

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Intergovernmental Affairs Subcommittee

Representative Booth offered the following:

Amendment

Remove lines 2185-2934 and insert:

same manner and at the same time as county taxes. The levy of ad valorem taxes must be approved by referendum as required by Section 9 of Article VII of the State Constitution and held at a general election.

(b) Benefit special assessments. The board annually shall determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance assessable improvements. These assessments may be due and collected during each year county taxes are due and collected, in which case such annual installment and levy

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17 shall be evidenced to and certified to the property appraiser by
18 the board not later than August 31 of each year. Such assessment
19 shall be entered by the property appraiser on the county tax
20 rolls and shall be collected and enforced by the tax collector
21 in the same manner and at the same time as county taxes, and the
22 proceeds thereof shall be paid to the district. However, this
23 subsection shall not prohibit the district in its discretion
24 from using the method prescribed in either s. 197.3632 or
25 chapter 173, Florida Statutes, as each may be amended from time
26 to time, for collecting and enforcing these assessments. Each
27 annual installment of benefit special assessments shall be a
28 lien on the property against which assessed until paid and shall
29 be enforceable in like manner as county taxes. The amount of the
30 assessment for the exercise of the district's powers under
31 subsections (6) and (7) shall be determined by the board based
32 upon a report of the district's engineer and assessed by the
33 board upon such lands, which may be part or all of the lands
34 within the district benefited by the improvement, apportioned
35 between benefited lands in proportion to the benefits received
36 by each tract of land. The board may, if it determines it is in
37 the best interests of the district, set forth in the proceedings
38 initially levying such benefit special assessments or in
39 subsequent proceedings a formula for the determination of an
40 amount, which when paid by a taxpayer with respect to any tax
41 parcel, shall constitute a prepayment of all future annual

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42 installments of such benefit special assessments and that the
43 payment of which amount with respect to such tax parcel shall
44 relieve and discharge such tax parcel of the lien of such
45 benefit special assessments and any subsequent annual
46 installment thereof. The board may provide further that upon
47 delinquency in the payment of any annual installment of benefit
48 special assessments, the prepayment amount of all future annual
49 installments of benefit special assessments as determined in the
50 preceding sentence shall be and become immediately due and
51 payable together with such delinquent annual installment.

52 (c) Non-ad valorem maintenance taxes. If and when
53 authorized by general law, to maintain and to preserve the
54 physical facilities and services constituting the works,
55 improvements, or infrastructure owned by the district pursuant
56 to this act, to repair and restore any one or more of them, when
57 needed, and to defray the current expenses of the district,
58 including any sum which may be required to pay state and county
59 ad valorem taxes on any lands which may have been purchased and
60 which are held by the district under the provisions of this act,
61 the board of supervisors may, upon the completion of said
62 systems, facilities, services, works, improvements, or
63 infrastructure, in whole or in part, as may be certified to the
64 board by the engineer of the board, levy annually a non-ad
65 valorem and nonmillage tax upon each tract or parcel of land
66 within the district, to be known as a "maintenance tax." This

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67 non-ad valorem maintenance tax shall be apportioned upon the
68 basis of the net assessments of benefits assessed as accruing
69 from the original construction and shall be evidenced to and
70 certified by the board of supervisors of the district not later
71 than June 1 of each year to the Osceola County tax collector and
72 shall be extended on the tax rolls and collected by the tax
73 collector on the merged collection roll of the tax collector in
74 the same manner and at the same time as county ad valorem taxes,
75 and the proceeds therefrom shall be paid to the district. This
76 non-ad valorem maintenance tax shall be a lien until paid on the
77 property against which assessed and enforceable in like manner
78 and of the same dignity as county ad valorem taxes.

79 (d) Maintenance special assessments. To maintain and
80 preserve the facilities and projects of the district, the board
81 may levy a maintenance special assessment. This assessment may
82 be evidenced to and certified to the tax collector by the board
83 of supervisors not later than August 31 of each year and shall
84 be entered by the property appraiser on the county tax rolls and
85 shall be collected and enforced by the tax collector in the same
86 manner and at the same time as county taxes, and the proceeds
87 therefrom shall be paid to the district. However, this
88 subsection shall not prohibit the district in its discretion
89 from using the method prescribed in s. 197.363, s. 197.3631, or
90 s. 197.3632, Florida Statutes, for collecting and enforcing
91 these assessments. These maintenance special assessments shall

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92 be a lien on the property against which assessed until paid and
93 shall be enforceable in like manner as county taxes. The amount
94 of the maintenance special assessment for the exercise of the
95 district's powers under this section shall be determined by the
96 board based upon a report of the district's engineer and
97 assessed by the board upon such lands, which may be all of the
98 lands within the district benefited by the maintenance thereof,
99 apportioned between the benefited lands in proportion to the
100 benefits received by each tract of land.

101 (e) Special assessments. The board may levy and impose any
102 special assessments pursuant to this subsection.

103 (f) Enforcement of taxes. The collection and enforcement
104 of all taxes levied by the district shall be at the same time
105 and in like manner as county taxes, and the provisions of the
106 laws of Florida relating to the sale of lands for unpaid and
107 delinquent county taxes; the issuance, sale, and delivery of tax
108 certificates for such unpaid and delinquent county taxes; the
109 redemption thereof; the issuance to individuals of tax deeds
110 based thereon; and all other procedures in connection therewith
111 shall be applicable to the district to the same extent as if
112 such statutory provisions were expressly set forth herein. All
113 taxes shall be subject to the same discounts as county taxes.

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

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116 penalties on the amount of such taxes in the same manner as
117 county taxes.

118 (h) Status of assessments. Benefit special assessments,
119 maintenance special assessments, and special assessments are
120 hereby found and determined to be non-ad valorem assessments as
121 defined by s. 197.3632, Florida Statutes. Maintenance taxes are
122 non-ad valorem taxes and are not special assessments.

123 (i) Assessments constitute liens; collection. Any and all
124 assessments, including special assessments, benefit special
125 assessments, and maintenance special assessments authorized by
126 this section, and including special assessments as defined by
127 section 2(2)(z) and granted and authorized by this subsection,
128 and including maintenance taxes if authorized by general law,
129 shall constitute a lien on the property against which assessed
130 from the date of levy and imposition thereof until paid, coequal
131 with the lien of state, county, municipal, and school board
132 taxes. These assessments may be collected, at the district's
133 discretion, under authority of s. 197.3631, Florida Statutes, as
134 amended from time to time, by the tax collector pursuant to the
135 provisions of ss. 197.3632 and 197.3635, Florida Statutes, as
136 amended from time to time, or in accordance with other
137 collection measures provided by law. In addition to, and not in
138 limitation of, any powers otherwise set forth herein or in
139 general law, these assessments may also be enforced pursuant to

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140 the provisions of chapter 173, Florida Statutes, as amended from
141 time to time.

142 (j) Land owned by governmental entity. Except as otherwise
143 provided by law, no levy of ad valorem taxes or non-ad valorem
144 assessments under this act or chapter 170 or chapter 197,
145 Florida Statutes, as each may be amended from time to time, or
146 otherwise, by a board of the district, on property of a
147 governmental entity that is subject to a ground lease as
148 described in s. 190.003(14), Florida Statutes, shall constitute
149 a lien or encumbrance on the underlying fee interest of such
150 governmental entity.

151 (13) SPECIAL ASSESSMENTS.

152 (a) As an alternative method to the levy and imposition of
153 special assessments pursuant to chapter 170, Florida Statutes,
154 pursuant to the authority of s. 197.3631, Florida Statutes, or
155 pursuant to other provisions of general law, now or hereafter
156 enacted, which provide a supplemental means or authority to
157 impose, levy, and collect special assessments as otherwise
158 authorized under this act, the board may levy and impose special
159 assessments to finance the exercise of any of its powers
160 permitted under this act using the following uniform procedures:

161 1. At a noticed meeting, the board of supervisors of the
162 district may consider and review an engineer's report on the
163 costs of the systems, facilities, and services to be provided, a
164 preliminary special assessment methodology, and a preliminary

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165 roll based on acreage or platted lands, depending upon whether
166 platting has occurred.

167 a. The special assessment methodology shall address and
168 discuss and the board shall consider whether the systems,
169 facilities, and services being contemplated will result in
170 special benefits peculiar to the property, different in kind and
171 degree than general benefits, as a logical connection between
172 the systems, facilities, and services themselves and the
173 property, and whether the duty to pay the special assessments by
174 the property owners is apportioned in a manner that is fair and
175 equitable and not in excess of the special benefit received. It
176 shall be fair and equitable to designate a fixed proportion of
177 the annual debt service, together with interest thereon, on the
178 aggregate principal amount of bonds issued to finance such
179 systems, facilities, and services which give rise to unique,
180 special, and peculiar benefits to property of the same or
181 similar characteristics under the special assessment methodology
182 so long as such fixed proportion does not exceed the unique,
183 special, and peculiar benefits enjoyed by such property from
184 such systems, facilities, and services.

185 b. The engineer's cost report shall identify the nature of
186 the proposed systems, facilities, and services, their location,
187 a cost breakdown plus a total estimated cost, including cost of
188 construction or reconstruction, labor, and materials, lands,
189 property, rights, easements, franchises, or systems, facilities,

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190 and services to be acquired, cost of plans and specifications,
191 surveys of estimates of costs and revenues, costs of
192 engineering, legal, and other professional consultation
193 services, and other expenses or costs necessary or incident to
194 determining the feasibility or practicability of such
195 construction, reconstruction, or acquisition, administrative
196 expenses, relationship to the authority and power of the
197 district in its charter, and such other expenses or costs as may
198 be necessary or incident to the financing to be authorized by
199 the board of supervisors.

200 c. The preliminary special assessment roll will be in
201 accordance with the assessment methodology as may be adopted by
202 the board of supervisors; the special assessment roll shall be
203 completed as promptly as possible and shall show the acreage,
204 lots, lands, or plats assessed and the amount of the fairly and
205 reasonably apportioned assessment based on special and peculiar
206 benefit to the property, lot, parcel, or acreage of land; and,
207 if the special assessment against such lot, parcel, acreage, or
208 portion of land is to be paid in installments, the number of
209 annual installments in which the special assessment is divided
210 shall be entered into and shown upon the special assessment
211 roll.

212 2. The board of supervisors of the district may determine
213 and declare by an initial special assessment resolution to levy
214 and assess the special assessments with respect to assessable

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215 improvements stating the nature of the systems, facilities, and
216 services, improvements, projects, or infrastructure constituting
217 such assessable improvements, the information in the engineer's
218 cost report, the information in the special assessment
219 methodology as determined by the board at the noticed meeting
220 and referencing and incorporating as part of the resolution the
221 engineer's cost report, the preliminary special assessment
222 methodology, and the preliminary special assessment roll as
223 referenced exhibits to the resolution by reference. If the board
224 determines to declare and levy the special assessments by the
225 initial special assessment resolution, the board shall also
226 adopt and declare a notice resolution which shall provide and
227 cause the initial special assessment resolution to be published
228 once a week for a period of 2 weeks in newspapers of general
229 circulation published in Osceola County and said board shall by
230 the same resolution fix a time and place at which the owner or
231 owners of the property to be assessed or any other persons
232 interested therein may appear before said board and be heard as
233 to the propriety and advisability of making such improvements,
234 as to the costs thereof, as to the manner of payment therefor,
235 and as to the amount thereof to be assessed against each
236 property so improved. Thirty days' notice in writing of such
237 time and place shall be given to such property owners. The
238 notice shall include the amount of the special assessment and
239 shall be served by mailing a copy to each assessed property

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240 owner at his or her last known address, the names and addresses
241 of such property owners to be obtained from the record of the
242 property appraiser of the county political subdivision in which
243 the land is located or from such other sources as the district
244 manager or engineer deems reliable, and proof of such mailing
245 shall be made by the affidavit of the manager of the district or
246 by the engineer, said proof to be filed with the district
247 manager, provided that failure to mail said notice or notices
248 shall not invalidate any of the proceedings hereunder. It is
249 provided further that the last publication shall be at least 1
250 week prior to the date of the hearing on the final special
251 assessment resolution. Said notice shall describe the general
252 areas to be improved and advise all persons interested that the
253 description of each property to be assessed and the amount to be
254 assessed to each piece, parcel, lot, or acre of property may be
255 ascertained at the office of the manager of the district. Such
256 service by publication shall be verified by the affidavit of the
257 publisher and filed with the manager of the district. Moreover,
258 the initial special assessment resolution with its attached,
259 referenced, and incorporated engineer's cost report, preliminary
260 special assessment methodology, and preliminary special
261 assessment roll, along with the notice resolution, shall be
262 available for public inspection at the office of the manager and
263 the office of the engineer or any other office designated by the
264 board of supervisors in the notice resolution. Notwithstanding

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265 the foregoing, the landowners of all of the property which is
266 proposed to be assessed may give the district written notice of
267 waiver of any notice and publication provided for in this
268 subparagraph and such notice and publication shall not be
269 required, provided, however, that any meeting of the board of
270 supervisors to consider such resolution shall be a publicly
271 noticed meeting.

272 3. At the time and place named in the noticed resolution
273 as provided for in subparagraph 2., the board of supervisors of
274 the district shall meet and hear testimony from affected
275 property owners as to the propriety and advisability of making
276 the systems, facilities, services, projects, works,
277 improvements, or infrastructure and funding them with
278 assessments referenced in the initial special assessment
279 resolution on the property. Following the testimony and
280 questions from the members of the board or any professional
281 advisors to the district of the preparers of the engineer's cost
282 report, the special assessment methodology, and the special
283 assessment roll, the board of supervisors shall make a final
284 decision on whether to levy and assess the particular special
285 assessments. Thereafter, the board of supervisors shall meet as
286 an equalizing board to hear and to consider any and all
287 complaints as to the particular special assessments and shall
288 adjust and equalize the special assessments to ensure proper
289 assessment based on the benefit conferred on the property.

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290 4. When so equalized and approved by resolution or
291 ordinance by the board of supervisors, to be called the final
292 special assessment resolution, a final special assessment roll
293 shall be filed with the clerk of the board and such special
294 assessment shall stand confirmed and remain legal, valid, and
295 binding first liens on the property against which such special
296 assessments are made until paid, equal in dignity to the first
297 liens of ad valorem taxation of county and municipal governments
298 and school boards. However, upon completion of the systems,
299 facilities, service, project, improvement, works, or
300 infrastructure, the district shall credit to each of the
301 assessments the difference in the special assessment as
302 originally made, approved, levied, assessed, and confirmed and
303 the proportionate part of the actual cost of the
304 improvement to be paid by the particular special assessments as
305 finally determined upon the completion of the improvement; but
306 in no event shall the final special assessment exceed the amount
307 of the special and peculiar benefits as apportioned fairly and
308 reasonably to the property from the system, facility, or service
309 being provided as originally assessed. Promptly after such
310 confirmation, the special assessment shall be recorded by the
311 clerk of the district in the minutes of the proceedings of the
312 district, and the record of the lien in this set of minutes
313 shall constitute prima facie evidence of its validity. The board
314 of supervisors, in its sole discretion, may, by resolution grant

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315 a discount equal to all or a part of the payee's proportionate
316 share of the cost of the project consisting of bond financing
317 cost, such as capitalized interest, funded reserves, and bond
318 discounts included in the estimated cost of the project, upon
319 payment in full of any special assessments during such period
320 prior to the time such financing costs are incurred as may be
321 specified by the board of supervisors in such resolution.

322 5. District special assessments may be made payable in
323 installments over no more than 40 years from the date of the
324 payment of the first installment thereof and may bear interest
325 at fixed or variable rates.

326 (b) Notwithstanding any provision of this act or chapter
327 170, Florida Statutes, that portion of s. 170.09, Florida
328 Statutes, that provides that special assessments may be paid
329 without interest at any time within 30 days after the
330 improvement is completed and a resolution accepting the same has
331 been adopted by the governing authority shall not be applicable
332 to any district special assessments, whether imposed, levied,
333 and collected pursuant to the provisions of this act or other
334 provisions of Florida law, including, but not limited to,
335 chapter 170, Florida Statutes.

336 (c) In addition, the district is authorized expressly in
337 the exercise of its rulemaking power to adopt a rule or rules
338 which provides or provide for notice, levy, imposition,
339 equalization, and collection of assessments.

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340 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
341 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.

342 (a) The board may, after any special assessments or
343 benefit special assessments for assessable improvements are
344 made, determined, and confirmed as provided in this act, issue
345 certificates of indebtedness for the amount so assessed against
346 the abutting property or property otherwise benefited, as the
347 case may be, and separate certificates shall be issued against
348 each part or parcel of land or property assessed, which
349 certificates shall state the general nature of the improvement
350 for which the assessment is made. The certificates shall be
351 payable in annual installments in accordance with the
352 installments of the special assessment for which they are
353 issued. The board may determine the interest to be borne by such
354 certificates, not to exceed the maximum rate allowed by general
355 law, and may sell such certificates at either private or public
356 sale and determine the form, manner of execution, and other
357 details of such certificates. The certificates shall recite that
358 they are payable only from the special assessments levied and
359 collected from the part or parcel of land or property against
360 which they are issued. The proceeds of such certificates may be
361 pledged for the payment of principal of and interest on any
362 revenue bonds or general obligation bonds issued to finance in
363 whole or in part such assessable improvement, or, if not so

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364 pledged, may be used to pay the cost or part of the cost of such
365 assessable improvements.

366 (b) The district may also issue assessment bonds, revenue
367 bonds, or other obligations payable from a special fund into
368 which such certificates of indebtedness referred to in paragraph
369 (a) may be deposited or, if such certificates of indebtedness
370 have not been issued, the district may assign to such special
371 fund for the benefit of the holders of such assessment bonds or
372 other obligations, or to a trustee for such bondholders, the
373 assessment liens provided for in this act unless such
374 certificates of indebtedness or assessment liens have been
375 theretofore pledged for any bonds or other obligations
376 authorized hereunder. In the event of the creation of such
377 special fund and the issuance of such assessment bonds or other
378 obligations, the proceeds of such certificates of indebtedness
379 or assessment liens deposited therein shall be used only for the
380 payment of the assessment bonds or other obligations issued as
381 provided in this section. The district is authorized to covenant
382 with the holders of such assessment bonds, revenue bonds, or
383 other obligations that it will diligently and faithfully enforce
384 and collect all the special assessments, and interest and
385 penalties thereon, for which such certificates of indebtedness
386 or assessment liens have been deposited in or assigned to such
387 fund; to foreclose such assessment liens so assigned to such
388 special fund or represented by the certificates of indebtedness

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389 deposited in the special fund, after such assessment liens have
390 become delinquent, and deposit the proceeds derived from such
391 foreclosure, including interest and penalties, in such special
392 fund; and to make any other covenants deemed necessary or
393 advisable in order to properly secure the holders of such
394 assessment bonds or other obligations.

395 (c) The assessment bonds, revenue bonds, or other
396 obligations issued pursuant to this section shall have such
397 dates of issue and maturity as shall be deemed advisable by the
398 board; however, the maturities of such assessment bonds or other
399 obligations shall not be more than 2 years after the due date of
400 the last installment which will be payable on any of the special
401 assessments for which such assessment liens, or the certificates
402 of indebtedness representing such assessment liens, are assigned
403 to or deposited in such special fund.

404 (d) Such assessment bonds, revenue bonds, or other
405 obligations issued under this section shall bear such interest
406 as the board may determine, not to exceed the maximum rate
407 allowed by general law, and shall be executed, shall have such
408 provisions for redemption prior to maturity, shall be sold in
409 the manner, and shall be subject to all of the applicable
410 provisions contained in this act for revenue bonds, except as
411 the same may be inconsistent with the provisions of this
412 section.

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413 (e) All assessment bonds, revenue bonds, or other
414 obligations issued under the provisions of this section shall
415 be, shall constitute, and shall have all the qualities and
416 incidents of negotiable instruments under the law merchant and
417 the laws of the state.

418 (15) TAX LIENS. All taxes of the district provided for in
419 this act, together with all penalties for default in the payment
420 of the same and all costs in collecting the same, including a
421 reasonable attorney fee fixed by the court and taxed as a cost
422 in the action brought to enforce payment, shall, from January 1
423 for each year the property is liable to assessment and until
424 paid, constitute a lien of equal dignity with the liens for
425 state and county taxes and other taxes of equal dignity with
426 state and county taxes upon all the lands against which such
427 taxes shall be levied. A sale of any of the real property within
428 the district for state and county or other taxes shall not
429 operate to relieve or release the property so sold from the lien
430 for subsequent district taxes or installments of district taxes,
431 which lien may be enforced against such property as though no
432 such sale thereof had been made. In addition to, and not in
433 limitation of, the preceding sentence, for purposes of s.
434 197.552, Florida Statutes, the lien of all special assessments
435 levied by the district shall constitute a lien of record held by
436 a municipal or county governmental unit. The provisions of ss.
437 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall

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438 be applicable to district taxes with the same force and effect
439 as if such provisions were expressly set forth in this act.

440 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
441 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.

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

443 1. Pay any delinquent state, county, district, municipal,
444 or other tax or assessment upon lands located wholly or
445 partially within the boundaries of the district.

446 2. Redeem or purchase any tax sales certificates issued or
447 sold on account of any state, county, district, municipal, or
448 other taxes or assessments upon lands located wholly or
449 partially within the boundaries of the district.

450 (b) Delinquent taxes paid, or tax sales certificates
451 redeemed or purchased, by the district, together with all
452 penalties for the default in payment of the same and all costs
453 in collecting the same and a reasonable attorney fee, shall
454 constitute a lien in favor of the district of equal dignity with
455 the liens of state and county taxes and other taxes of equal
456 dignity with state and county taxes upon all the real property
457 against which the taxes were levied. The lien of the district
458 may be foreclosed in the manner provided in this act.

459 (c) In any sale of land pursuant to s. 197.542, Florida
460 Statutes, as may be amended from time to time, the district may
461 certify to the clerk of the circuit court of the county holding
462 such sale the amount of taxes due to the district upon the lands

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463 sought to be sold, and the district shall share in the
464 disbursement of the sales proceeds in accordance with the
465 provisions of this act and under the laws of the state.

466 (17) FORECLOSURE OF LIENS. Any lien in favor of the
467 district arising under this act may be foreclosed by the
468 district by foreclosure proceedings in the name of the district
469 in a court of competent jurisdiction as provided by general law
470 in like manner as is provided in chapter 170 or chapter 173,
471 Florida Statutes, and amendments thereto and the provisions of
472 those chapters shall be applicable to such proceedings with the
473 same force and effect as if those provisions were expressly set
474 forth in this act. Any act required or authorized to be done by
475 or on behalf of a municipality in foreclosure proceedings under
476 chapter 170 or chapter 173, Florida Statutes, may be performed
477 by such officer or agent of the district as the board of
478 supervisors may designate. Such foreclosure proceedings may be
479 brought at any time after the expiration of 1 year from the date
480 any tax, or installment thereof, becomes delinquent; however, no
481 lien shall be foreclosed against any political subdivision or
482 agency of the state. Other legal remedies shall remain
483 available.

484 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
485 FACILITIES, AND SERVICES. To the full extent permitted by law,
486 the district shall require all lands, buildings, premises,

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487 persons, firms, and corporations within the district to use the
488 facilities of the district.

489 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
490 PROVISIONS REQUIRED.

491 (a) No contract shall be let by the board for any goods,
492 supplies, or materials to be purchased when the amount thereof
493 to be paid by the district shall exceed the amount provided in
494 s. 287.017, Florida Statutes, as amended from time to time, for
495 category four, unless notice of bids shall be advertised once in
496 a newspaper in general circulation in Osceola County. Any board
497 seeking to construct or improve a public building, structure, or
498 other public works shall comply with the bidding procedures of
499 s. 255.20, Florida Statutes, as amended from time to time, and
500 other applicable general law. In each case, the bid of the
501 lowest responsive and responsible bidder shall be accepted
502 unless all bids are rejected because the bids are too high or
503 the board determines it is in the best interests of the district
504 to reject all bids. The board may require the bidders to furnish
505 bond with a responsible surety to be approved by the board.
506 Nothing in this subsection shall prevent the board from
507 undertaking and performing the construction, operation, and
508 maintenance of any project or facility authorized by this act by
509 the employment of labor, material, and machinery.

510 (b) The provisions of the Consultants' Competitive
511 Negotiation Act, s. 287.055, Florida Statutes, apply to

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512 contracts for engineering, architecture, landscape architecture,
513 or registered surveying and mapping services let by the board.

514 (c) Contracts for maintenance services for any district
515 facility or project shall be subject to competitive bidding
516 requirements when the amount thereof to be paid by the district
517 exceeds the amount provided in s. 287.017, Florida Statutes, as
518 amended from time to time, for category four. The district shall
519 adopt rules, policies, or procedures establishing competitive
520 bidding procedures for maintenance services. Contracts for other
521 services shall not be subject to competitive bidding unless the
522 district adopts a rule, policy, or procedure applying
523 competitive bidding procedures to said contracts. Nothing herein
524 shall preclude the use of requests for proposal instead of
525 invitations to bid as determined by the district to be in its
526 best interest.

527 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND
528 MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.

529 (a) The district is authorized to prescribe, fix,
530 establish, and collect rates, fees, rentals, or other charges,
531 hereinafter sometimes referred to as "revenues," and to revise
532 the same from time to time, for the systems, facilities, and
533 services furnished by the district including, but not limited
534 to, recreational facilities, water management and control
535 facilities, and water and sewer systems; to recover the costs of
536 making connection with any district service, facility, or

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537 system; and to provide for reasonable penalties against any user
538 or property for any such rates, fees, rentals, or other charges
539 that are delinquent.

540 (b) No such rates, fees, rentals, or other charges for any
541 of the facilities or services of the district shall be fixed
542 until after a public hearing at which all the users of the
543 proposed facility or services or owners, tenants, or occupants
544 served or to be served thereby and all other interested persons
545 shall have an opportunity to be heard concerning the proposed
546 rates, fees, rentals, or other charges. Rates, fees, rentals,
547 and other charges shall be adopted under the administrative
548 rulemaking authority of the district, but shall not apply to
549 district leases. Notice of such public hearing setting forth the
550 proposed schedule or schedules of rates, fees, rentals, and
551 other charges shall have been published in a newspaper of
552 general circulation in Osceola County at least once and at least
553 10 days prior to such public hearing. The rulemaking hearing may
554 be adjourned from time to time. After such hearing, such
555 schedule or schedules, either as initially proposed or as
556 modified or amended, may be finally adopted. A copy of the
557 schedule or schedules of such rates, fees, rentals, or charges
558 as finally adopted shall be kept on file in an office designated
559 by the board and shall be open at all reasonable times to public
560 inspection. The rates, fees, rentals, or charges so fixed for
561 any class of users or property served shall be extended to cover

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562 any additional users or properties thereafter served which shall
563 fall in the same class, without the necessity of any notice or
564 hearing.

565 (c) Such rates, fees, rentals, and charges shall be just
566 and equitable and uniform for users of the same class, and when
567 appropriate may be based or computed either upon the amount of
568 service furnished, upon the average number of persons residing
569 or working in or otherwise occupying the
570 premises served, or upon any other factor affecting the use of
571 the facilities furnished, or upon any combination of the
572 foregoing factors, as may be determined by the board on an
573 equitable basis.

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

579 1. To provide for all expenses of operation and
580 maintenance of such facility or service.

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

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

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587 (e) The board shall have the power to enter into contracts
588 for the use of the projects of the district and with respect to
589 the services, systems, and facilities furnished or to be
590 furnished by the district.

591 (21) RECOVERY OF DELINQUENT CHARGES. In the event that any
592 rates, fees, rentals, charges, or delinquent penalties shall not
593 be paid as and when due and shall be in default for 60 days or
594 more, the unpaid balance thereof and all interest accrued
595 thereon, together with reasonable attorney fees and costs, may
596 be recovered by the district in a civil action.

597 (22) DISCONTINUANCE OF SERVICE. In the event the fees,
598 rentals, or other charges for district services or facilities
599 are not paid when due, the board shall have the power, under
600 such reasonable rules and regulations as the board may adopt, to
601 discontinue and shut off such services until such fees, rentals,
602 or other charges, including interest, penalties, and charges for
603 the shutting off and discontinuance and the restoration of such
604 services, are fully paid; and, for such purposes, the board may
605 enter on any lands, waters, or premises of any person, firm,
606 corporation, or body, public or private, within the district
607 limits. Such delinquent fees, rentals, or other charges,
608 together with interest, penalties, and charges for the shutting
609 off and discontinuance and the restoration of such services and
610 facilities and reasonable attorney fees and other expenses, may
611 be recovered by the district, which may also enforce payment of

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612 such delinquent fees, rentals, or other charges by any other
613 lawful method of enforcement.

614 (23) ENFORCEMENT AND PENALTIES. The board or any aggrieved
615 person may have recourse to such remedies in law and at equity
616 as may be necessary to ensure compliance with the provisions of
617 this act, including injunctive relief to enjoin or restrain any
618 person violating the provisions of this act or any bylaws,
619 resolutions, regulations, rules, codes, or orders adopted under
620 this act. In case any building or structure is erected,
621 constructed, reconstructed, altered, repaired, converted, or
622 maintained, or any building, structure, land, or water is used,
623 in violation of this act or of any code, order, resolution, or
624 other regulation made under authority conferred by this act or
625 under law, the board or any citizen residing in the district may
626 institute any appropriate action or proceeding to prevent such
627 unlawful erection, construction, reconstruction, alteration,
628 repair, conversion, maintenance, or use; to restrain, correct,
629 or avoid such violation; to prevent the occupancy of such
630 building, structure, land, or water; and to prevent any illegal
631 act, conduct, business, or use in or about such premises, land,
632 or water.

633 (24) SUITS AGAINST THE DISTRICT. Any suit or action
634 brought or maintained against the district for damages arising
635 out of tort, including, without limitation, any claim arising
636 upon account of an act causing an injury or loss of property,

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637 personal injury, or death, shall be subject to the limitations
638 provided in s. 768.28, Florida Statutes.

639 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION. All
640 district property shall be exempt from levy and sale by virtue
641 of an execution, and no execution or other judicial process
642 shall issue against such property, nor shall any judgment
643 against the district be a charge or lien on its property or
644 revenues; however, nothing contained herein shall apply to or
645 limit the rights of bondholders to pursue any remedy for the
646 enforcement of any lien or pledge given by the district in
647 connection with any of the bonds or obligations of the district.

648 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.

649 (a) The board of supervisors of the district shall not ask
650 the Legislature to repeal or amend this act to expand or to
651 contract the boundaries of the district or otherwise cause the
652 merger or termination of the district without first obtaining a
653 resolution or official statement from the Tohopekaliga Water
654 Authority and Osceola County as required by s. 189.031(2)(e)4.,
655 Florida Statutes, for creation of an independent special
656 district.

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

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

660 2. The district has become inactive pursuant to s.
661 189.062, Florida Statutes.

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662 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS. The
663 district may merge with one or more community development
664 districts situated wholly within its boundaries. The district
665 shall be the surviving entity of the merger. Any mergers shall
666 commence upon each such community development district filing a
667 written request for merger with the district. A copy of the
668 written request shall also be filed with Osceola County. The
669 district, subject to the direction of its board of supervisors,
670 shall enter into a merger agreement which shall provide for the
671 proper allocation of debt, the manner in which such debt shall
672 be retired, the transition of the community development district
673 board, and the transfer of all financial obligations and
674 operating and maintenance responsibilities to the district. The
675 execution of the merger agreement by the district and each
676 community development district constitutes consent of the
677 landowners within each district. The district and each community
678 development district requesting merger shall hold a public
679 hearing within its boundaries to provide information about and
680 take public comment on the proposed merger in the merger
681 agreement. The public hearing shall be held within 45 days after
682 the execution of the merger agreement by all parties thereto.
683 Notice of the public hearing shall be published in a newspaper
684 of general circulation in Osceola County at least 14 days before
685 the hearing. At the conclusion of the public hearing, each
686 district shall consider a resolution approving or disapproving

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687 the proposed merger. If the district and each community
688 development district which is a party to the merger agreement
689 adopt a resolution approving the proposed merger, the
690 resolutions and the merger agreement shall be filed with Osceola
691 County. Upon receipt of the resolutions approving the merger and
692 the merger agreement, Osceola County shall adopt a nonemergency
693 ordinance dissolving each community development district
694 pursuant to s. 190.046(10), Florida Statutes.

695 (28) INCLUSION OF TERRITORY.

696 (a) The inclusion of any or all territory of the district
697 within a municipality does not change, alter, or affect the
698 boundary, territory, existence, or jurisdiction of the district.

699 (b) The creation and establishment of the district shall
700 not impair or alter the authority, power, obligations, or
701 purpose of the Tohopekaliga Water Authority or its successors in
702 providing water or wastewater services and facilities under the
703 Tohopekaliga Water Authority Act.

704 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
705 DISCLOSURE TO PURCHASER. Subsequent to the creation of this
706 district under this act, each contract for the initial sale of a
707 parcel of real property and each contract for the initial sale
708 of a residential unit within the district shall include,
709 immediately prior to the space reserved in the contract for the
710 signature of the purchaser, the following disclosure statement
711 in boldfaced and conspicuous type which is larger than the type

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712 in the remaining text of the contract: "THE WATERLIN STEWARDSHIP
713 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES
714 AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS
715 PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF
716 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT
717 AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT.
718 THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER
719 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
720 ASSESSMENTS PROVIDED FOR BY LAW."

721 (30) NOTICE OF CREATION AND ESTABLISHMENT. Within 30 days
722 after the election of the first board of supervisors creating
723 this district, the district shall cause to be recorded in the
724 grantor-grantee index of the property records in Osceola County
725 a "Notice of Creation and Establishment of the Waterlin
726 Stewardship District." The notice shall, at a minimum, include
727 the legal description of the property covered by this act.

728 (31) DISTRICT PROPERTY PUBLIC; FEES. Any system, facility,
729 service, works, improvement, project, or other infrastructure
730 owned by the district, or funded by federal tax exempt bonding
731 issued by the district, is public; and the district by rule may
732 regulate, and may impose reasonable charges or fees for, the use
733 thereof, but not to the extent that such regulation or
734 imposition of such charges or fees constitutes denial of
735 reasonable access.

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736 Section 7. This act being for the purpose of developing
737 and promoting the public good and welfare of Osceola County, the
738 territory included in the district, and the service area
739 authorized to be served by the Tohopekaliga Water Authority, and
740 the citizens, inhabitants, ratepayers, and taxpayers residing
741 therein, shall be liberally construed to effect the purposes of
742 the act as consistent with, cumulative, and supplemental to the
743 powers of the county and the Tohopekaliga Water Authority.

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

748 Section 9. This act shall take effect upon becoming a law,
749 except that the provisions of this act which authorize the levy
750 of ad valorem taxation shall take effect only upon express
751 approval by a majority vote of those qualified electors of the
752 Waterlin Stewardship District, as required by Section 9 of
753 Article VII of the State Constitution, voting in a referendum
754 election held during a general election at such time as all
755 members of the board are qualified electors who are elected by
756 qualified electors of the district as provided in this act.

757