If the board determines to issue general obligation  
1575 bonds for more than one capital project, the approval of the

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1576 issuance of the bonds for each and all such projects may be  
1577 submitted to the electors on one ballot. The failure of the  
1578 electors to approve the issuance of bonds for any one or more  
1579 capital projects does not defeat the approval of bonds for any  
1580 capital project which has been approved by the electors.

1581 4. In arriving at the amount of general obligation bonds  
1582 permitted to be outstanding at any one time pursuant to  
1583 subparagraph 1., there may not be included any general  
1584 obligation bonds that are additionally secured by the pledge of:

1585 a. Any assessments levied in an amount sufficient to pay  
1586 the principal and interest on the general obligation bonds so  
1587 additionally secured, which assessments have been equalized and  
1588 confirmed by resolution of the board pursuant to this act or s.  
1589 170.08, Florida Statutes.

1590 b. Water revenues, sewer revenues, or water and sewer  
1591 revenues of the district to be derived from user fees in an  
1592 amount sufficient to pay the principal and interest on the  
1593 general obligation bonds so additionally secured.

1594 c. Any combination of assessments and revenues described  
1595 in sub-subparagraphs a. and b.

1596 (j) Bonds as legal investment or security.-

1597 1. Notwithstanding any other provision of law to the  
1598 contrary, all bonds issued under this act shall constitute legal  
1599 investments for savings banks, banks, trust companies, insurance  
1600 companies, executors, administrators, trustees, guardians, and



1601 other fiduciaries and for any board, body, agency,  
1602 instrumentality, county, municipality, or other political  
1603 subdivision of the state and shall be and constitute security  
1604 which may be deposited by banks or trust companies as security  
1605 for deposits of state, county, municipal, or other public funds  
1606 or by insurance companies as required or voluntary statutory  
1607 deposits.

1608 2. Any bonds issued by the district shall be incontestable  
1609 in the hands of bona fide purchasers or holders for value and  
1610 are not invalid because of any irregularity or defect in the  
1611 proceedings for the issue and sale thereof.

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

1626 restrictions on the sale or disposal of the assets and property  
 1627 of the district; the priority of assessment liens; the priority  
 1628 of claims by bondholders on the taxing power of the district;  
 1629 the maintenance of deposits to ensure the payment of revenues by  
 1630 users of district facilities and services; the discontinuance of  
 1631 district services by reason of delinquent payments; acceleration  
 1632 upon default; the execution of necessary instruments; the  
 1633 procedure for amending or abrogating covenants with the  
 1634 bondholders; and such other covenants as may be deemed necessary  
 1635 or desirable for the security of the bondholders.

1636 (l) Validation proceedings.—The power of the district to  
 1637 issue bonds under this act may be determined, and any of the  
 1638 bonds of the district maturing over a period of more than 5  
 1639 years shall be validated and confirmed, by court decree, under  
 1640 chapter 75, Florida Statutes, and laws amendatory thereof or  
 1641 supplementary thereto.

1642 (m) Tax exemption.—To the extent allowed by general law,  
 1643 all bonds issued hereunder and interest paid thereon and all  
 1644 fees, charges, and other revenues derived by the district from  
 1645 the projects provided by this act are exempt from all taxes by  
 1646 the state or by any political subdivision, agency, or  
 1647 instrumentality thereof; however, any interest, income, or  
 1648 profits on debt obligations issued hereunder are not exempt from  
 1649 the tax imposed by chapter 220, Florida Statutes. Further, the  
 1650 district is not exempt from chapter 212, Florida Statutes.

1651       (n) Application of s. 189.051, Florida Statutes.—Bonds  
 1652 issued by the district shall meet the criteria set forth in s.  
 1653 189.051, Florida Statutes.

1654       (o) Act furnishes full authority for issuance of bonds.—  
 1655 This act constitutes full and complete authority for the  
 1656 issuance of bonds and the exercise of the powers of the district  
 1657 provided herein. Procedures or proceedings, publications,  
 1658 notices, consents, approvals, orders, acts, or things by the  
 1659 board, or by any board, officer, commission, department, agency,  
 1660 or instrumentality of the district, other than those required by  
 1661 this act, are not required to perform anything under this act,  
 1662 except that the issuance or sale of bonds pursuant to this act  
 1663 shall comply with the general law requirements applicable to the  
 1664 issuance or sale of bonds by the district. This act does not  
 1665 authorize the district to utilize bond proceeds to fund the  
 1666 ongoing operations of the district.

1667       (p) Pledge by the state to the bondholders of the  
 1668 district.—The state pledges to the holders of any bonds issued  
 1669 under this act that it will not limit or alter the rights of the  
 1670 district to own, acquire, construct, reconstruct, improve,  
 1671 maintain, operate, or furnish the projects or to levy and  
 1672 collect the taxes, assessments, rentals, rates, fees, and other  
 1673 charges provided for herein and to fulfill the terms of any  
 1674 agreement made with the holders of such bonds or other  
 1675 obligations and that it will not in any way impair the rights or

1676 remedies of such holders.

1677 (q) Default.—A default on the bonds or obligations of the  
 1678 district does not constitute a debt or obligation of the state  
 1679 or any general-purpose local government of the state. In the  
 1680 event of a default or dissolution of the district, a general-  
 1681 purpose local government is not required to assume the property  
 1682 of the district, the debts of the district, or the district's  
 1683 obligations to complete any infrastructure improvements or  
 1684 provide any services to the district. Section 189.076(2),  
 1685 Florida Statutes, does not apply to the district.

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

1701 connection with such acquisition, construction, reconstruction,  
 1702 improvement, maintenance, repair, operation, or insurance. It  
 1703 shall be lawful for any bank or trust company within or without  
 1704 the state which may act as a depository of the proceeds of bonds  
 1705 or of revenues to furnish such indemnifying bonds or to pledge  
 1706 such securities as may be required by the district. Such  
 1707 resolution or trust agreement may set forth the rights and  
 1708 remedies of the bondholders and of the trustee, if any, and may  
 1709 restrict the individual right of action by bondholders. The  
 1710 board may provide for the payment of proceeds of the sale of the  
 1711 bonds and the revenues of any project to such officer, board, or  
 1712 depository as it may designate for the custody thereof and may  
 1713 provide for the method of disbursement thereof with such  
 1714 safeguards and restrictions as it may determine. All expenses  
 1715 incurred in carrying out such resolution or trust agreement may  
 1716 be treated as part of the cost of operation of the project to  
 1717 which such trust agreement pertains.

1718 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
 1719 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
 1720 ASSESSMENTS; MAINTENANCE TAXES.-

1721 (a) Ad valorem taxes.-At such time as all members of the  
 1722 board are qualified electors who are elected by qualified  
 1723 electors of the district, the board shall have the power to levy  
 1724 and assess an ad valorem tax on all the taxable property in the  
 1725 district to construct, operate, and maintain assessable

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1726 improvements; to pay the principal of, and interest on, any  
1727 general obligation bonds of the district; and to provide for any  
1728 sinking or other funds established in connection with any such  
1729 bonds. An ad valorem tax levied by the board for operating  
1730 purposes, exclusive of debt service on bonds, may not exceed 3  
1731 mills. The ad valorem tax provided for herein shall be in  
1732 addition to county and all other ad valorem taxes provided for  
1733 by general law. Such tax shall be assessed, levied, and  
1734 collected in the same manner and at the same time as county  
1735 taxes. The levy of ad valorem taxes must be approved by  
1736 referendum as required by s. 9, Art. VII of the State  
1737 Constitution.

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

1751 using the method provided in s. 197.3632, Florida Statutes, or  
 1752 chapter 173, Florida Statutes, as each may be amended from time  
 1753 to time, for collecting and enforcing these assessments. Each  
 1754 annual installment of benefit special assessments shall be a  
 1755 lien on the property against which assessed until paid and shall  
 1756 be enforceable in like manner as county taxes. The amount of the  
 1757 assessment for the exercise of the district's powers under  
 1758 subsections (6) and (7) shall be determined by the board based  
 1759 upon a report of the district's engineer and assessed by the  
 1760 board upon such lands, which may be part or all of the lands  
 1761 within the district benefited by the improvement, apportioned  
 1762 between benefited lands in proportion to the benefits received  
 1763 by each tract of land. The board may, if it determines it is in  
 1764 the best interests of the district, set forth in the proceedings  
 1765 initially levying such benefit special assessments or in  
 1766 subsequent proceedings a formula for the determination of an  
 1767 amount which, when paid by a taxpayer with respect to any tax  
 1768 parcel, shall constitute a prepayment of all future annual  
 1769 installments of such benefit special assessments. The payment of  
 1770 such amount with respect to such tax parcel shall relieve and  
 1771 discharge such tax parcel of the lien of such benefit special  
 1772 assessments and any subsequent annual installment thereof. The  
 1773 board may provide further that, upon delinquency in the payment  
 1774 of any annual installment of benefit special assessments, such  
 1775 prepayment amount of all future annual installments of benefit

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



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1801 therefrom shall be paid to the district. The maintenance tax  
1802 shall be a lien until paid on the property against which  
1803 assessed and enforceable in like manner and of the same dignity  
1804 as county ad valorem taxes.

1805 (d) Maintenance special assessments.-To maintain and  
1806 preserve the facilities and projects of the district, the board  
1807 may levy a maintenance special assessment. This assessment may  
1808 be evidenced to and certified to the tax collector by the board  
1809 of supervisors not later than August 31 of each year and shall  
1810 be entered by the property appraiser on the county tax rolls and  
1811 shall be collected and enforced by the tax collector in the same  
1812 manner and at the same time as county taxes, and the proceeds  
1813 therefrom shall be paid to the district. However, this  
1814 subsection does not prohibit the district in its discretion from  
1815 using the method prescribed in s. 197.363, Florida Statutes, s.  
1816 197.3631, Florida Statutes, or s. 197.3632, Florida Statutes,  
1817 for collecting and enforcing these assessments. These  
1818 maintenance special assessments shall be a lien on the property  
1819 against which assessed until paid and shall be enforceable in  
1820 like manner as county taxes. The amount of the maintenance  
1821 special assessment for the exercise of the district's powers  
1822 under this section shall be determined by the board based upon a  
1823 report of the district's engineer and assessed by the board upon  
1824 such lands, which may be all of the lands within the district  
1825 benefited by the maintenance thereof, apportioned between the

1826 benefited lands in proportion to the benefits received by each  
 1827 tract of land.

1828 (e) Special assessments.—The board may levy and impose any  
 1829 special assessments pursuant to this subsection.

1830 (f) Enforcement of taxes.—The collection and enforcement  
 1831 of all taxes levied by the district shall be at the same time  
 1832 and in like manner as county taxes, and the provisions of  
 1833 general law relating to the sale of lands for unpaid and  
 1834 delinquent county taxes; the issuance, sale, and delivery of tax  
 1835 certificates for such unpaid and delinquent county taxes; the  
 1836 redemption thereof; the issuance to individuals of tax deeds  
 1837 based thereon; and all other procedures in connection therewith  
 1838 shall be applicable to the district to the same extent as if  
 1839 such statutory provisions were expressly set forth in this act.  
 1840 All taxes shall be subject to the same discounts as county  
 1841 taxes.

1842 (g) When unpaid tax is delinquent; penalty.—All taxes  
 1843 provided for in this act shall become delinquent and bear  
 1844 penalties on the amount of such taxes in the same manner as  
 1845 county taxes.

1846 (h) Status of assessments.—Benefit special assessments,  
 1847 maintenance special assessments, and special assessments are  
 1848 hereby found and determined to be non-ad valorem assessments as  
 1849 defined in s. 197.3632 (1), Florida Statutes. Maintenance taxes  
 1850 are non-ad valorem taxes and are not special assessments.

1851        (i) Assessments constitute liens; collection.—Any and all  
1852 assessments, including special assessments, benefit special  
1853 assessments, and maintenance special assessments authorized and  
1854 granted by this subsection, and maintenance taxes if authorized  
1855 by general law, shall constitute a lien on the property against  
1856 which assessed from the date of levy and imposition thereof  
1857 until paid, coequal with the lien of state, county, municipal,  
1858 and school board taxes. These assessments may be collected, at  
1859 the district's discretion, under authority of s. 197.3631,  
1860 Florida Statutes, as amended from time to time, by the tax  
1861 collector pursuant to ss. 197.3632 and 197.3635, Florida  
1862 Statutes, as amended from time to time, or in accordance with  
1863 other collection measures provided by general law. In addition  
1864 to, and not in limitation of, any powers otherwise set forth  
1865 herein or in general law, these assessments may also be enforced  
1866 pursuant to chapter 173, Florida Statutes, as amended from time  
1867 to time.

1868        (j) Land owned by governmental entity.—Except as otherwise  
1869 provided by general law, a levy of ad valorem taxes or non-ad  
1870 valorem assessments under this act, chapter 170, Florida  
1871 Statutes, chapter 197, Florida Statutes, or otherwise, by the  
1872 board of the district, on property of a governmental entity that  
1873 is subject to a ground lease as described in s. 190.003(14),  
1874 Florida Statutes, does not constitute a lien or encumbrance on  
1875 the underlying fee interest of such governmental entity.

1876        (13) SPECIAL ASSESSMENTS.-  
 1877        (a) As an alternative method to the levy and imposition of  
 1878 special assessments pursuant to chapter 170, Florida Statutes,  
 1879 pursuant to the authority under s. 197.3631, Florida Statutes,  
 1880 or pursuant to other provisions of general law, now or hereafter  
 1881 enacted, which provide a supplemental means or authority to  
 1882 impose, levy, and collect special assessments as otherwise  
 1883 authorized under this act, the board may levy and impose special  
 1884 assessments to finance the exercise of any of its powers  
 1885 permitted under this act using the following uniform procedures:  
 1886            1. At a noticed meeting, the board of supervisors of the  
 1887 district may consider and review an engineer's report on the  
 1888 costs of the systems, facilities, and services to be provided, a  
 1889 preliminary special assessment methodology, and a preliminary  
 1890 roll based on acreage or platted lands, depending upon whether  
 1891 platting has occurred.  
 1892            a. The special assessment methodology shall address and  
 1893 discuss and the board shall consider whether the systems,  
 1894 facilities, and services being contemplated will result in  
 1895 special benefits peculiar to the property, different in kind and  
 1896 degree than general benefits, as a logical connection between  
 1897 the systems, facilities, and services themselves and the  
 1898 property, and whether the duty to pay the special assessments by  
 1899 the property owners is apportioned in a manner that is fair and  
 1900 equitable and not in excess of the special benefit received. It

1901 shall be fair and equitable to designate a fixed proportion of  
 1902 the annual debt service, together with interest thereon, on the  
 1903 aggregate principal amount of bonds issued to finance such  
 1904 systems, facilities, and services which give rise to unique,  
 1905 special, and peculiar benefits to property of the same or  
 1906 similar characteristics under the special assessment methodology  
 1907 so long as such fixed proportion does not exceed the unique,  
 1908 special, and peculiar benefits enjoyed by such property from  
 1909 such systems, facilities, and services.

1910 b. The engineer's cost report shall identify the nature of  
 1911 the proposed systems, facilities, and services, their location,  
 1912 a cost breakdown plus a total estimated cost, including cost of  
 1913 construction or reconstruction, labor, and materials, lands,  
 1914 property, rights, easements, franchises, or systems, facilities,  
 1915 and services to be acquired, cost of plans and specifications  
 1916 and surveys of estimates of costs and revenues, costs of  
 1917 engineering, legal, and other professional consultation  
 1918 services, and other expenses or costs necessary or incident to  
 1919 determining the feasibility or practicability of such  
 1920 construction, reconstruction, or acquisition, administrative  
 1921 expenses, relationship to the authority and power of the  
 1922 district in its charter, and such other expenses or costs as may  
 1923 be necessary or incident to the financing to be authorized by  
 1924 the board of supervisors.

1925 c. The preliminary special assessment roll shall be in

1926 accordance with the assessment methodology as may be adopted by  
 1927 the board of supervisors; the special assessment roll shall be  
 1928 completed as promptly as possible and shall show the acreage,  
 1929 lots, lands, or plats assessed and the amount of the fairly and  
 1930 reasonably apportioned assessment based on special and peculiar  
 1931 benefit to the property, lot, parcel, or acreage of land; and,  
 1932 if the special assessment against such lot, parcel, acreage, or  
 1933 portion of land is to be paid in installments, the number of  
 1934 annual installments in which the special assessment is divided  
 1935 shall be entered into and shown upon the special assessment  
 1936 roll.

1937 2. The board of supervisors of the district may determine  
 1938 and declare by an initial special assessment resolution to levy  
 1939 and assess the special assessments with respect to assessable  
 1940 improvements stating the nature of the systems, facilities, and  
 1941 services, improvements, projects, or infrastructure constituting  
 1942 such assessable improvements, the information in the engineer's  
 1943 cost report, the information in the special assessment  
 1944 methodology as determined by the board at the noticed meeting  
 1945 and referencing and incorporating as part of the resolution the  
 1946 engineer's cost report, the preliminary special assessment  
 1947 methodology, and the preliminary special assessment roll as  
 1948 referenced exhibits to the resolution by reference. If the board  
 1949 determines to declare and levy the special assessments by the  
 1950 initial special assessment resolution, the board shall also

1951 adopt and declare a notice resolution which shall provide and  
1952 cause the initial special assessment resolution to be published  
1953 in a newspaper of general circulation in Manatee County once a  
1954 week for 2 consecutive weeks, and said board shall by the same  
1955 resolution fix a time and place at which the owner or owners of  
1956 the property to be assessed or any other persons interested  
1957 therein may appear before said board and be heard as to the  
1958 propriety and advisability of making such improvements, as to  
1959 the costs thereof, as to the manner of payment therefor, and as  
1960 to the amount thereof to be assessed against each property so  
1961 improved. Thirty days' notice in writing of such time and place  
1962 shall be given to such property owners. The notice shall include  
1963 the amount of the special assessment and shall be served by  
1964 mailing a copy to each assessed property owner at his or her  
1965 last known address, the names and addresses of such property  
1966 owners to be obtained from the record of the property appraiser  
1967 of the county political subdivision in which the land is located  
1968 or from such other sources as the district manager or engineer  
1969 deems reliable. Proof of such mailing shall be made by the  
1970 affidavit of the manager of the district or by the engineer,  
1971 said proof to be filed with the district manager. Failure to  
1972 mail said notice or notices does not invalidate any of the  
1973 proceedings hereunder. It is provided further that the last  
1974 publication shall be at least 1 week before the date of the  
1975 hearing on the final special assessment resolution. Said notice

1976 shall describe the general areas to be improved and advise all  
 1977 persons interested that the description of each property to be  
 1978 assessed and the amount to be assessed to each piece, parcel,  
 1979 lot, or acre of property may be ascertained at the office of the  
 1980 manager of the district. Such service by publication shall be  
 1981 verified by the affidavit of the publisher and filed with the  
 1982 manager of the district. Moreover, the initial special  
 1983 assessment resolution with its attached, referenced, and  
 1984 incorporated engineer's cost report, preliminary special  
 1985 assessment methodology, and preliminary special assessment roll,  
 1986 along with the notice resolution, shall be available for public  
 1987 inspection at the office of the manager and the office of the  
 1988 engineer or any other office designated by the board of  
 1989 supervisors in the notice resolution. Notwithstanding the  
 1990 foregoing, the landowners of all of the property which is  
 1991 proposed to be assessed may give the district written notice of  
 1992 waiver of any notice and publication provided for in this  
 1993 subparagraph. However, such notice and publication is not  
 1994 required, provided that any meeting of the board of supervisors  
 1995 to consider such resolution is a publicly noticed meeting.

1996 3. At the time and place named in the noticed resolution  
 1997 as provided for in subparagraph 2., the board of supervisors of  
 1998 the district shall meet and hear testimony from affected  
 1999 property owners as to the propriety and advisability of making  
 2000 the systems, facilities, services, projects, works,



2001 improvements, or infrastructure and funding them with  
 2002 assessments referenced in the initial special assessment  
 2003 resolution on the property. Following the testimony and  
 2004 questions from the members of the board or any professional  
 2005 advisors to the district of the preparers of the engineer's cost  
 2006 report, the special assessment methodology, and the special  
 2007 assessment roll, the board of supervisors shall make a final  
 2008 decision on whether to levy and assess the particular special  
 2009 assessments. Thereafter, the board of supervisors shall meet as  
 2010 an equalizing board to hear and to consider any and all  
 2011 complaints as to the particular special assessments and shall  
 2012 adjust and equalize the special assessments to ensure proper  
 2013 assessment based on the benefit conferred on the property.

2014 4. When so equalized and approved by resolution or  
 2015 ordinance by the board of supervisors, to be called the final  
 2016 special assessment resolution, a final special assessment roll  
 2017 shall be filed with the clerk of the board, and such special  
 2018 assessment shall stand confirmed and remain legal, valid, and  
 2019 binding first liens on the property against which such special  
 2020 assessments are made until paid, equal in dignity to the first  
 2021 liens of ad valorem taxation of county and municipal governments  
 2022 and school boards. However, upon completion of the systems,  
 2023 facilities, services, projects, improvements, works, or  
 2024 infrastructure, the district shall credit to each of the  
 2025 assessments the difference in the special assessment as

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2026 originally made, approved, levied, assessed, and confirmed and  
2027 the proportionate part of the actual cost of the improvement to  
2028 be paid by the particular special assessments as finally  
2029 determined upon the completion of the improvement; but in no  
2030 event shall the final special assessment exceed the amount of  
2031 the special and peculiar benefits as apportioned fairly and  
2032 reasonably to the property from the system, facility, or service  
2033 being provided as originally assessed. Promptly after such  
2034 confirmation, the special assessment shall be recorded by the  
2035 clerk of the district in the minutes of the proceedings of the  
2036 district, and the record of the lien in this set of minutes  
2037 shall constitute prima facie evidence of its validity. The board  
2038 of supervisors, in its sole discretion, may, by resolution,  
2039 grant a discount equal to all or a part of the payee's  
2040 proportionate share of the cost of the project consisting of  
2041 bond financing cost, such as capitalized interest, funded  
2042 reserves, and bond discounts included in the estimated cost of  
2043 the project, upon payment in full of any special assessments  
2044 during such period before the time such financing costs are  
2045 incurred as may be specified by the board of supervisors in such  
2046 resolution.

2047 5. District special assessments may be made payable in  
2048 installments over no more than 40 years after the date of the  
2049 payment of the first installment thereof and may bear interest  
2050 at fixed or variable rates.

2051 (b) Notwithstanding any provision of this act or chapter  
 2052 170, Florida Statutes, that portion of s. 170.09, Florida  
 2053 Statutes, which provides that special assessments may be paid  
 2054 without interest at any time within 30 days after the  
 2055 improvement is completed and a resolution accepting the same has  
 2056 been adopted by the governing authority is not applicable to any  
 2057 district special assessments, whether imposed, levied, and  
 2058 collected pursuant to this act or any other provision of general  
 2059 law, including, but not limited to, chapter 170, Florida  
 2060 Statutes.

2061 (c) In addition, the district is authorized expressly in  
 2062 the exercise of its rulemaking power to adopt rules that provide  
 2063 for notice, levy, imposition, equalization, and collection of  
 2064 assessments.

2065 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON  
 2066 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

2067 (a) The board may, after any special assessments or  
 2068 benefit special assessments for assessable improvements are  
 2069 made, determined, and confirmed as provided in this act, issue  
 2070 certificates of indebtedness for the amount so assessed against  
 2071 the abutting property or property otherwise benefited, as the  
 2072 case may be, and separate certificates shall be issued against  
 2073 each part or parcel of land or property assessed, which  
 2074 certificates shall state the general nature of the improvement  
 2075 for which the assessment is made. The certificates shall be

2076 payable in annual installments in accordance with the  
2077 installments of the special assessment for which they are  
2078 issued. The board may determine the interest to be borne by such  
2079 certificates, not to exceed the maximum rate allowed by general  
2080 law, and may sell such certificates at either private or public  
2081 sale and determine the form, manner of execution, and other  
2082 details of such certificates. The certificates shall recite that  
2083 they are payable only from the special assessments levied and  
2084 collected from the part or parcel of land or property against  
2085 which they are issued. The proceeds of such certificates may be  
2086 pledged for the payment of principal of and interest on any  
2087 revenue bonds or general obligation bonds issued to finance in  
2088 whole or in part such assessable improvement, or, if not so  
2089 pledged, may be used to pay the cost or part of the cost of such  
2090 assessable improvements.

2091 (b) The district may also issue assessment bonds, revenue  
2092 bonds, or other obligations payable from a special fund into  
2093 which such certificates of indebtedness referred to in paragraph  
2094 (a) may be deposited or, if such certificates of indebtedness  
2095 have not been issued, may assign to such special fund for the  
2096 benefit of the holders of such assessment bonds or other  
2097 obligations, or to a trustee for such bondholders, the  
2098 assessment liens provided for in this act unless such  
2099 certificates of indebtedness or assessment liens have been  
2100 theretofore pledged for any bonds or other obligations

2101 authorized hereunder. In the event of the creation of such  
 2102 special fund and the issuance of such assessment bonds or other  
 2103 obligations, the proceeds of such certificates of indebtedness  
 2104 or assessment liens deposited therein shall be used only for the  
 2105 payment of the assessment bonds or other obligations issued as  
 2106 provided in this section. The district is authorized to covenant  
 2107 with the holders of such assessment bonds, revenue bonds, or  
 2108 other obligations that it will diligently and faithfully enforce  
 2109 and collect all the special assessments, and interest and  
 2110 penalties thereon, for which such certificates of indebtedness  
 2111 or assessment liens have been deposited in or assigned to such  
 2112 fund; to foreclose such assessment liens so assigned to such  
 2113 special fund or represented by the certificates of indebtedness  
 2114 deposited in the special fund, after such assessment liens have  
 2115 become delinquent, and deposit the proceeds derived from such  
 2116 foreclosure, including interest and penalties, in such special  
 2117 fund; and to make any other covenants deemed necessary or  
 2118 advisable in order to properly secure the holders of such  
 2119 assessment bonds or other obligations.

2120 (c) The assessment bonds, revenue bonds, or other  
 2121 obligations issued pursuant to this subsection shall have such  
 2122 dates of issuance and maturity as deemed advisable by the board;  
 2123 however, the maturities of such assessment bonds or other  
 2124 obligations may not be more than 2 years after the due date of  
 2125 the last installment that will be payable on any of the special

2126 assessments for which such assessment liens, or the certificates  
 2127 of indebtedness representing such assessment liens, are assigned  
 2128 to or deposited in such special fund.

2129 (d) Such assessment bonds, revenue bonds, or other  
 2130 obligations issued under this subsection shall bear such  
 2131 interest as the board may determine, not to exceed the maximum  
 2132 rate allowed by general law, and shall be executed, shall have  
 2133 such provisions for redemption before maturity, shall be sold in  
 2134 such manner, and shall be subject to all of the applicable  
 2135 provisions contained in this act for revenue bonds, except as  
 2136 the same may be inconsistent with this subsection.

2137 (e) All assessment bonds, revenue bonds, or other  
 2138 obligations issued under this subsection shall be, shall  
 2139 constitute, and shall have all the qualities and incidents of  
 2140 negotiable instruments under the law merchant and general laws.

2141 (15) TAX LIENS.—All taxes of the district provided for in  
 2142 this act, together with all penalties for default in the payment  
 2143 of the same and all costs in collecting the same, including a  
 2144 reasonable attorney fee fixed by the court and taxed as a cost  
 2145 in the action brought to enforce payment, shall, from January 1  
 2146 of each year the property is liable to assessment and until  
 2147 paid, constitute a lien of equal dignity with the liens for  
 2148 state and county taxes and other taxes of equal dignity with  
 2149 state and county taxes upon all the lands against which such  
 2150 taxes shall be levied. A sale of any of the real property within

2151 the district for state and county or other taxes may not operate  
 2152 to relieve or release the property so sold from the lien for  
 2153 subsequent district taxes or installments of district taxes,  
 2154 which lien may be enforced against such property as though no  
 2155 such sale thereof had been made. In addition, for purposes of s.  
 2156 197.552, Florida Statutes, the lien of all special assessments  
 2157 levied by the district shall constitute a lien of record held by  
 2158 a municipal or county governmental unit. Sections 194.171,  
 2159 197.122, 197.333, and 197.432, Florida Statutes, are applicable  
 2160 to district taxes with the same force and effect as if such  
 2161 sections were expressly provided in this act.

2162 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE  
 2163 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

2164 (a) The district shall have the power and right to:

2165 1. Pay any delinquent state, county, district, municipal,  
 2166 or other tax or assessment upon lands located wholly or  
 2167 partially within the boundaries of the district.

2168 2. Redeem or purchase any tax sales certificates issued or  
 2169 sold on account of any state, county, district, municipal, or  
 2170 other taxes or assessments upon lands located wholly or  
 2171 partially within the boundaries of the district.

2172 (b) Delinquent taxes paid, or tax sales certificates  
 2173 redeemed or purchased, by the district, together with all  
 2174 penalties for the default in payment of the same and all costs  
 2175 in collecting the same and a reasonable attorney fee, shall

2176 constitute a lien in favor of the district of equal dignity with  
 2177 the liens of state and county taxes and other taxes of equal  
 2178 dignity with state and county taxes upon all the real property  
 2179 against which the taxes were levied. The lien of the district  
 2180 may be foreclosed in the manner provided in this act.

2181 (c) In any sale of land pursuant to s. 197.542, Florida  
 2182 Statutes, as may be amended from time to time, the district may  
 2183 certify to the clerk of the circuit court of the county holding  
 2184 such sale the amount of taxes due to the district upon the lands  
 2185 sought to be sold, and the district shall share in the  
 2186 disbursement of the sales proceeds in accordance with this act  
 2187 and under general law.

2188 (17) FORECLOSURE OF LIENS.—Any lien in favor of the  
 2189 district arising under this act may be foreclosed by the  
 2190 district by foreclosure proceedings in the name of the district  
 2191 in a court of competent jurisdiction as provided by general law  
 2192 in like manner as is provided in chapter 170, Florida Statutes,  
 2193 or chapter 173, Florida Statutes, and any amendments thereto,  
 2194 and those chapters shall be applicable to such proceedings with  
 2195 the same force and effect as if those chapters were expressly  
 2196 provided in this act. Any act required or authorized to be done  
 2197 by or on behalf of a municipality in foreclosure proceedings  
 2198 under chapter 170, Florida Statutes, or chapter 173, Florida  
 2199 Statutes, may be performed by such officer or agent of the  
 2200 district as the board of supervisors may designate. Such



2201 foreclosure proceedings may be brought at any time after the  
 2202 expiration of 1 year from the date any tax, or installment  
 2203 thereof, becomes delinquent; however, no lien shall be  
 2204 foreclosed against any political subdivision or agency of the  
 2205 state. Other legal remedies shall remain available.

2206 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,  
 2207 FACILITIES, AND SERVICES.—To the full extent permitted by law,  
 2208 the district shall require all lands, buildings, premises,  
 2209 persons, firms, and corporations within the district to use the  
 2210 facilities of the district.

2211 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED  
 2212 PROVISIONS REQUIRED.—

2213 (a) A contract may not be let by the board for any goods,  
 2214 supplies, or materials to be purchased when the amount thereof  
 2215 to be paid by the district shall exceed the amount provided in  
 2216 s. 287.017, Florida Statutes, for category four, unless notice  
 2217 of bids shall be published in a newspaper of general circulation  
 2218 in Manatee County at least once. Any board seeking to construct  
 2219 or improve a public building, structure, or other public works  
 2220 shall comply with the bidding procedures of s. 255.20, Florida  
 2221 Statutes, as amended from time to time, and other applicable  
 2222 general law. In each case, the bid of the lowest responsive and  
 2223 responsible bidder shall be accepted unless all bids are  
 2224 rejected because the bids are too high or the board determines  
 2225 it is in the best interests of the district to reject all bids.

2226 The board may require the bidders to furnish bond with a  
 2227 responsible surety to be approved by the board. Nothing in this  
 2228 subsection shall prevent the board from undertaking and  
 2229 performing the construction, operation, and maintenance of any  
 2230 project or facility authorized by this act by the employment of  
 2231 labor, material, and machinery.

2232 (b) The Consultants' Competitive Negotiation Act, s.  
 2233 287.055, Florida Statutes, applies to contracts for engineering,  
 2234 architecture, landscape architecture, or registered surveying  
 2235 and mapping services let by the board.

2236 (c) Contracts for maintenance services for any district  
 2237 facility or project shall be subject to competitive bidding  
 2238 requirements when the amount thereof to be paid by the district  
 2239 exceeds the amount provided in s. 287.017, Florida Statutes, as  
 2240 amended from time to time, for category four. The district shall  
 2241 adopt rules, policies, or procedures establishing competitive  
 2242 bidding procedures for maintenance services. Contracts for other  
 2243 services may not be subject to competitive bidding unless the  
 2244 district adopts a rule, policy, or procedure applying  
 2245 competitive bidding procedures to said contracts. Nothing herein  
 2246 shall preclude the use of requests for proposal instead of  
 2247 invitations to bid as determined by the district to be in its  
 2248 best interest.

2249 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION  
 2250 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

2251 (a) The district is authorized to prescribe, fix,  
 2252 establish, and collect rates, fees, rentals, or other charges,  
 2253 hereinafter sometimes referred to as "revenues," and to revise  
 2254 the same from time to time, for the systems, facilities, and  
 2255 services furnished by the district, within the limits of the  
 2256 district, including, but not limited to, recreational  
 2257 facilities, water management and control facilities, and water  
 2258 and sewer systems; to recover the costs of making connection  
 2259 with any district service, facility, or system; and to provide  
 2260 for reasonable penalties against any user or property for any  
 2261 such rates, fees, rentals, or other charges that are delinquent.

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

2276 be adjourned from time to time. After such hearing, such  
2277 schedule or schedules, either as initially proposed or as  
2278 modified or amended, may be finally adopted. A copy of the  
2279 schedule or schedules of such rates, fees, rentals, or charges  
2280 as finally adopted shall be kept on file in an office designated  
2281 by the board and shall be open at all reasonable times to public  
2282 inspection. The rates, fees, rentals, or charges so fixed for  
2283 any class of users or property served shall be extended to cover  
2284 any additional users or properties thereafter served which shall  
2285 fall in the same class, without the necessity of any notice or  
2286 hearing.

2287 (c) Such rates, fees, rentals, and charges shall be just  
2288 and equitable and uniform for users of the same class, and when  
2289 appropriate may be based or computed either upon the amount of  
2290 service furnished, upon the average number of persons residing  
2291 or working in or otherwise occupying the premises served, or  
2292 upon any other factor affecting the use of the facilities  
2293 furnished, or upon any combination of the foregoing factors, as  
2294 may be determined by the board on an equitable basis.

2295 (d) The rates, fees, rentals, or other charges prescribed  
2296 shall be such as will produce revenues, together with any other  
2297 assessments, taxes, revenues, or funds available or pledged for  
2298 such purpose, at least sufficient to provide for the following  
2299 items, but not necessarily in the order stated:

2300 1. To provide for all expenses of operation and

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2301 maintenance of such facility or service.

2302 2. To pay when due all bonds and interest thereon for the  
2303 payment of which such revenues are, or shall have been, pledged  
2304 or encumbered, including reserves for such purpose.

2305 3. To provide for any other funds which may be required  
2306 under the resolution or resolutions authorizing the issuance of  
2307 bonds pursuant to this act.

2308 (e) The board shall have the power to enter into contracts  
2309 for the use of the projects of the district and with respect to  
2310 the services, systems, and facilities furnished or to be  
2311 furnished by the district.

2312 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that any  
2313 rates, fees, rentals, charges, or delinquent penalties are not  
2314 paid as and when due and are in default for 60 days or more, the  
2315 unpaid balance thereof and all interest accrued thereon,  
2316 together with reasonable attorney fees and costs, may be  
2317 recovered by the district in a civil action.

2318 (22) DISCONTINUANCE OF SERVICES OR FACILITIES.—In the  
2319 event the fees, rentals, or other charges for district services  
2320 or facilities are not paid when due, the board shall have the  
2321 power, under such reasonable rules and regulations as the board  
2322 may adopt, to discontinue and shut off such services or  
2323 facilities until such fees, rentals, or other charges, including  
2324 interest, penalties, and charges for the shutting off and  
2325 discontinuance and the restoration of such services or

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2326 facilities, are fully paid; and, for such purposes, the board  
2327 may enter on any lands, waters, or premises of any person, firm,  
2328 corporation, or body, public or private, within the district  
2329 limits. Such delinquent fees, rentals, or other charges,  
2330 together with interest, penalties, and charges for the shutting  
2331 off and discontinuance and the restoration of such services or  
2332 facilities and reasonable attorney fees and other expenses, may  
2333 be recovered by the district, which may also enforce payment of  
2334 such delinquent fees, rentals, or other charges by any other  
2335 lawful method of enforcement.

2336 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved  
2337 person may have recourse to such remedies in general law and at  
2338 equity as may be necessary to ensure compliance with this act,  
2339 including injunctive relief to enjoin or restrain any person  
2340 violating this act or any bylaws, resolutions, regulations,  
2341 rules, codes, or orders adopted under this act. In case any  
2342 building or structure is erected, constructed, reconstructed,  
2343 altered, repaired, converted, or maintained, or any building,  
2344 structure, land, or water is used, in violation of this act or  
2345 of any code, order, resolution, or other regulation made under  
2346 authority conferred by this act or under general law, the board  
2347 or any citizen residing in the district may institute any  
2348 appropriate action or proceeding to prevent such unlawful  
2349 erection, construction, reconstruction, alteration, repair,  
2350 conversion, maintenance, or use; to restrain, correct, or avoid

2351 such violation; to prevent the occupancy of such building,  
2352 structure, land, or water; and to prevent any illegal act,  
2353 conduct, business, or use in or about such premises, land, or  
2354 water.

2355 (24) SUITS AGAINST THE DISTRICT.—Any suit or action  
2356 brought or maintained against the district for damages arising  
2357 out of tort, including, without limitation, any claim arising  
2358 upon account of an act causing an injury or loss of property,  
2359 personal injury, or death, shall be subject to the limitations  
2360 provided in s. 768.28, Florida Statutes.

2361 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All  
2362 district property shall be exempt from levy and sale by virtue  
2363 of an execution, and no execution or other judicial process  
2364 shall issue against such property, nor shall any judgment  
2365 against the district be a charge or lien on its property or  
2366 revenues; however, nothing contained herein shall apply to or  
2367 limit the rights of bondholders to pursue any remedy for the  
2368 enforcement of any lien or pledge given by the district in  
2369 connection with any of the bonds or obligations of the district.

2370 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—

2371 (a) The board of supervisors of the district may not ask  
2372 the Legislature to repeal or amend this act to expand or to  
2373 contract the boundaries of the district or otherwise cause the  
2374 merger or termination of the district without first obtaining a  
2375 resolution or official statement from Manatee County as required

2376 by s. 189.031(2)(e)4., Florida Statutes, for creation of an  
 2377 independent special district. The district's consent may be  
 2378 evidenced by a resolution or other official written statement of  
 2379 the district.

2380 (b) The district shall remain in existence until:

2381 1. The district is terminated and dissolved pursuant to  
 2382 amendment to this act by the Legislature; or

2383 2. The district has become inactive pursuant to s.  
 2384 189.062, Florida Statutes.

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



2401 development district requesting merger shall hold a public  
2402 hearing within its boundaries to provide information about and  
2403 take public comment on the proposed merger in the merger  
2404 agreement. The public hearing shall be held within 45 days after  
2405 the execution of the merger agreement by all parties thereto.  
2406 Notice of the public hearing shall be published in a newspaper  
2407 of general circulation in Manatee County at least 14 days before  
2408 the hearing. At the conclusion of the public hearing, each  
2409 district shall consider a resolution approving or disapproving  
2410 the proposed merger. If the district and each community  
2411 development district which is a party to the merger agreement  
2412 adopt a resolution approving the proposed merger, the  
2413 resolutions and the merger agreement shall be filed with Manatee  
2414 County. Upon receipt of the resolutions approving the merger and  
2415 the merger agreement, Manatee County shall adopt a nonemergency  
2416 ordinance dissolving each community development district  
2417 pursuant to s. 190.046(10), Florida Statutes.

2418 (28) INCLUSION OF TERRITORY.—The inclusion of any or all  
2419 territory of the district within a municipality does not change,  
2420 alter, or affect the boundary, territory, existence, or  
2421 jurisdiction of the district.

2422 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
2423 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this  
2424 district under this act, each contract for the initial sale of a  
2425 parcel of real property and each contract for the initial sale

2426 of a residential unit within the district shall include,  
 2427 immediately before the space reserved in the contract for the  
 2428 signature of the purchaser, the following disclosure statement  
 2429 in boldfaced and conspicuous type which is larger than the type  
 2430 in the remaining text of the contract: "THE EAST RIVER RANCH  
 2431 STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS,  
 2432 OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND  
 2433 ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE  
 2434 COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE  
 2435 DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE  
 2436 DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY  
 2437 AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER  
 2438 TAXES AND ASSESSMENTS PROVIDED FOR BY GENERAL LAW."

2439 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days  
 2440 after the election of the first board of supervisors creating  
 2441 the district, the district shall cause to be recorded in the  
 2442 grantor-grantee index of the property records in Manatee County  
 2443 a "Notice of Creation and Establishment of the East River Ranch  
 2444 Stewardship District." The notice shall, at a minimum, include  
 2445 the legal description of the territory described in this act.

2446 (31) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility,  
 2447 service, works, improvement, project, or other infrastructure  
 2448 owned by the district, or funded by federal tax-exempt bonding  
 2449 issued by the district, is public, and the district by rule may  
 2450 regulate, and may impose reasonable charges or fees for, the use

2451 thereof, but not to the extent that such regulation or  
2452 imposition of such charges or fees constitutes denial of  
2453 reasonable access.

2454 Section 2. If any provision of this act or its application  
2455 to any person or circumstance is held invalid, the invalidity  
2456 does not affect the remaining provisions or applications of the  
2457 act which can be given effect without the invalid provision or  
2458 application, and to this end the provisions of this act are  
2459 severable.

2460 Section 3. This act shall take effect upon becoming a law,  
2461 except that the provisions of this act which authorize the levy  
2462 of ad valorem taxation shall take effect only upon express  
2463 approval by a majority vote of those qualified electors of the  
2464 East River Ranch Stewardship District, as required by Section 9,  
2465 Article VII of the State Constitution, voting in a referendum  
2466 election held at such time as all members of the board are  
2467 qualified electors who are elected by qualified electors of the  
2468 district as provided in this act.