

CS/HB 4079

2026

A bill to be entitled
An act relating to Marion County; creating the Uplands Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors; providing for a method for transition of the board from landowner control to control by the electors of the district; providing for membership, terms, election, removal, duties, and meetings of board members; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for disclosure of certain public information and for web-based public access; providing for the general and special powers of the district; providing for bonds; providing for borrowing; providing for trust agreements; providing for future ad valorem taxation; providing for special assessments; providing for

CS/HB 4079

2026

26 issuance of certificates of indebtedness; providing
27 for tax liens; providing for tax payments, redemption
28 of tax liens, and sharing in proceeds of tax sales;
29 providing for foreclosure of liens; providing for
30 mandatory use of certain facilities; providing for
31 competitive procurement; providing for fees, rentals,
32 and charges and minimum revenue requirements;
33 providing for recovery of delinquent charges;
34 providing for discontinuance of service; providing for
35 enforcement and penalties; providing for suits against
36 the district; providing for exemptions of district
37 property from levies and sales; providing for
38 termination, contraction, expansion, or merger of the
39 district; providing for inclusion of territory;
40 providing for required notices to purchasers of
41 residential units within the district; specifying the
42 district properties that are public; providing
43 severability; providing for a referendum; providing an
44 effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 **Section 1.** This act may be cited as the "Uplands
49 Stewardship District Act."

50 **Section 2.** Legislative findings and intent; definitions;

51 policy.—

52 (1) LEGISLATIVE INTENT AND PURPOSE OF THE DISTRICT.—

53 (a) The extensive lands located wholly within Marion
54 County and covered by this act contain many opportunities for
55 thoughtful, comprehensive, responsible, and consistent
56 development over a long period.

57 (b) There is a need to use a single special and limited
58 purpose independent special district unit of local government
59 for the Uplands Stewardship District lands located within Marion
60 County and covered by this act to provide for a more
61 comprehensive community development approach, which will
62 facilitate an integral relationship between regional
63 transportation, land use and urban design to provide for a
64 diverse mix of housing and regional employment and economic
65 development opportunities, rather than fragmented development
66 with underutilized infrastructure generally associated with
67 urban sprawl.

68 (c) There is a considerably long period of time during
69 which there is a significant burden on the initial landowners of
70 the district lands to provide various systems, facilities, and
71 services, such that there is a need for flexible management,
72 sequencing, timing, and financing of the various systems,
73 facilities, and services to be provided to these lands, taking
74 into consideration absorption rates, commercial viability, and
75 related factors.

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

95 (e) Longer involvement of the initial landowner with
96 regard to the provision of systems, facilities, and services for
97 the Uplands Stewardship District lands, coupled with the special
98 and limited purpose of the district, is in the public interest.

99 (f) The existence and use of such a special and limited
100 purpose local government for the Uplands Stewardship District

101 lands, subject to the Marion County comprehensive plan, will
102 provide for a comprehensive and complete community development
103 approach to promote a sustainable and efficient land use pattern
104 for the Uplands Stewardship District lands with long-term
105 planning for conservation and development; provide opportunities
106 for the mitigation of impacts and development of infrastructure
107 in an orderly and timely manner; prevent the overburdening of
108 the local general purpose government and the taxpayers; and
109 provide an enhanced tax base and regional employment and
110 economic development opportunities.

111 (g) The creation and establishment of the special district
112 will encourage local government financial self-sufficiency in
113 providing public facilities and in identifying and implementing
114 fiscally sound, innovative, and cost-effective techniques to
115 provide and finance public facilities while encouraging
116 development, use, and coordination of capital improvement plans
117 by all levels of government, in accordance with the goals of
118 chapter 187, Florida Statutes.

119 (h) The creation and establishment of the special district
120 is a legitimate supplemental and alternative method available to
121 manage, own, operate, construct, and finance capital
122 infrastructure systems, facilities, and services.

123 (i) In order to be responsive to the critical timing
124 required through the exercise of its special management
125 functions, an independent special district requires financing of

126 those functions, including bondable lienable and nonlienable
127 revenue, with full and continuing public disclosure and
128 accountability, funded by landowners, both present and future,
129 and funded also by users of the systems, facilities, and
130 services provided to the land area by the special district,
131 without unduly burdening the taxpayers, citizens, and ratepayers
132 of the state or Marion County.

133 (j) The special district created and established by this
134 act shall not have or exercise any comprehensive planning,
135 zoning, or development permitting power; the establishment of
136 the special district shall not be considered a development order
137 within the meaning of chapter 380, Florida Statutes; and all
138 applicable planning and permitting laws, rules, regulations, and
139 policies of Marion County control the development of the land to
140 be serviced by the special district.

141 (k) The creation by this act of the Uplands Stewardship
142 District is not inconsistent with the Marion County
143 comprehensive plan.

144 (l) It is the legislative intent and purpose that no debt
145 or obligation of the special district constitute a burden on
146 Marion County.

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

148 (a) "Ad valorem bonds" means bonds that are payable from
149 the proceeds of ad valorem taxes levied on real and tangible
150 personal property and that are generally referred to as general

151 obligation bonds.

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

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

162 (d) "Assessments" means those nonmillage district
163 assessments which include special assessments, benefit special
164 assessments, and maintenance special assessments and a
165 nonmillage, non-ad valorem maintenance tax if authorized by
166 general law.

167 (e) "Benefit special assessments" means district
168 assessments imposed, levied, and collected pursuant to section
169 6(12)(b).

170 (f) "Board of supervisors" or "board" means the governing
171 body of the district or, if such board has been abolished, the
172 board, body, or commission assuming the principal functions
173 thereof or to whom the powers given to the board by this act
174 have been given by law.

175 (g) "Bond" includes certificate, and the provisions that

176 are applicable to bonds are equally applicable to certificates.
177 The term also includes any general obligation bond, assessment
178 bond, refunding bond, revenue bond, bond anticipation note, and
179 other such obligation in the nature of a bond as is provided for
180 in this act.

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

183 1. The expenses of determining the feasibility or
184 practicability of acquisition, construction, or reconstruction.
185 2. The cost of surveys, estimates, plans, and
186 specifications.

187 3. The cost of improvements.

188 4. Engineering, architectural, fiscal, and legal expenses
189 and charges.

190 5. The cost of all labor, materials, machinery, and
191 equipment.

192 6. The cost of all lands, properties, rights, easements,
193 and franchises acquired.

194 7. Financing charges.

195 8. The creation of initial reserve and debt service funds.

196 9. Working capital.

197 10. Interest charges incurred or estimated to be incurred
198 on money borrowed prior to and during construction and
199 acquisition and for such reasonable period of time after
200 completion of construction or acquisition as the board may

201 determine.

202 11. The cost of issuance of bonds pursuant to this act,
203 including advertisements and printing.

204 12. The cost of any bond or tax referendum held pursuant
205 to this act and all other expenses of issuance of bonds.

206 13. The discount, if any, on the sale or exchange of
207 bonds.

208 14. Administrative expenses.

209 15. Such other expenses as may be necessary or incidental
210 to the acquisition, construction, or reconstruction of any
211 project, or to the financing thereof, or to the development of
212 any lands within the district.

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

216 17. Any other expense or payment permitted by this act or
217 allowable by law.

218 (i) "District" means the Uplands Stewardship District.

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

220 (k) "District roads" means highways, streets, roads,
221 alleys, intersection improvements, sidewalks, crossings,
222 landscaping, irrigation, signage, signalization, storm drains,
223 bridges, multiuse trails, lighting, and thoroughfares of all
224 kinds.

225 (l) "General obligation bonds" means bonds which are

226 secured by, or provide for their payment by, the pledge of the
227 full faith and credit and taxing power of the district.

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

230 (n) "Governing board member" means any member of the board
231 of supervisors.

232 (o) "Land development regulations" means those regulations
233 of the general-purpose local government, adopted under the
234 Community Planning Act, codified as part II of chapter 163,
235 Florida Statutes, to which the district is subject and as to
236 which the district may not do anything that is inconsistent
237 therewith. The term "land development regulations" does not
238 include specific management, engineering, operations, or capital
239 improvement planning, needed in the daily management,
240 implementation, and supplying by the district of systems,
241 facilities, services, works, improvements, projects, or
242 infrastructure, so long as they remain subject to and are not
243 inconsistent with the applicable county codes.

244 (p) "Landowner" means the owner of a freehold estate as it
245 appears on the deed record, including a trustee, a private
246 corporation, and an owner of a condominium unit. The term
247 "landowner" does not include a reversioner, remainderman,
248 mortgagee, or any governmental entity which shall not be counted
249 and need not be notified of proceedings under this act. The term
250 "landowner" also means the owner of a ground lease from a

251 governmental entity, which leasehold interest has a remaining
252 term, excluding all renewal options, in excess of 50 years.

253 (q) "Maintenance special assessments" are assessments
254 imposed, levied, and collected pursuant to section 6(12)(d).

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

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

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

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

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

273 (t) "Project" means any development, improvement,
274 property, power, utility, facility, enterprise, service, system,
275 works, or infrastructure now existing or hereafter undertaken or

276 established under this act.

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

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

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

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

301 the electorate shall be required unless required by the State
302 Constitution.

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

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

326 (aa) "Special assessments" means assessments as imposed,
327 levied, and collected by the district for the costs of
328 assessable improvements pursuant to this act; chapter 170,
329 Florida Statutes; and the additional authority under s.
330 197.3631, Florida Statutes, or other general laws, now or
331 hereafter enacted, which provide or authorize a supplemental
332 means to impose, levy, or collect special assessments.

333 (bb) "Uplands Stewardship District" means the unit of
334 special and limited purpose local government and political
335 subdivision created and chartered by this act, and limited to
336 the performance of those general and special powers authorized
337 by its charter under this act, the boundaries of which are set
338 forth by this act, the governing board of which is created and
339 authorized to operate with legal existence by this act, and the
340 purpose of which is as set forth in this act.

341 (cc) "Tax" or "taxes" means those levies and impositions
342 of the board of supervisors that support and pay for government
343 and the administration of law and that may be:

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

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

350 (dd) "Water system" means any plant, system, facility, or

351 property, and any addition, extension, or improvement thereto at
352 any future time constructed or acquired as a part thereof,
353 useful, necessary, or having the present capacity for future use
354 in connection with the development of sources, treatment,
355 purification, or distribution of water. The term also includes
356 dams, reservoirs, storage tanks, mains, lines, valves, pumping
357 stations, laterals, and pipes for the purpose of carrying water
358 to the premises connected with such system, and all rights,
359 easements, and franchises of any nature relating to any such
360 system and necessary or convenient for the operation thereof.

361 (3) POLICY.—Based upon its findings, ascertainments,
362 determinations, intent, purpose, and definitions, the
363 Legislature states its policy expressly as follows:

364 (a) The district and the district charter, with its
365 general and special powers, as created in this act, are
366 essential and the best alternative for the residential,
367 commercial, industrial, office, hotel, health care, and other
368 similar community uses, projects, or functions in the included
369 portion of Marion County consistent with the effective
370 comprehensive plan, and designed to serve a lawful public
371 purpose.

372 (b) The district, which is a local government and a
373 political subdivision, is limited to its special purpose as
374 expressed in this act, with the power to provide, plan,
375 implement, construct, maintain, and finance as a local

376 government management entity systems, facilities, services,
377 improvements, infrastructure, and projects, and possessing
378 financing powers to fund its management power over the long term
379 and with sustained levels of high quality.

380 (c) The creation of the Uplands Stewardship District by
381 and pursuant to this act, and its exercise of its management and
382 related financing powers to implement its limited, single, and
383 special purpose, is not a development order and does not trigger
384 or invoke any provision within the meaning of chapter 380,
385 Florida Statutes, and all applicable governmental planning,
386 environmental, and land development laws, regulations, rules,
387 policies, and ordinances apply to all development of the land
388 within the jurisdiction of the district as created by this act.

389 (d) The district shall operate and function subject to,
390 and not inconsistent with, the applicable comprehensive plan of
391 Marion County and any applicable development orders (e.g.,
392 detailed site plan development orders), zoning regulations, and
393 other land development regulations.

394 (e) The special and single purpose Uplands Stewardship
395 District shall not have the power of a general-purpose local
396 government to adopt a comprehensive plan or related land
397 development regulation as those terms are defined in the
398 Community Planning Act.

399 (f) This act may be amended, in whole or in part, only by
400 special act of the Legislature.

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

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

407 **(a) The purpose of the district is stated in the act in**
408 **section 2 and subsection (4) of this section.**

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

415 **(c) The provisions for methods for establishing the**
416 **district are set forth in this section.**

417 **(d) The methods for amending the charter of the district**
418 **are set forth in section 2.**

419 **(e) The provisions for the membership and organization of**
420 **the governing body and the establishment of a quorum are set**
421 **forth in section 5.**

422 **(f) The provisions regarding the administrative duties of**
423 **the governing body are set forth in sections 5 and 6.**

424 **(g) The provisions applicable to financial disclosure,**
425 **noticing, and reporting requirements generally are set forth in**

426 sections 5 and 6.

427 (h) The provisions regarding procedures and requirements
428 for issuing bonds are set forth in section 6.

429 (i) The provisions regarding elections or referenda and
430 the qualifications of an elector of the district are set forth
431 in sections 2 and 5.

432 (j) The provisions regarding methods for financing the
433 district generally are set forth in section 6.

434 (k) Other than taxes levied for the payment of bonds and
435 taxes levied for periods not longer than 2 years when authorized
436 by vote of the electors of the district, the provisions for the
437 authority to levy ad valorem tax and the authorized millage rate
438 are set forth in section 6.

439 (l) The provisions for the method or methods of collecting
440 non-ad valorem assessments, fees, or service charges are set
441 forth in section 6.

442 (m) The provisions for planning requirements are in this
443 section and section 6.

444 (n) The provisions for geographic boundary limitations of
445 the district are set forth in sections 4 and 6.

446 (2) The Uplands Stewardship District is created and
447 incorporated as a public body corporate and politic, an
448 independent special and limited purpose local government, an
449 independent special district, under s. 189.031, Florida
450 Statutes, as amended from time to time, and as defined in this

451 act and in s. 189.012(3), Florida Statutes, as amended from time
452 to time, in and for portions of Marion County. Any amendments to
453 chapter 190, Florida Statutes, after January 1, 2025 granting
454 additional general powers, special powers, authorities, or
455 projects to a community development district by amendment to its
456 uniform charter, ss. 190.006-190.041, Florida Statutes, which
457 are not inconsistent with this act, shall constitute a general
458 power, special power, authority, or function of the Uplands
459 Stewardship District. All notices for the enactment by the
460 Legislature of this special act have been provided pursuant to
461 the State Constitution, the Laws of Florida, and the Rules of
462 the Florida House of Representatives and of the Florida Senate.
463 No referendum subsequent to the effective date of this act is
464 required as a condition of establishing the district. Therefore,
465 the district, as created by this act, is established on the
466 property described in this act.

467 (3) The territorial boundary of the district shall embrace
468 and include all of that certain real property described in
469 section 4.

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

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

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

500 **Section 4. Legal description of the Uplands Stewardship**

CS/HB 4079

2026

501 District.—The metes and bounds legal description of the
502 district, within which there are no parcels of property owned by
503 those who do not wish their property to be included within the
504 district, is as follows:

505
506 LANDS LYING IN SECTIONS 3, 4, 9, 10, 15, 16, 21, 22,
507 27, 28, 29, AND 33 TOWNSHIP 16 SOUTH, RANGE 20 EAST
508 AND SECTIONS 33 AND 34, TOWNSHIP 15 SOUTH, RANGE 20
509 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY
510 DESCRIBED AS FOLLOWS:

511
512 ALL OF THE LANDS LYING SECTION 3, TOWNSHIP 16 SOUTH.
513 RANGE 20 EAST, MARION COUNTY, FLORIDA. LESS AND
514 EXCEPT THE NORTH 1/2 OF THE N.E. 1/4 OF SAID SECTION
515 3.

516
517 AND
518 ALL OF THE LANDS LYING IN SECTIONS 4, 9, 16, 21,
519 TOWNSHIP 16 SOUTH, RANGE 20 EAST, MARION COUNTY,
520 FLORIDA.

521
522 AND
523 THE LANDS LYING IN SECTION 10, TOWNSHIP 16 SOUTH.
524 RANGE 20 EAST, MARION COUNTY, FLORIDA.

526 LESS AND EXCEPT STONE CREEK BY DEL WEBB LONGLEAF, PER
527 PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGES 43
528 THROUGH 47 OF THE PUBLIC RECORDS OF MARION COUNTY,
529 FLORIDA
530 LESS AND EXCEPT STONE CREEK BY DEL WEBB ARLINGTON
531 PHASE 1, PER PLAT THEREOF RECORDED IN PLAT BOOK 10,
532 PAGES 187 THROUGH 192 OF THE PUBLIC RECORDS OF MARION
533 COUNTY, FLORIDA
534 LESS AND EXCEPT STONE CREEK BY DEL WEBB ARLINGTON
535 PHASE 4, PER PLAT THEREOF RECORDED IN PLAT BOOK 12,
536 PAGES 39 AND 40 OF THE PUBLIC RECORDS OF MARION
537 COUNTY, FLORIDA
538 LESS AND EXCEPT STONE CREEK BY DEL WEBB ARLINGTON
539 PHASE 5, PER PLAT THEREOF RECORDED IN PLAT BOOK 12,
540 PAGES 78 AND 79 OF THE PUBLIC RECORDS OF MARION
541 COUNTY, FLORIDA
542 LESS AND EXCEPT LANDS LYING SOUTH AND EASTERLY OF THE
543 PROJECTION OF THE WESTERLY BOUNDARY OF STONE CREEK BY
544 DEL WEBB ARLINGTON PHASE 5, PER PLAT THEREOF RECORDED
545 IN PLAT BOOK 12, PAGES 78 AND 79 OF THE PUBLIC RECORDS
546 OF MARION COUNTY, FLORIDA LYING IN SECTION 10,
547 TOWNSHIP 16 SOUTH, RANGE 20 EAST, MARION COUNTY,
548 FLORIDA.
549 LESS AND EXCEPT ON TOP OF THE WORLD CANDLER HILLS WEST
550 BALFOUR NORTH, PER PLAT THEREOF RECORDED IN PLAT BOOK

551 16, PAGES 30 THROUGH 42 OF THE PUBLIC RECORDS OF
552 MARION COUNTY, FLORIDA
553 LESS AND EXCEPT BLCCDD NORTH WATER RECLAMATION
554 FACILITY, PER PLAT THEREOF RECORDED IN PLAT BOOK 16,
555 PAGES 9 AND 10 OF THE PUBLIC RECORDS OF MARION COUNTY,
556 FLORIDA
557 LESS AND EXCEPT THE LANDS DESCRIBED IN OFFICIAL
558 RECORDS BOOK 7875, PAGE 505 OF THE PUBLIC RECORDS OF
559 MARION COUNTY, FLORIDA.

560

561 AND
562 A PORTION OF LANDS LYING IN SECTION 15, TOWNSHIP 16
563 SOUTH, RANGE 20 EAST, BEING MORE PARTICULARLY
564 DESCRIBED AS FOLLOWS:
565 CONSERVATION AREA #2 PER OFFICIAL RECORDS BOOKS 3425,
566 PAGES 1189 THROUGH 1212 OF THE PUBLIC RECORDS OF
567 MARION COUNTY FLORIDA, LYING IN SECTION 15, TOWNSHIP
568 16 SOUTH, RANGE 20 EAST.

569

570 AND
571 ALL OF THE LANDS LYING ON THE WEST 1/2 OF SECTION 22,
572 TOWNSHIP 16 SOUTH. RANGE 20 EAST, MARION COUNTY,
573 FLORIDA.
574 LESS AND EXCEPT LONGLEAF RIDGE PHASE I, PER PLAT
575 THEREOF RECORDED IN PLAT BOOK 13, PAGES 162 THROUGH

576 166 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
577 LESS AND EXCEPT LONGLEAF RIDGE PHASE II, PER PLAT
578 THEREOF RECORDED IN PLAT BOOK 13, PAGES 190 THROUGH
579 193 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
580 LESS AND EXCEPT LONGLEAF RIDGE PHASE III, PER PLAT
581 THEREOF RECORDED IN PLAT BOOK 14, PAGES 66 THROUGH 72
582 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
583 LESS AND EXCEPT LONGLEAF RIDGE PHASE IV, PER PLAT
584 THEREOF RECORDED IN PLAT BOOK 14, PAGES 106 THROUGH
585 110 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
586 LESS AND EXCEPT LONGLEAF RIDGE PHASE V, PER PLAT
587 THEREOF RECORDED IN PLAT BOOK 14, PAGES 136 THROUGH
588 141 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
589 LESS AND EXCEPT LONGLEAF RIDGE PHASE VI, PER PLAT
590 THEREOF RECORDED IN PLAT BOOK 15, PAGES 107 THROUGH
591 111 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.
592 LESS AND EXCEPT ON TOP OF THE WORLD COMMUNITIES
593 LONGLEAF RIDGE PHASE VIII, PER PLAT THEREOF RECORDED
594 IN PLAT BOOK 15, PAGES 193 THROUGH 196 OF THE PUBLIC
595 RECORDS OF MARION COUNTY, FLORIDA.
596
597 LESS AND EXCEPT (WEST MAINTENANCE PARCEL)
598 A PARCEL OF LAND LYING IN SECTIONS 15 & 22, TOWNSHIP
599 16 SOUTH, RANGE 20 EAST, MARION COUNTY, FLORIDA, ALSO
600 BEING A PORTION OF CIRCLE SQUARE WOODS AS PER PLAT

601 THEREOF AS RECORDED IN PLAT BOOK P, PAGES 30 THROUGH
602 103 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA,
603 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
604 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 22;
605 THENCE N.71°51'36"E., 302.72 FEET TO THE POINT OF
606 BEGINNING; THENCE N.90°00'00"E., 700.60 FEET; THENCE
607 S.00°00'00"E., 890.11 FEET; THENCE S.90°00'00"W.,
608 711.29 FEET; THENCE N.00°41'18"E., 890.17 FEET TO THE
609 POINT OF BEGINNING. SAID LANDS CONTAINING 14.43 ACRES,
610 MORE OR LESS.

611
612 LESS AND EXCEPT (RV PARCEL)
613 A PARCEL OF LAND LYING IN SECTIONS 15 & 22, TOWNSHIP
614 16 SOUTH, RANGE 20 EAST, MARION COUNTY, FLORIDA, ALSO
615 BEING A PORTION OF CIRCLE SQUARE WOODS AS PER PLAT
616 THEREOF AS RECORDED IN PLAT BOOK P, PAGES 30 THROUGH
617 103 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA,
618 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
619 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 22;
620 THENCE N.84°33'08"E., 992.75 FEET TO THE POINT OF
621 BEGINNING; THENCE N.90°00'00"E., 750.01 FEET; THENCE
622 S.00°00'00"E., 721.91 FEET; THENCE S.89°58'14"E.,
623 21.54 FEET; THENCE S.00°26'23"E., 15.19 FEET; THENCE
624 N.89°49'34"W., 21.66 FEET; THENCE S.00°00'00"E., 90.57
625 FEET; THENCE S.45°00'00"W., 88.39 FEET; THENCE

626 S.90°00'00"W., 687.51 FEET; THENCE N.00°00'00"E.,
627 890.11 FEET TO THE POINT OF BEGINNING. SAID LANDS
628 CONTAINING 15.28 ACRES, MORE OR LESS.

629
630 LESS AND EXCEPT THE EAST 916.75 OF THE NORTH 905.14 OF
631 THE WEST 1/2 OF SECTION 22, TOWNSHIP 16 SOUTH. RANGE
632 20 EAST, MARION COUNTY, FLORIDA.

633
634 AND

635
636 THE N.W. 1/4 OF SECTION 27, TOWNSHIP 16 SOUTH. RANGE
637 20 EAST, MARION COUNTY, FLORIDA.

638 LESS AND EXCEPT THE SOUTH 15 FEET OF THE NW 1/4 OF
639 SAID SECTION 27,

640 LESS AND EXCEPT LONGLEAF RIDGE PHASE VI, PER PLAT
641 THEREOF RECORDED IN PLAT BOOK 15, PAGES 107 THROUGH
642 111 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

643 LESS AND EXCEPT ON TOP OF THE WORLD COMMUNITIES
644 LONGLEAF RIDGE PHASE VII, PER PLAT THEREOF RECORDED IN
645 PLAT BOOK 15, PAGES 187 THROUGH 192 OF THE PUBLIC
646 RECORDS OF MARION COUNTY, FLORIDA.

647 LESS AND EXCEPT ON TOP OF THE WORLD COMMUNITIES
648 LONGLEAF RIDGE PHASE VIII, PER PLAT THEREOF RECORDED
649 IN PLAT BOOK 15, PAGES 193 THROUGH 196 OF THE PUBLIC
650 RECORDS OF MARION COUNTY, FLORIDA.

651
652 AND
653
654 ALL OF THE LANDS LYING IN SECTION 28, TOWNSHIP 16
655 SOUTH. RANGE 20 EAST, MARION COUNTY, FLORIDA.
656 LESS AND EXCEPT THE EAST 1/2 OF THE S.E. 1/4 OF SAID
657 SECTION 28
658 LESS AND EXCEPT THE NORTH 1/2 OF THE N.W. 1/4 OF THE
659 S.E. 1/4 OF SAID SECTION 28
660 AND
661 THE WEST 1/2 OF THE N.E. 1/4, AND THE N.W. 1/4 OF THE
662 S.E. 1/4 LYING NORTH OF THE STATE ROAD NO. 484,
663 SECTION 33, TOWNSHIP 16 SOUTH, RANGE 20 EAST. MARION
664 COUNTY, FLORIDA.
665
666 AND
667 THE N.E. 1/4 OF THE N.W. 1/4 LESS THE S.W. 1/4 OF THE
668 N.E. 1/4 OF THE N.W. 1/4 AND LESS THE WEST 1/2 OF THE
669 S.E. 1/4 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION
670 33, TOWNSHIP 16 SOUTH, RANGE 20 EAST, MARION COUNTY,
671 FLORIDA.
672
673 AND
674 THE EAST 1/4 THE S.E. 1/4 OF THE N.W. 1/4 SECTION 33,
675 TOWNSHIP 16 SOUTH, RANGE 20 EAST, MARION COUNTY,

CS/HB 4079

2026

676 FLORIDA.677 AND679 THE EAST 1/4 THE N.E. 1/4 OF THE S.W. 1/4 LYING NORTH
680 OF THE STATE ROAD NO. 484, SECTION 33, TOWNSHIP 16
681 SOUTH, RANGE 20 EAST, MARION COUNTY, FLORIDA.683 AND684 THAT PORTION OF CIRCLE SQUARE WOODS, PER PLAT THEREOF
685 RECORDED IN PLAT BOOK "P", PAGES 30 THROUGH 103 OF THE
686 PUBLIC RECORDS OF MARION COUNTY, FLORIDA IN SECTION
687 33, TOWNSHIP 15 SOUTH, RANGE 20 EAST, MARION COUNTY,
688 FLORIDA LYING SOUTH OF THE 120 FEET WIDE STRIP OF
689 LAND ABANDONED FORMER MAIN TRACK OF RAILROAD OCALA TO
690 JULIETTE BRANCH.692 AND693 THE SOUTH 1/2 OF THE S.W. 1/4 OF SECTION 34, TOWNSHIP
694 15 SOUTH, RANGE 20 EAST, MARION COUNTY, FLORIDA.696 AND697 THAT PARCEL OF LANDS DESCRIBED IN OFFICIAL RECORDS
698 BOOK 8335, PAGE 418 OF THE PUBLIC RECORDS OF MARION
699 COUNTY, FLORIDA.

701 AND

702 THAT PARCEL OF LANDS DESCRIBED IN OFFICIAL RECORDS
703 BOOK 7549, PAGE 90 OF THE PUBLIC RECORDS OF MARION
704 COUNTY, FLORIDA.

705 AND

706 THAT PARCEL OF LANDS DESCRIBED IN OFFICIAL RECORDS
707 BOOK 8278, PAGE 1677 OF THE PUBLIC RECORDS OF MARION
708 COUNTY, FLORIDA.

710 AND

711 THAT PARCEL OF LANDS DESCRIBED IN OFFICIAL RECORDS
712 BOOK 8420, PAGE 627 OF THE PUBLIC RECORDS OF MARION
713 COUNTY, FLORIDA.

715 SAID LANDS CONTAINING 5,161.21 ACRES, MORE OR LESS

716 Being subject to any rights-of-way, restrictions and easements
717 of record.

718 **Section 5.** Board of supervisors; members and meetings;
719 organization; powers; duties; terms of office; related election
720 requirements.—

721 (1) The board of the district shall exercise the powers
722 granted to the district pursuant to this act. The board shall
723 consist of five members, each of whom shall hold office for a

726 term of 4 years, as provided in this section, except as
727 otherwise provided herein for initial board members, and until a
728 successor is chosen and qualified. The members of the board must
729 be residents of the state and citizens of the United States.

730 (2) (a) Within 90 days after the effective date of this
731 act, there shall be held a meeting of the landowners of the
732 district for the purpose of electing five supervisors for the
733 district. Notice of the landowners' meeting shall be published
734 once a week for 2 consecutive weeks in a newspaper that is in
735 general circulation in the area of the district, the last day of
736 such publication to be not fewer than 14 days or more than 28
737 days before the date of the election. The landowners, when
738 assembled at such meeting, shall organize by electing a chair,
739 who shall conduct the meeting. The chair may be any person
740 present at the meeting. If the chair is a landowner or proxy
741 holder of a landowner, he or she may nominate candidates and
742 make and second motions. The landowners present at the meeting,
743 in person or by proxy, shall constitute a quorum. At any
744 landowners' meeting, 50 percent of the district acreage shall
745 not be required to constitute a quorum, and each governing board
746 member elected by landowners shall be elected by a majority of
747 the acreage represented either by owner or proxy present and
748 voting at said meeting.

749 (b) At such meeting, each landowner shall be entitled to
750 cast one vote per acre of land owned by him or her and located

751 within the district for each person to be elected. A landowner
752 may vote in person or by proxy in writing. Each proxy must be
753 signed by one of the legal owners of the property for which the
754 vote is cast and must contain the typed or printed name of the
755 individual who signed the proxy; the street address, legal
756 description of the property, or tax parcel identification
757 number; and the number of authorized votes. If the proxy
758 authorizes more than one vote, each property must be listed and
759 the number of acres of each property must be included. The
760 signature on a proxy need not be notarized. A fraction of an
761 acre shall be treated as 1 acre, entitling the landowner to one
762 vote with respect thereto. The three candidates receiving the
763 highest number of votes shall each be elected for terms expiring
764 November 26, 2030, and the two candidates receiving the next
765 highest number of votes shall each be elected for terms expiring
766 November 28, 2028, with the term of office for each successful
767 candidate commencing upon election. The members of the first
768 board elected by landowners shall serve their respective terms;
769 however, the next election of board members shall be held on the
770 first Tuesday after the first Monday in November 2028.
771 Thereafter, there shall be an election by landowners for the
772 district every 2 years on the first Tuesday after the first
773 Monday in November, which shall be noticed pursuant to paragraph
774 (a). The second and subsequent landowners' election shall be
775 announced at a public meeting of the board at least 90 days

776 before the date of the landowners' meeting and shall also be
777 noticed pursuant to paragraph (a). Instructions on how all
778 landowners may participate in the election, along with sample
779 proxies, shall be provided during the board meeting that
780 announces the landowners' meeting. Each supervisor elected in or
781 after November 2028 shall serve a 4-year term.

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

786 2.a. Regardless of whether the district has proposed to
787 levy ad valorem taxes, board members shall begin being elected
788 by qualified electors of the district as the district becomes
789 populated with qualified electors. The transition shall occur
790 such that the composition of the board, after the first general
791 election following a trigger of the qualified elector population
792 thresholds set forth below, shall be as follows:

793 (I) Once 10,000 qualified electors reside within the
794 district, one governing board member shall be a person who is a
795 qualified elector of the district and who was elected by the
796 qualified electors, and four governing board members shall be
797 persons who were elected by the landowners.

798 (II) Once 16,000 qualified electors reside within the
799 district, two governing board members shall be persons who are
800 qualified electors of the district and who were elected by the

801 qualified electors, and three governing board members shall be
802 persons elected who were by the landowners.

803 (III) Once 21,000 qualified electors reside within the
804 district, three governing board members shall be persons who are
805 qualified electors of the district and who were elected by the
806 qualified electors and two governing board members shall be
807 persons who were elected by the landowners.

808 (IV) Once 23,000 qualified electors reside within the
809 district, four governing board members shall be persons who are
810 qualified electors of the district and who were elected by the
811 qualified electors, and one governing board member shall be a
812 person who was elected by the landowners.

813 (V) Once 25,000 qualified electors reside within the
814 district, all five governing board members shall be persons who
815 are qualified electors of the district and who were elected by
816 the qualified electors.

817
818 Nothing in this sub-subparagraph is intended to require an
819 election prior to the expiration of an existing board member's
820 term.

821 b. On or before June 1 of each election year, the board
822 shall determine the number of qualified electors in the district
823 as of the immediately preceding April 15. The board shall use
824 and rely upon the official records maintained by the supervisor
825 of elections and property appraiser or tax collector in Marion

826 County in making this determination. Such determination shall be
827 made at a properly noticed meeting of the board and shall become
828 a part of the official minutes of the district.

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

832 d. All governing board members elected by qualified
833 electors shall reside in the district.

834 e. Once the district qualifies to have any of its board
835 members elected by the qualified electors of the district, the
836 initial and all subsequent elections by the qualified electors
837 of the district shall be held at the general election in
838 November. The board shall adopt a resolution, if necessary, to
839 implement this requirement. The transition process described
840 herein is intended to be in lieu of the process set forth in s.
841 189.041, Florida Statutes.

842 (b) Elections of board members by qualified electors held
843 pursuant to this subsection shall be nonpartisan and shall be
844 conducted in the manner prescribed by law for holding general
845 elections. Board members shall assume the office on the second
846 Tuesday following their election.

847 (c) Candidates seeking election to office by qualified
848 electors under this subsection shall conduct their campaigns in
849 accordance with chapter 106, Florida Statutes, and shall file
850 qualifying papers and qualify for individual seats in accordance

851 with s. 99.061, Florida Statutes.

852 (d) The supervisor of elections shall appoint the
853 inspectors and clerks of elections, prepare and furnish the
854 ballots, designate polling places, and canvass the returns of
855 the election of board members by qualified electors. The county
856 canvassing board shall declare and certify the results of the
857 election.

858 (4) Members of the board, regardless of how elected,
859 shall be public officers, shall be known as supervisors, and,
860 upon entering into office, shall take and subscribe to the oath
861 of office as prescribed by s. 876.05, Florida Statutes. Members
862 of the board shall be subject to ethics and conflict of interest
863 laws of the state that apply to all local public officers. They
864 shall hold office for the terms for which they were elected or
865 appointed and until their successors are chosen and qualified.
866 If, during the term of office, a vacancy occurs, the remaining
867 members of the board shall fill each vacancy by an appointment
868 for the remainder of the unexpired term.

869 (5) Any elected member of the board of supervisors may be
870 removed by the Governor for malfeasance, misfeasance,
871 dishonesty, incompetency, or failure to perform the duties
872 imposed upon him or her by this act, and any vacancies that may
873 occur in such office for such reasons shall be filled by the
874 Governor as soon as practicable.

875 (6) A majority of the members of the board constitutes a

876 quorum for the purposes of conducting its business and
877 exercising its powers and for all other purposes. Action taken
878 by the district shall be upon a vote of a majority of the
879 members present unless general law or a rule of the district
880 requires a greater number.

881 (7) As soon as practicable after each election or
882 appointment, the board shall organize by electing one of its
883 members as chair and by electing a secretary, who need not be a
884 member of the board, and such other officers as the board may
885 deem necessary.

886 (8) The board shall keep a permanent record book entitled
887 "Record of Proceedings of the Uplands Stewardship District," in
888 which shall be recorded minutes of all meetings, resolutions,
889 proceedings, certificates, bonds given by all employees, and any
890 and all corporate acts. The record book and all other district
891 records shall at reasonable times be opened to inspection in the
892 same manner as state, county, and municipal records pursuant to
893 chapter 119, Florida Statutes. The record book shall be kept at
894 the office or other regular place of business maintained by the
895 board in a designated location in Marion County.

896 (9) No supervisor shall be entitled to receive
897 compensation for his or her services in excess of the limits
898 established in s. 190.006(8), Florida Statutes, or any successor
899 statute thereto; however, each supervisor shall receive travel
900 and per diem expenses as set forth in s. 112.061, Florida

901 Statutes.

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

904 **Section 6.** Board of supervisors; general duties.—

905 (1) DISTRICT MANAGER AND EMPLOYEES.—The board shall employ
906 and fix the compensation of a district manager, who shall have
907 charge and supervision of the works of the district and shall be
908 responsible for preserving and maintaining any improvement or
909 facility constructed or erected pursuant of this act, for
910 maintaining and operating the equipment owned by the district,
911 and for performing such other duties as may be prescribed by the
912 board. It shall not be a conflict of interest or constitute an
913 abuse of public position under chapter 112, Florida Statutes,
914 for a board member, the district manager, or another employee of
915 the district to be a stockholder, officer, or employee of a
916 landowner or an affiliate of a landowner. The district manager
917 may hire or otherwise employ and terminate the employment of
918 such other persons, including, without limitation, professional,
919 supervisory, and clerical employees, as may be necessary and
920 authorized by the board. The compensation and other conditions
921 of employment of the officers and employees of the district
922 shall be as provided by the board.

923 (2) TREASURER.—The board shall designate a person who is a
924 resident of the state as treasurer of the district, who shall
925 have charge of the funds of the district. Such funds shall be

926 disbursed only upon the order of or pursuant to a resolution of
927 the board by warrant or check countersigned by the treasurer and
928 by such other person as may be authorized by the board. The
929 board may give the treasurer such other or additional powers and
930 duties as the board may deem appropriate and may fix his or her
931 compensation. The board may require the treasurer to give a bond
932 in such amount, on such terms, and with such sureties as may be
933 deemed satisfactory to the board to secure the performance by
934 the treasurer of his or her powers and duties. The financial
935 records of the board shall be audited by an independent
936 certified public accountant in accordance with the requirements
937 of general law.

938 (3) PUBLIC DEPOSITORY.—The board is authorized to select
939 as a depository for its funds any qualified public depository as
940 defined in s. 280.02, Florida Statutes, which meets all the
941 requirements of chapter 280, Florida Statutes, and has been
942 designated by the treasurer as a qualified public depository
943 upon such terms and conditions as to the payment of interest by
944 such depository upon the funds so deposited as the board may
945 deem just and reasonable.

946 (4) BUDGET; REPORTS AND REVIEWS.—

947 (a) The district shall provide financial reports in such
948 form and such manner as prescribed pursuant to this act and
949 chapter 218, Florida Statutes, as amended from time to time.

950 (b) On or before July 15 of each year, the district

951 manager shall prepare a proposed budget for the ensuing fiscal
952 year to be submitted to the board for board approval. The
953 proposed budget shall include at the direction of the board an
954 estimate of all necessary expenditures of the district for the
955 ensuing fiscal year and an estimate of income to the district
956 from the taxes and assessments provided in this act. The board
957 shall consider the proposed budget item by item and may either
958 approve the budget as proposed by the district manager or modify
959 the same in part or in whole. The board shall indicate its
960 approval of the budget by resolution, which resolution shall
961 provide for a hearing on the budget as approved. Notice of the
962 hearing on the budget shall be published in a newspaper of
963 general circulation in the area of the district once a week for
964 2 consecutive weeks, except that the first publication shall be
965 no less than 15 days prior to the date of the hearing. The
966 notice shall further contain a designation of the day, time, and
967 place of the public hearing. At the time and place designated in
968 the notice, the board shall hear all objections to the budget as
969 proposed and may make such changes as the board deems necessary.
970 At the conclusion of the budget hearing, the board shall, by
971 resolution, adopt the budget as finally approved by the board.
972 The budget shall be adopted prior to October 1 of each year.
973 (c) At least 60 days prior to adoption, the board of
974 supervisors of the district shall submit to the Board of County
975 Commissioners of Marion County, for purposes of disclosure and

CS/HB 4079

2026

976 information only, the proposed annual budget for the ensuing
977 fiscal year, and the commission may submit written comments to
978 the board of supervisors solely for the assistance and
979 information of the board of supervisors of the district in
980 adopting its annual district budget.

981 (d) The board of supervisors of the district shall submit
982 annually a public facilities report to the Board of County
983 Commissioners of Marion County pursuant to Florida Statutes. The
984 commission may use and rely on the district's public facilities
985 report in the preparation or revision of the Marion County
986 comprehensive plan.

987 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC
988 ACCESS.--The district shall take affirmative steps to provide for
989 the full disclosure of information relating to the public
990 financing and maintenance of improvements to real property
991 undertaken by the district. Such information shall be made
992 available to all existing residents and all prospective
993 residents of the district. The district shall furnish each
994 developer of a residential development within the district with
995 sufficient copies of that information to provide each
996 prospective initial purchaser of property in that development
997 with a copy; and any developer of a residential development
998 within the district, when required by law to provide a public
999 offering statement, shall include a copy of such information
1000 relating to the public financing and maintenance of improvements

1001 in the public offering statement. The district shall file the
1002 disclosure documents required by this subsection and any
1003 amendments thereto in the property records of each county in
1004 which the district is located. By the end of the first full
1005 fiscal year of the district's creation, the district shall
1006 maintain an official Internet website in accordance with s.
1007 189.069, Florida Statutes.

1008 (6) GENERAL POWERS.—The district shall have, and the board
1009 may exercise, the following general powers:

1010 (a) To sue and be sued in the name of the district; to
1011 adopt and use a seal and authorize the use of a facsimile
1012 thereof; to acquire, by purchase, gift, devise, or otherwise,
1013 and to dispose of, real and personal property, or any estate
1014 therein; and to make and execute contracts and other instruments
1015 necessary or convenient to the exercise of its powers.

1016 (b) To apply for coverage of its employees under the
1017 Florida Retirement System in the same manner as if such
1018 employees were state employees.

1019 (c) To contract for the services of consultants to perform
1020 planning, engineering, legal, or other appropriate services of a
1021 professional nature. Such contracts shall be subject to public
1022 bidding or competitive negotiation requirements as set forth in
1023 general law applicable to independent special districts.

1024 (d) To borrow money and accept gifts; to apply for and use
1025 grants or loans of money or other property from the United

1026 States, the state, a unit of local government, or any person for
1027 any district purposes and enter into agreements required in
1028 connection therewith; and to hold, use, and dispose of such
1029 moneys or property for any district purposes in accordance with
1030 the terms of the gift, grant, loan, or agreement relating
1031 thereto.

1032 (e) To adopt and enforce rules and orders pursuant to
1033 chapter 120, Florida Statutes, prescribing the powers, duties,
1034 and functions of the officers of the district; the conduct of
1035 the business of the district; the maintenance of records; and
1036 the form of certificates evidencing tax liens and all other
1037 documents and records of the district. The board may also adopt
1038 and enforce administrative rules with respect to any of the
1039 projects of the district and define the area to be included
1040 therein. The board may also adopt resolutions which may be
1041 necessary for the conduct of district business.

1042 (f) To maintain an office at such place or places as the
1043 board of supervisors designates in Marion County and within the
1044 district when facilities are available.

1045 (g) To hold, control, and acquire by donation, purchase,
1046 or condemnation, or dispose of, any public easements,
1047 dedications to public use, platted reservations for public
1048 purposes, or any reservations for those purposes authorized by
1049 this act and to make use of such easements, dedications, or
1050 reservations for the purposes authorized by this act.

1051 (h) To lease as lessor or lessee to or from any person,
1052 firm, corporation, association, or body, public or private, any
1053 projects of the type that the district is authorized to
1054 undertake and facilities or property of any nature for the use
1055 of the district to carry out the purposes authorized by this
1056 act.

1057 (i) To borrow money and issue bonds, certificates,
1058 warrants, notes, or other evidence of indebtedness as provided
1059 herein; to levy such taxes and assessments as may be authorized;
1060 and to charge, collect, and enforce fees and other user charges.

1061 (j) To raise, by user charges or fees authorized by
1062 resolution of the board, amounts of money which are necessary
1063 for the conduct of district activities and services and to
1064 enforce their receipt and collection in the manner prescribed by
1065 resolution not inconsistent with law.

1066 (k) To exercise all powers of eminent domain now or
1067 hereafter conferred on counties in this state provided, however,
1068 that such power of eminent domain may not be exercised outside
1069 the territorial limits of the district unless the district
1070 receives prior approval by vote of a resolution of the governing
1071 body of the county if the taking will occur in an unincorporated
1072 area in that county, or the governing body of the city if the
1073 taking will occur in an incorporated area. The district shall
1074 not have the power to exercise eminent domain over municipal,
1075 county, state, or federal property. The powers hereinabove

CS/HB 4079

2026

1076 granted to the district shall be so construed to enable the
1077 district to fulfill the objects and purposes of the district as
1078 set forth in this act.

1079 (l) To cooperate with, or contract with, other
1080 governmental agencies as may be necessary, convenient,
1081 incidental, or proper in connection with any of the powers,
1082 duties, or purposes authorized by this act.

1083 (m) To assess and to impose upon lands in the district ad
1084 valorem taxes as provided by this act.

1085 (n) If and when authorized by general law, to determine,
1086 order, levy, impose, collect, and enforce maintenance taxes.

1087 (o) To determine, order, levy, impose, collect, and
1088 enforce assessments pursuant to this act and chapter 170,
1089 Florida Statutes, as amended from time to time, pursuant to
1090 authority granted in s. 197.3631, Florida Statutes, or pursuant
1091 to other general laws, now or hereafter enacted, which provide
1092 or authorize a supplemental means to order, levy, impose, or
1093 collect special assessments. Such special assessments, in the
1094 discretion of the district, may be collected and enforced
1095 pursuant to ss. 197.3632 and 197.3635, Florida Statutes, and
1096 chapters 170 and 173, Florida Statutes, as they may be amended
1097 from time to time, or as provided by this act, or by other means
1098 authorized by general law now or hereafter enacted. The district
1099 may levy such special assessments for the purposes enumerated in
1100 this act and to pay special assessments imposed by Marion County

1101 on lands within the district.

1102 (p) To exercise such special powers and other express
1103 powers as may be authorized and granted by this act in the
1104 charter of the district, including powers as provided in any
1105 interlocal agreement entered into pursuant to chapter 163,
1106 Florida Statutes, or which shall be required or permitted to be
1107 undertaken by the district pursuant to any development order,
1108 including any detailed specific area plan development order, or
1109 any interlocal service agreement with Marion County or other
1110 unit of government for fair-share capital construction funding
1111 for any certain capital facilities or systems required of a
1112 developer pursuant to any applicable development order or
1113 agreement.

1114 (q) To exercise all of the powers necessary, convenient,
1115 incidental, or proper in connection with any other powers or
1116 duties or the special and limited purpose of the district
1117 authorized by this act.

1118

1119 This subsection shall be construed liberally in order to carry
1120 out effectively the special and limited purpose of this act.

1121 (7) SPECIAL POWERS.—The district shall have, and the board
1122 may exercise, the following special powers to implement its
1123 lawful and special purpose and to provide, pursuant to that
1124 purpose, systems, facilities, services, improvements, projects,
1125 works, and infrastructure, each of which constitutes a lawful

1126 public purpose when exercised pursuant to this charter, subject
1127 to, and not inconsistent with, general law regarding utility
1128 providers' territorial and service agreements, the regulatory
1129 jurisdiction and permitting authority of all other applicable
1130 governmental bodies, agencies, and any special districts having
1131 authority with respect to any area included therein, and to
1132 plan, establish, acquire, construct or reconstruct, enlarge or
1133 extend, equip, operate, finance, fund, and maintain
1134 improvements, systems, facilities, services, works, projects,
1135 and infrastructure. Any or all of the following special powers
1136 are granted by this act in order to implement the special and
1137 limited purpose of the district but do not constitute
1138 obligations to undertake such improvements, systems, facilities,
1139 services, works, projects, or infrastructure:

1140 (a) To provide water management and control for the lands
1141 within the district, including irrigation systems and
1142 facilities, and to connect some or any of such facilities with
1143 roads and bridges. In the event that the board assumes the
1144 responsibility for providing water management and control for
1145 the district which is to be financed by benefit special
1146 assessments, the board shall adopt plans and assessments
1147 pursuant to law or may proceed to adopt water management and
1148 control plans, assess for benefits, and apportion and levy
1149 special assessments, as follows:

1150 1. The board shall cause to be made by the district's

1151 engineer, or such other engineer or engineers as the board may
1152 employ for that purpose, complete and comprehensive water
1153 management and control plans for the lands located within the
1154 district that will be improved in any part or in whole by any
1155 system of facilities that may be outlined and adopted, and the
1156 engineer shall make a report in writing to the board with maps
1157 and profiles of said surveys and an estimate of the cost of
1158 carrying out and completing the plans.

1159 2. Upon the completion of such plans, the board shall hold
1160 a hearing thereon to hear objections thereto, shall give notice
1161 of the time and place fixed for such hearing by publication once
1162 each week for 2 consecutive weeks in a newspaper of general
1163 circulation in the general area of the district, and shall
1164 permit the inspection of the plan at the office of the district
1165 by all persons interested. All objections to the plan shall be
1166 filed at or before the time fixed in the notice for the hearing
1167 and shall be in writing.

1168 3. After the hearing, the board shall consider the
1169 proposed plan and any objections thereto and may modify, reject,
1170 or adopt the plan or continue the hearing until a day certain
1171 for further consideration of the proposed plan or modifications
1172 thereof.

1173 4. When the board approves a plan, a resolution shall be
1174 adopted and a certified copy thereof shall be filed in the
1175 office of the secretary and incorporated by him or her into the

1176 records of the district.

1177 5. The water management and control plan may be altered in
1178 detail from time to time until the engineer's report pursuant to
1179 s. 298.301, Florida Statutes, is filed but not in such manner as
1180 to affect materially the conditions of its adoption. After the
1181 engineer's report has been filed, no alteration of the plan
1182 shall be made, except as provided by this act.

1183 6. Within 20 days after the final adoption of the plan by
1184 the board, the board shall proceed pursuant to s. 298.301,
1185 Florida Statutes.

1186 (b) To provide utility systems, water supply, sewer,
1187 wastewater, and reclaimed water management, reclamation, and
1188 reuse, or any combination thereof, and any irrigation systems,
1189 facilities, and services and to construct and operate water
1190 systems, sewer systems, irrigation systems, and reclaimed water
1191 systems such as connecting intercepting or outlet sewers and
1192 sewer mains and pipes and water mains, conduits, or pipelines
1193 in, along, and under any street, alley, highway, or other public
1194 place or ways, and to dispose of any water, effluent, residue,
1195 or other byproducts of such water system, sewer system,
1196 irrigation system, or reclaimed water system and to enter into
1197 interlocal agreements and other agreements with public or
1198 private entities for the same.

1199 (c) To provide bridges, culverts, wildlife corridors, or
1200 road crossings that may be needed across any drain, ditch,

1201 canal, floodway, holding basin, excavation, public highway,
1202 tract, grade, fill, or cut and roadways over levees and
1203 embankments, and to construct any and all of such works and
1204 improvements across, through, or over any public right-of-way,
1205 highway, grade, fill, or cut.

1206 (d) To provide district roads or other roads equal to or
1207 exceeding the specifications of the county in which such
1208 district roads or other roads are located, and to provide street
1209 lights. This special power includes, but is not limited to,
1210 roads, parkways, intersections, bridges, landscaping,
1211 hardscaping, irrigation, bicycle lanes, sidewalks, jogging
1212 paths, golf cart paths, multimodal and multiuse pathways and
1213 trails, street lighting, traffic signals, regulatory or
1214 informational signage, road striping, underground conduit,
1215 underground cable or fiber or wire installed pursuant to an
1216 agreement with or tariff of a retail provider of services, and
1217 all other customary elements of a functioning modern road system
1218 in general or as tied to the conditions of development approval
1219 for the area within and without the district, and parking
1220 facilities that are freestanding or that may be related to any
1221 innovative strategic intermodal system of transportation
1222 pursuant to applicable federal, state, and local law and
1223 ordinance.

1224 (e) To provide buses, trolleys, rail access, mass transit
1225 facilities, transit shelters, ridesharing facilities and

1226 services, parking improvements, and related signage.

1227 (f) To provide investigation and remediation costs
1228 associated with the cleanup of actual or perceived environmental
1229 contamination within the district under the supervision or
1230 direction of a competent governmental authority unless the
1231 covered costs benefit any person who is a landowner within the
1232 district and who caused or contributed to the contamination.

1233 (g) To provide observation areas, mitigation areas,
1234 wetland creation areas, and wildlife habitat, including the
1235 maintenance of any plant or animal species, and any related
1236 interest in real or personal property.

1237 (h) Using its general and special powers as set forth in
1238 this act, to provide any other project within or without the
1239 boundaries of the district when the project is the subject of an
1240 agreement between the district and the Board of County
1241 Commissioners of Marion County or with any other applicable
1242 public or private entity, and is not inconsistent with the
1243 effective local comprehensive plans.

1244 (i) To provide parks and facilities for indoor and outdoor
1245 recreational, cultural, and educational uses.

1246 (j) To serve the public interest by providing new
1247 recreational trails that are interconnected with existing trails
1248 located within the Marjorie Harris Carr Cross Florida Greenway.
1249 Such trails will provide hiking, biking, and equestrian
1250 recreational opportunities consistent with the policy of the

1251 Board of Trustees of the Internal Improvement Trust Fund
1252 encouraging public access upon state-owned uplands.

1253 (k) To provide school buildings and related structures,
1254 which may be leased, sold, or donated to the school district,
1255 for use in the educational system when authorized by the
1256 district school board.

1257 (l) To provide security, including electronic intrusion-
1258 detection systems and patrol vehicles, when authorized by proper
1259 governmental agencies, and to contract with the appropriate
1260 local general-purpose government agencies for an increased level
1261 of such services within the district boundaries. However, this
1262 paragraph does not prohibit the district from contracting with a
1263 towing operator to remove a vehicle or vessel from a district-
1264 owned facility or property if the district follows the
1265 authorization and notice and procedural requirements in s.
1266 715.07, Florida Statutes, for an owner or lessee of private
1267 property. The district's selection of a towing operator is not
1268 subject to public bidding if the towing operator is included in
1269 an approved list of tow operators maintained by the local
1270 government that has jurisdiction over the district's facility or
1271 property.

1272 (m) To provide control and elimination of mosquitoes and
1273 other arthropods of public health importance.

1274 (n) To enter into impact fee, mobility fee, or other
1275 similar credit agreements with Marion County or other

1276 governmental bodies or a landowner developer and to sell or
1277 assign such credits, on such terms as the district deems
1278 appropriate.

1279 (o) To provide buildings and structures for district
1280 offices; maintenance facilities; meeting facilities; town
1281 centers; stadiums; recreational facilities such as, but not
1282 limited to, sports fields, aquatic facilities, and sports
1283 courts; or any other project authorized or granted by this act.

1284 (p) To establish and create, at noticed meetings, such
1285 departments of the board of supervisors of the district, as well
1286 as committees, task forces, boards, or commissions, or other
1287 agencies under the supervision and control of the district, as
1288 from time to time the members of the board may deem necessary or
1289 desirable in the performance of the acts or other things
1290 necessary to exercise the board's general or special powers to
1291 implement an innovative project to carry out the special and
1292 limited purpose of the district as provided in this act and to
1293 delegate the exercise of its powers to such departments, boards,
1294 task forces, committees, or other agencies, and such
1295 administrative duties and other powers as the board may deem
1296 necessary or desirable, but only if there is a set of expressed
1297 limitations for accountability, notice, and periodic written
1298 reporting to the board that shall retain the powers of the
1299 board.

1300 (q) To provide electrical, sustainable, or green

1301 infrastructure improvements, facilities, and services,
1302 including, but not limited to, recycling of natural resources,
1303 reduction of energy demands, development and generation of
1304 alternative or renewable energy sources and technologies,
1305 mitigation of urban heat islands, sequestration, capping or
1306 trading of carbon emissions or carbon emissions credits, LEED or
1307 Florida Green Building Coalition certification, and development
1308 of facilities and improvements for low-impact development and to
1309 enter into joint ventures, public-private partnerships, and
1310 other agreements and to grant such easements as may be necessary
1311 to accomplish the foregoing. Nothing herein shall authorize the
1312 district to provide electric service to retail customers or
1313 otherwise act to impair electric utility franchise agreements.

1314 (r) To provide for any facilities or improvements that may
1315 otherwise be provided for by any county or municipality,
1316 including, but not limited to, libraries, annexes, substations,
1317 and other buildings to house public officials, staff, and
1318 employees.

1319 (s) To provide waste collection and disposal.

1320 (t) To provide for the construction and operation of
1321 communications systems and related infrastructure for the
1322 carriage and distribution of communications services, and to
1323 enter into joint ventures, public-private partnerships, and
1324 other agreements and to grant such easements as may be necessary
1325 to accomplish the foregoing. The term "communications systems"

1326 means all facilities, buildings, equipment, items, and methods
1327 necessary or desirable in order to provide communications
1328 services, including, without limitation, fiber, wires, cables,
1329 conduits, electronic equipment, switches, wireless cell sites,
1330 computers, modems, antennas, satellite antennae sites,
1331 transmission facilities, network facilities, and appurtenant
1332 devices necessary and appropriate to support the provision of
1333 communications services. The term "communications services"
1334 includes, without limitation, all forms of broadband services,
1335 wireless communications services, and other communications or
1336 data transmissions services that enable users to access the
1337 Internet and internet-related services, such as, but not limited
1338 to, voice telephone or similar services provided by voiceover
1339 Internet protocol, cable television, data transmission services,
1340 electronic security monitoring services, and multichannel video
1341 programming distribution services. Nothing herein authorizes the
1342 district to provide communications services to retail customers
1343 or otherwise act to impair existing service provider franchise
1344 agreements; however, the district may contract with such
1345 providers for resale purposes.

1346 (u) To provide health care facilities and to enter into
1347 public-private partnerships and agreements as may be necessary
1348 to accomplish the foregoing.

1349 (v) To coordinate, work with, and, as the board deems
1350 appropriate, enter into interlocal agreements with any public or

1351 private entity for the provision of an institution or
1352 institutions of higher education.

1353 (w) To coordinate, work with, and as the board deems
1354 appropriate, enter into public-private partnerships and
1355 agreements as may be necessary or useful to effectuate the
1356 purposes of this act.

1357

1358 The enumeration of special powers herein shall not be deemed
1359 exclusive or restrictive but shall be deemed to incorporate all
1360 powers express or implied necessary or incidental to carrying
1361 out such enumerated special powers, including also the general
1362 powers provided by this special act charter to the district to
1363 implement its purposes. Further, this subsection shall be
1364 construed liberally in order to carry out effectively the
1365 special and limited purpose of this district under this act.

1366 (8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to
1367 the other powers provided for in this act, and not in limitation
1368 thereof, the district shall have the power, at any time and from
1369 time to time after the issuance of any bonds of the district
1370 shall have been authorized, to borrow money for the purposes for
1371 which such bonds are to be issued in anticipation of the receipt
1372 of the proceeds of the sale of such bonds and to issue bond
1373 anticipation notes in a principal sum not in excess of the
1374 authorized maximum amount of such bond issue. Such notes shall
1375 be in such denomination or denominations, bear interest at such

1376 rate not to exceed the maximum rate allowed by general law,
1377 mature at such time or times not later than 5 years from the
1378 date of issuance, and be in such form and executed in such
1379 manner as the board shall prescribe. Such notes may be sold at
1380 either public or private sale or, if such notes shall be renewal
1381 notes, may be exchanged for notes then outstanding on such terms
1382 as the board shall determine. Such notes shall be paid from the
1383 proceeds of such bonds when issued. The board may, in its
1384 discretion, in lieu of retiring the notes by means of bonds,
1385 retire them by means of current revenues or from any taxes or
1386 assessments levied for the payment of such bonds, but, in such
1387 event, a like amount of the bonds authorized shall not be
1388 issued.

1389 (9) BORROWING.—The district at any time may obtain loans,
1390 in such amount and on such terms and conditions as the board may
1391 approve, for the purpose of paying any of the expenses of the
1392 district or any costs incurred or that may be incurred in
1393 connection with any of the projects of the district, which loans
1394 shall bear interest as the board determines, not to exceed the
1395 maximum rate allowed by general law, and may be payable from and
1396 secured by a pledge of such funds, revenues, taxes, and
1397 assessments as the board may determine, subject, however, to the
1398 provisions contained in any proceeding under which bonds were
1399 theretofore issued and are then outstanding. For the purpose of
1400 defraying such costs and expenses, the district may issue

1401 negotiable notes, warrants, or other evidences of debt to be
1402 payable at such times and to bear such interest as the board may
1403 determine, not to exceed the maximum rate allowed by general
1404 law, and to be sold or discounted at such price or prices not
1405 less than 95 percent of par value and on such terms as the board
1406 may deem advisable. The board shall have the right to provide
1407 for the payment thereof by pledging the whole or any part of the
1408 funds, revenues, taxes, and assessments of the district or by
1409 covenanting to budget and appropriate from such funds. The
1410 approval of the electors residing in the district shall not be
1411 necessary except when required by the State Constitution.

1412 (10) BONDS.—

1413 (a) Sale of bonds.—Bonds may be sold in blocks or
1414 installments at different times, or an entire issue or series
1415 may be sold at one time. Bonds may be sold at public or private
1416 sale after such advertisement, if any, as the board may deem
1417 advisable, but not in any event at less than 90 percent of the
1418 par value thereof, together with accrued interest thereon. Bonds
1419 may be sold or exchanged for refunding bonds. Special assessment
1420 and revenue bonds may be delivered by the district as payment of
1421 the purchase price of any project or part thereof, or a
1422 combination of projects or parts thereof, or as the purchase
1423 price or exchange for any property, real, personal, or mixed,
1424 including franchises or services rendered by any contractor,
1425 engineer, or other person, all at one time or in blocks from

1426 time to time, in such manner and upon such terms as the board in
1427 its discretion shall determine. The price or prices for any
1428 bonds sold, exchanged, or delivered may be:

1429 1. The money paid for the bonds.

1430 2. The principal amount, plus accrued interest to the date
1431 of redemption or exchange, or outstanding obligations exchanged
1432 for refunding bonds.

1433 3. In the case of special assessment or revenue bonds, the
1434 amount of any indebtedness to contractors or other persons paid
1435 with such bonds, or the fair value of any properties exchanged
1436 for the bonds, as determined by the board.

1437 (b) Authorization and form of bonds.—Any general
1438 obligation bonds, special assessment bonds, or revenue bonds may
1439 be authorized by resolution or resolutions of the board which
1440 shall be adopted by a majority of all the members thereof then
1441 in office. Such resolution or resolutions may be adopted at the
1442 same meeting at which they are introduced and need not be
1443 published or posted. The board may, by resolution, authorize the
1444 issuance of bonds and fix the aggregate amount of bonds to be
1445 issued; the purpose or purposes for which the moneys derived
1446 therefrom shall be expended, including, but not limited to,
1447 payment of costs as defined in section 2(2)(h); the rate or
1448 rates of interest, not to exceed the maximum rate allowed by
1449 general law; the denomination of the bonds; whether or not the
1450 bonds are to be issued in one or more series; the date or dates

1451 of maturity, which shall not exceed 40 years from their
1452 respective dates of issuance; the medium of payment; the place
1453 or places within or without the state at which payment shall be
1454 made; registration privileges; redemption terms and privileges,
1455 whether with or without premium; the manner of execution; the
1456 form of the bonds, including any interest coupons to be attached
1457 thereto; the manner of execution of bonds and coupons; and any
1458 and all other terms, covenants, and conditions thereof and the
1459 establishment of revenue or other funds. Such authorizing
1460 resolution or resolutions may further provide for the contracts
1461 authorized by s. 159.825(1) (f) and (g), Florida Statutes,
1462 regardless of the tax treatment of such bonds being authorized,
1463 subject to the finding by the board of a net saving to the
1464 district resulting by reason thereof. Such authorizing
1465 resolution may further provide that such bonds may be executed
1466 in accordance with the Registered Public Obligations Act, except
1467 that bonds not issued in registered form shall be valid if
1468 manually countersigned by an officer designated by appropriate
1469 resolution of the board. The seal of the district may be
1470 affixed, lithographed, engraved, or otherwise reproduced in
1471 facsimile on such bonds. In case any officer whose signature
1472 shall appear on any bonds or coupons shall cease to be such
1473 officer before the delivery of such bonds, such signature or
1474 facsimile shall nevertheless be valid and sufficient for all
1475 purposes the same as if he or she had remained in office until

1476 such delivery.

1477 (c) Interim certificates; replacement certificates.—

1478 Pending the preparation of definitive bonds, the board may issue
1479 interim certificates or receipts or temporary bonds, in such
1480 form and with such provisions as the board may determine,
1481 exchangeable for definitive bonds when such bonds have been
1482 executed and are available for delivery. The board may also
1483 provide for the replacement of any bonds which become mutilated,
1484 lost, or destroyed.

1485 (d) Negotiability of bonds.—Any bond issued under this act
1486 or any temporary bond, in the absence of an express recital on
1487 the face thereof that it is nonnegotiable, shall be fully
1488 negotiable and shall be and constitute a negotiable instrument
1489 within the meaning and for all purposes of the law merchant and
1490 the laws of the state.

1491 (e) Defeasance.—The board may make such provision with
1492 respect to the defeasance of the right, title, and interest of
1493 the holders of any of the bonds and obligations of the district
1494 in any revenues, funds, or other properties by which such bonds
1495 are secured as the board deems appropriate and, without
1496 limitation on the foregoing, may provide that when such bonds or
1497 obligations become due and payable or shall have been called for
1498 redemption and the whole amount of the principal and interest
1499 and premium, if any, due and payable upon the bonds or
1500 obligations then outstanding shall be held in trust for such

1501 purpose, and provision shall also be made for paying all other
1502 sums payable in connection with such bonds or other obligations,
1503 then and in such event the right, title, and interest of the
1504 holders of the bonds in any revenues, funds, or other properties
1505 by which such bonds are secured shall thereupon cease,
1506 terminate, and become void; and the board may apply any surplus
1507 in any sinking fund established in connection with such bonds or
1508 obligations and all balances remaining in all other funds or
1509 accounts other than moneys held for the redemption or payment of
1510 the bonds or other obligations to any lawful purpose of the
1511 district as the board shall determine.

1512 (f) Issuance of additional bonds.—If the proceeds of any
1513 bonds are less than the cost of completing the project in
1514 connection with which such bonds were issued, the board may
1515 authorize the issuance of additional bonds, upon such terms and
1516 conditions as the board may provide in the resolution
1517 authorizing the issuance thereof, but only in compliance with
1518 the resolution or other proceedings authorizing the issuance of
1519 the original bonds.

1520 (g) Refunding bonds.—The district shall have the power to
1521 issue bonds to provide for the retirement or refunding of any
1522 bonds or obligations of the district that at the time of such
1523 issuance are or subsequent thereto become due and payable, or
1524 that at the time of issuance have been called or are, or will
1525 be, subject to call for redemption within 10 years thereafter,

1526 or the surrender of which can be procured from the holders
1527 thereof at prices satisfactory to the board. Refunding bonds may
1528 be issued at any time that, in the judgment of the board, such
1529 issuance will be advantageous to the district. No approval of
1530 the qualified electors residing in the district shall be
1531 required for the issuance of refunding bonds except in cases in
1532 which such approval is required by the State Constitution. The
1533 board may by resolution confer upon the holders of such
1534 refunding bonds all rights, powers, and remedies to which the
1535 holders would be entitled if they continued to be the owners and
1536 had possession of the bonds for the refinancing of which such
1537 refunding bonds are issued, including, but not limited to, the
1538 preservation of the lien of such bonds on the revenues of any
1539 project or on pledged funds, without extinguishment, impairment,
1540 or diminution thereof. The provisions of this act pertaining to
1541 bonds of the district shall, unless the context otherwise
1542 requires, govern the issuance of refunding bonds, the form and
1543 other details thereof, the rights of the holders thereof, and
1544 the duties of the board with respect thereto.

1545 (h) Revenue bonds.—

1546 1. The district shall have the power to issue revenue
1547 bonds from time to time without limitation as to amount. Such
1548 revenue bonds may be secured by, or payable from, the gross or
1549 net pledge of the revenues to be derived from any project or
1550 combination of projects; from the rates, fees, or other charges

1551 to be collected from the users of any project or projects; from
1552 any revenue-producing undertaking or activity of the district;
1553 from special assessments; from benefit special assessments; or
1554 from any other source or pledged security. Such bonds shall not
1555 constitute an indebtedness of the district, and the approval of
1556 the qualified electors shall not be required unless such bonds
1557 are additionally secured by the full faith and credit and taxing
1558 power of the district.

1559 2. Any two or more projects may be combined and
1560 consolidated into a single project and may hereafter be operated
1561 and maintained as a single project. The revenue bonds authorized
1562 herein may be issued to finance any one or more of such
1563 projects, regardless of whether such projects have been combined
1564 and consolidated into a single project. If the board deems it
1565 advisable, the proceedings authorizing such revenue bonds may
1566 provide that the district may thereafter combine the projects
1567 then being financed or theretofore financed with other projects
1568 to be subsequently financed by the district and that revenue
1569 bonds to be thereafter issued by the district shall be on parity
1570 with the revenue bonds then being issued, all on such terms,
1571 conditions, and limitations as shall have been provided in the
1572 proceeding which authorized the original bonds.

1573 (i) General obligation bonds.—

1574 1. Subject to the limitations of this charter, the
1575 district shall have the power from time to time to issue general

1576 obligation bonds to finance or refinance capital projects or to
1577 refund outstanding bonds in an aggregate principal amount of
1578 bonds outstanding at any one time not in excess of 35 percent of
1579 the assessed value of the taxable property within the district
1580 as shown on the pertinent tax records at the time of the
1581 authorization of the general obligation bonds for which the full
1582 faith and credit of the district is pledged. Except for
1583 refunding bonds, no general obligation bonds shall be issued
1584 unless the bonds are issued to finance or refinance a capital
1585 project and the issuance has been approved at an election held
1586 in accordance with the requirements for such election as
1587 prescribed by the State Constitution. Such elections shall be
1588 called to be held in the district by the Supervisor of Elections
1589 of Marion County upon the request of the board of the district.
1590 The expenses of calling and holding an election shall be at the
1591 expense of the district and the district shall reimburse the
1592 county for any expenses incurred in calling or holding such
1593 election.

1594 2. The district may pledge its full faith and credit for
1595 the payment of the principal and interest on such general
1596 obligation bonds and for any reserve funds provided therefor and
1597 may unconditionally and irrevocably pledge itself to levy ad
1598 valorem taxes on all taxable property in the district, to the
1599 extent necessary for the payment thereof, without limitation as
1600 to rate or amount.

1601 3. If the board determines to issue general obligation
1602 bonds for more than one capital project, the approval of the
1603 issuance of the bonds for each and all such projects may be
1604 submitted to the electors on one and the same ballot. The
1605 failure of the electors to approve the issuance of bonds for any
1606 one or more capital projects shall not defeat the approval of
1607 bonds for any capital project which has been approved by the
1608 electors.

1609 4. In arriving at the amount of general obligation bonds
1610 permitted to be outstanding at any one time pursuant to
1611 subparagraph 1., there shall not be included any general
1612 obligation bonds that are additionally secured by the pledge of:

1613 a. Any assessments levied in an amount sufficient to pay
1614 the principal and interest on the general obligation bonds so
1615 additionally secured, which assessments have been equalized and
1616 confirmed by resolution of the board pursuant to this act or s.
1617 170.08, Florida Statutes.

1618 b. Water revenues, sewer revenues, or water and sewer
1619 revenues of the district to be derived from user fees in an
1620 amount sufficient to pay the principal and interest on the
1621 general obligation bonds so additionally secured.

1622 c. Any combination of assessments and revenues described
1623 in sub-subparagraphs a. and b.

1624 (j) Bonds as legal investment or security.—

1625 1. Notwithstanding any other law to the contrary, all

1626 bonds issued under this act shall constitute legal investments
1627 for savings banks, banks, trust companies, insurance companies,
1628 executors, administrators, trustees, guardians, and other
1629 fiduciaries and for any board, body, agency, instrumentality,
1630 county, municipality, or other political subdivision of the
1631 state and shall be and constitute security which may be
1632 deposited by banks or trust companies as security for deposits
1633 of state, county, municipal, or other public funds or by
1634 insurance companies as required or voluntary statutory deposits.

1635 2. Any bonds issued by the district shall be incontestable
1636 in the hands of bona fide purchasers or holders for value and
1637 shall not be invalid because of any irregularity or defect in
1638 the proceedings for the issue and sale thereof.

1639 (k) Covenants.—Any resolution authorizing the issuance of
1640 bonds may contain such covenants as the board may deem
1641 advisable, and all such covenants shall constitute valid and
1642 legally binding and enforceable contracts between the district
1643 and the bondholders, regardless of the time of issuance thereof.
1644 Such covenants may include, without limitation, covenants
1645 concerning the disposition of the bond proceeds; the use and
1646 disposition of project revenues; the pledging of revenues,
1647 taxes, and assessments; the obligations of the district with
1648 respect to the operation of the project and the maintenance of
1649 adequate project revenues; the issuance of additional bonds; the
1650 appointment, powers, and duties of trustees and receivers; the

1651 acquisition of outstanding bonds and obligations; restrictions
1652 on the establishing of competing projects or facilities;
1653 restrictions on the sale or disposal of the assets and property
1654 of the district; the priority of assessment liens; the priority
1655 of claims by bondholders on the taxing power of the district;
1656 the maintenance of deposits to ensure the payment of revenues by
1657 users of district facilities and services; the discontinuance of
1658 district services by reason of delinquent payments; acceleration
1659 upon default; the execution of necessary instruments; the
1660 procedure for amending or abrogating covenants with the
1661 bondholders; and such other covenants as may be deemed necessary
1662 or desirable for the security of the bondholders.

1663 (1) Validation proceedings.—The power of the district to
1664 issue bonds under this act may be determined, and any of the
1665 bonds of the district maturing over a period of more than 5
1666 years shall be validated and confirmed, by court decree, under
1667 chapter 75, Florida Statutes, and laws amendatory thereof or
1668 supplementary thereto.

1669 (m) Tax exemption.—To the extent allowed by general law,
1670 all bonds issued hereunder and interest paid thereon and all
1671 fees, charges, and other revenues derived by the district from
1672 the projects provided by this act are exempt from all taxes by
1673 the state or by any political subdivision, agency, or
1674 instrumentality thereof; however, any interest, income, or
1675 profits on debt obligations issued hereunder are not exempt from

1676 the tax imposed by chapter 220, Florida Statutes. Further, the
1677 district is not exempt from chapter 212, Florida Statutes.

1678 (n) Application of s. 189.051, Florida Statutes.—Bonds
1679 issued by the district shall meet the criteria set forth in s.
1680 189.051, Florida Statutes.

1681 (o) Act furnishes full authority for issuance of bonds.—
1682 This act constitutes full and complete authority for the
1683 issuance of bonds and the exercise of the powers of the district
1684 provided herein. No procedures or proceedings, publications,
1685 notices, consents, approvals, orders, acts, or things by the
1686 board, or any board, officer, commission, department, agency, or
1687 instrumentality of the district, other than those required by
1688 this act, shall be required to perform anything under this act,
1689 except that the issuance or sale of bonds pursuant to this act
1690 shall comply with the general law requirements applicable to the
1691 issuance or sale of bonds by the district. Nothing in this act
1692 shall be construed to authorize the district to utilize bond
1693 proceeds to fund the ongoing operations of the district.

1694 (p) Pledge by the state to the bondholders of the
1695 district.—The state pledges to the holders of any bonds issued
1696 under this act that it will not limit or alter the rights of the
1697 district to own, acquire, construct, reconstruct, improve,
1698 maintain, operate, or furnish the projects or to levy and
1699 collect the taxes, assessments, rentals, rates, fees, and other
1700 charges provided for herein and to fulfill the terms of any

1701 agreement made with the holders of such bonds or other
1702 obligations and that it will not in any way impair the rights or
1703 remedies of such holders.

1704 (q) Default.—A default on the bonds or obligations of the
1705 district shall not constitute a debt or obligation of the state
1706 or any general-purpose local government of the state. In the
1707 event of a default or dissolution of the district, no general-
1708 purpose local government shall be required to assume the
1709 property of the district, the debts of the district, or the
1710 district's obligations to complete any infrastructure
1711 improvements or provide any services to the district. Section
1712 189.076(2), Florida Statutes, shall not apply to the district.

1713 (11) TRUST AGREEMENTS.—Any issue of bonds shall be secured
1714 by a trust agreement or resolution by and between the district
1715 and a corporate trustee or trustees, which may be any trust
1716 company or bank having the powers of a trust company within or
1717 without the state. The resolution authorizing the issuance of
1718 the bonds or such trust agreement may pledge the revenues to be
1719 received from any projects of the district and may contain such
1720 provisions for protecting and enforcing the rights and remedies
1721 of the bondholders as the board may approve, including, without
1722 limitation, covenants setting forth the duties of the district
1723 in relation to: the acquisition, construction, reconstruction,
1724 improvement, maintenance, repair, operation, and insurance of
1725 any projects; the fixing and revising of the rates, fees, and

1726 charges; and the custody, safeguarding, and application of all
1727 moneys and for the employment of consulting engineers in
1728 connection with such acquisition, construction, reconstruction,
1729 improvement, maintenance, repair, or operation. It shall be
1730 lawful for any bank or trust company within or without the state
1731 which may act as a depository of the proceeds of bonds or of
1732 revenues to furnish such indemnifying bonds or to pledge such
1733 securities as may be required by the district. Such resolution
1734 or trust agreement may set forth the rights and remedies of the
1735 bondholders and of the trustee, if any, and may restrict the
1736 individual right of action by bondholders. The board may provide
1737 for the payment of proceeds of the sale of the bonds and the
1738 revenues of any project to such officer, board, or depository as
1739 it may designate for the custody thereof and may provide for the
1740 method of disbursement thereof with such safeguards and
1741 restrictions as it may determine. All expenses incurred in
1742 carrying out the provisions of such resolution or trust
1743 agreement may be treated as part of the cost of operation of the
1744 project to which such resolution or trust agreement pertains.

1745 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
1746 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
1747 ASSESSMENTS; MAINTENANCE TAXES.—

1748 (a) Ad valorem taxes.—At such time as all members of the
1749 board are qualified electors who are elected by qualified
1750 electors of the district, the board shall have the power to levy

1751 and assess an ad valorem tax on all the taxable property in the
1752 district to construct, operate, and maintain assessable
1753 improvements; to pay the principal of, and interest on, any
1754 general obligation bonds of the district; and to provide for any
1755 sinking or other funds established in connection with any such
1756 bonds. An ad valorem tax levied by the board for operating
1757 purposes, exclusive of debt service on bonds, shall not exceed 3
1758 mills. The ad valorem tax provided for herein shall be in
1759 addition to county and all other ad valorem taxes provided for
1760 by law. Such tax shall be assessed, levied, and collected in the
1761 same manner and at the same time as county taxes. The levy of ad
1762 valorem taxes must be approved by referendum as required by s.
1763 9, Article VII of the State Constitution and held at a general
1764 election.

1765 (b) Benefit special assessments.—The board annually shall
1766 determine, order, and levy the annual installment of the total
1767 benefit special assessments for bonds issued and related
1768 expenses to finance assessable improvements. These assessments
1769 may be due and collected during each year county taxes are due
1770 and collected, in which case such annual installment and levy
1771 shall be evidenced to and certified to the property appraiser by
1772 the board not later than August 31 of each year. Such assessment
1773 shall be entered by the property appraiser on the county tax
1774 rolls and shall be collected and enforced by the tax collector
1775 in the same manner and at the same time as county taxes, and the

1776 proceeds thereof shall be paid to the district. However, this
1777 paragraph shall not prohibit the district in its discretion from
1778 using the method prescribed in s. 197.3632, Florida Statutes, or
1779 chapter 173, Florida Statutes, as each may be amended from time
1780 to time, for collecting and enforcing these assessments. Each
1781 annual installment of benefit special assessments shall be a
1782 lien on the property against which assessed until paid and shall
1783 be enforceable in like manner as county taxes. The amount of the
1784 assessment for the exercise of the district's powers under
1785 subsections (6) and (7) shall be determined by the board based
1786 upon a report of the district's engineer and assessed by the
1787 board upon such lands, which may be part or all of the lands
1788 within the district benefited by the improvement, apportioned
1789 between benefited lands in proportion to the benefits received
1790 by each tract of land. The board may, if it determines it is in
1791 the best interests of the district, set forth in the proceedings
1792 initially levying such benefit special assessments or in
1793 subsequent proceedings a formula for the determination of an
1794 amount, which when paid by a taxpayer with respect to any tax
1795 parcel, shall constitute a prepayment of all future annual
1796 installments of such benefit special assessments and that the
1797 payment of which amount with respect to such tax parcel shall
1798 relieve and discharge such tax parcel of the lien of such
1799 benefit special assessments and any subsequent annual
1800 installment thereof. The board may provide further that upon

1801 delinquency in the payment of any annual installment of benefit
1802 special assessments, the prepayment amount of all future annual
1803 installments of benefit special assessments as determined in the
1804 preceding sentence shall be and become immediately due and
1805 payable together with such delinquent annual installment.

1806 (c) Non-ad valorem maintenance taxes.—If and when
1807 authorized by general law, to maintain and to preserve the
1808 physical facilities and services constituting the works,
1809 improvements, or infrastructure owned by the district pursuant
1810 to this act, to repair and restore any one or more of them, when
1811 needed, and to defray the current expenses of the district,
1812 including any sum which may be required to pay state and county
1813 ad valorem taxes on any lands which may have been purchased and
1814 which are held by the district under this act, the board of
1815 supervisors may, upon the completion of said systems,
1816 facilities, services, works, improvements, or infrastructure, in
1817 whole or in part, as may be certified to the board by the
1818 engineer of the board, levy annually a non-ad valorem and
1819 nonmillage tax upon each tract or parcel of land within the
1820 district, to be known as a "maintenance tax." This non-ad
1821 valorem maintenance tax shall be apportioned upon the basis of
1822 the net assessments of benefits assessed as accruing from the
1823 original construction and shall be evidenced to and certified by
1824 the board of supervisors of the district not later than June 1
1825 of each year to the Marion County tax collector and shall be

1826 extended on the tax rolls and collected by the tax collector on
1827 the merged collection roll of the tax collector in the same
1828 manner and at the same time as county ad valorem taxes, and the
1829 proceeds therefrom shall be paid to the district. This non-ad
1830 valorem maintenance tax shall be a lien until paid on the
1831 property against which assessed and enforceable in like manner
1832 and of the same dignity as county ad valorem taxes.

1833 (d) Maintenance special assessments.—To maintain and
1834 preserve the facilities and projects of the district, the board
1835 may levy a maintenance special assessment. This assessment may
1836 be evidenced to and certified to the tax collector by the board
1837 of supervisors not later than August 31 of each year and shall
1838 be entered by the property appraiser on the county tax rolls and
1839 shall be collected and enforced by the tax collector in the same
1840 manner and at the same time as county taxes, and the proceeds
1841 therefrom shall be paid to the district. However, this paragraph
1842 shall not prohibit the district in its discretion from using the
1843 method prescribed in s. 197.363, s. 197.3631, or s. 197.3632,
1844 Florida Statutes, for collecting and enforcing these
1845 assessments. These maintenance special assessments shall be a
1846 lien on the property against which assessed until paid and shall
1847 be enforceable in like manner as county taxes. The amount of the
1848 maintenance special assessment for the exercise of the
1849 district's powers under this section shall be determined by the
1850 board based upon a report of the district's engineer and

1851 assessed by the board upon such lands, which may be all of the
1852 lands within the district benefited by the maintenance thereof,
1853 apportioned between the benefited lands in proportion to the
1854 benefits received by each tract of land.

1855 (e) Special assessments.—The board may levy and impose any
1856 special assessments pursuant to this subsection.

1857 (f) Enforcement of taxes.—The collection and enforcement
1858 of all taxes levied by the district shall be at the same time
1859 and in like manner as county taxes, and the general law relating
1860 to the sale of lands for unpaid and delinquent county taxes; the
1861 issuance, sale, and delivery of tax certificates for such unpaid
1862 and delinquent county taxes; the redemption thereof; the
1863 issuance to individuals of tax deeds based thereon; and all
1864 other procedures in connection therewith shall be applicable to
1865 the district to the same extent as if such statutory provisions
1866 were expressly set forth herein. All taxes shall be subject to
1867 the same discounts as county taxes.

1868 (g) When unpaid tax is delinquent; penalty.—All taxes
1869 provided for in this act shall become delinquent and bear
1870 penalties on the amount of such taxes in the same manner as
1871 county taxes.

1872 (h) Status of assessments.—Benefit special assessments,
1873 maintenance special assessments, and special assessments are
1874 hereby found and determined to be non-ad valorem assessments as
1875 defined by s. 197.3632, Florida Statutes. Maintenance taxes are

1876 non-ad valorem taxes and are not special assessments.

1877 (i) Assessments constitute liens; collection.—Any and all
1878 assessments, including special assessments, benefit special
1879 assessments, and maintenance special assessments authorized by
1880 this section, and including special assessments as defined by
1881 section 2(2)(aa) and granted and authorized by this subsection,
1882 and including maintenance taxes if authorized by general law,
1883 shall constitute a lien on the property against which assessed
1884 from the date of levy and imposition thereof until paid, coequal
1885 with the lien of state, county, municipal, and school board
1886 taxes. These assessments may be collected, at the district's
1887 discretion, under authority of s. 197.3631, Florida Statutes, as
1888 amended from time to time, by the tax collector pursuant to ss.
1889 197.3632 and 197.3635, Florida Statutes, as amended from time to
1890 time, or in accordance with other collection measures provided
1891 by law. In addition to, and not in limitation of, any powers
1892 otherwise set forth herein or in general law, these assessments
1893 may also be enforced pursuant to chapter 173, Florida Statutes,
1894 as amended from time to time.

1895 (j) Land owned by governmental entity.—Except as otherwise
1896 provided by law, no levy of ad valorem taxes or non-ad valorem
1897 assessments under this act or chapter 170 or chapter 197,
1898 Florida Statutes, as each may be amended from time to time, or
1899 otherwise, by a board of the district, on property of a
1900 governmental entity that is subject to a ground lease as

1901 described in s. 190.003(14), Florida Statutes, shall constitute
1902 a lien or encumbrance on the underlying fee interest of such
1903 governmental entity.

1904 (13) SPECIAL ASSESSMENTS.—

1905 (a) As an alternative method to the levy and imposition of
1906 special assessments pursuant to chapter 170, Florida Statutes,
1907 pursuant to the authority of s. 197.3631, Florida Statutes, or
1908 pursuant to general law, now or hereafter enacted, which
1909 provides a supplemental means or authority to impose, levy, and
1910 collect special assessments as otherwise authorized under this
1911 act, the board may levy and impose special assessments to
1912 finance the exercise of any of its powers permitted under this
1913 act using the following uniform procedures:

1914 1. At a noticed meeting, the board of supervisors of the
1915 district may consider and review an engineer's report on the
1916 costs of the systems, facilities, and services to be provided, a
1917 preliminary special assessment methodology, and a preliminary
1918 roll based on acreage or platted lands, depending upon whether
1919 platting has occurred.

1920 a. The special assessment methodology shall address and
1921 discuss and the board shall consider whether the systems,
1922 facilities, and services being contemplated will result in
1923 special benefits peculiar to the property, different in kind and
1924 degree than general benefits, as a logical connection between
1925 the systems, facilities, and services themselves and the

1926 property, and whether the duty to pay the special assessments by
1927 the property owners is apportioned in a manner that is fair and
1928 equitable and not in excess of the special benefit received. It
1929 shall be fair and equitable to designate a fixed proportion of
1930 the annual debt service, together with interest thereon, on the
1931 aggregate principal amount of bonds issued to finance such
1932 systems, facilities, and services which give rise to unique,
1933 special, and peculiar benefits to property of the same or
1934 similar characteristics under the special assessment methodology
1935 so long as such fixed proportion does not exceed the unique,
1936 special, and peculiar benefits enjoyed by such property from
1937 such systems, facilities, and services.

1938 b. The engineer's cost report shall identify the nature of
1939 the proposed systems, facilities, and services, their location,
1940 a cost breakdown plus a total estimated cost, including cost of
1941 construction or reconstruction, labor, and materials, lands,
1942 property, rights, easements, franchises, or systems, facilities,
1943 and services to be acquired, cost of plans and specifications,
1944 surveys of estimates of costs and revenues, costs of
1945 engineering, legal, and other professional consultation
1946 services, and other expenses or costs necessary or incidental to
1947 determining the feasibility or practicability of such
1948 construction, reconstruction, or acquisition, administrative
1949 expenses, relationship to the authority and power of the
1950 district in its charter, and such other expenses or costs as may

1951 be necessary or incidental to the financing to be authorized by
1952 the board of supervisors.

1953 c. The preliminary special assessment roll will be in
1954 accordance with the assessment methodology as may be adopted by
1955 the board of supervisors; the special assessment roll shall be
1956 completed as promptly as possible and shall show the acreage,
1957 lots, lands, or plats assessed and the amount of the fairly and
1958 reasonably apportioned assessment based on special and peculiar
1959 benefit to the property, lot, parcel, or acreage of land; and,
1960 if the special assessment against such lot, parcel, acreage, or
1961 portion of land is to be paid in installments, the number of
1962 annual installments in which the special assessment is divided
1963 shall be entered into and shown upon the special assessment
1964 roll.

1965 2. The board of supervisors of the district may determine
1966 and declare by an initial special assessment resolution to levy
1967 and assess the special assessments with respect to assessable
1968 improvements stating the nature of the systems, facilities, and
1969 services, improvements, projects, or infrastructure constituting
1970 such assessable improvements, the information in the engineer's
1971 cost report, the information in the special assessment
1972 methodology as determined by the board at the noticed meeting
1973 and referencing and incorporating as part of the resolution the
1974 engineer's cost report, the preliminary special assessment
1975 methodology, and the preliminary special assessment roll as

1976 referenced exhibits to the resolution by reference. If the board
1977 determines to declare and levy the special assessments by the
1978 initial special assessment resolution, the board shall also
1979 adopt and declare a notice resolution which shall provide and
1980 cause the initial special assessment resolution to be published
1981 once a week for a period of 2 weeks in newspapers of general
1982 circulation published in Marion County and said board shall by
1983 the same resolution fix a time and place at which the owner or
1984 owners of the property to be assessed or any other persons
1985 interested therein may appear before said board and be heard as
1986 to the propriety and advisability of making such improvements,
1987 as to the costs thereof, as to the manner of payment therefor,
1988 and as to the amount thereof to be assessed against each
1989 property so improved. Thirty days' notice in writing of such
1990 time and place shall be given to such property owners. The
1991 notice shall include the amount of the special assessment and
1992 shall be served by mailing a copy to each assessed property
1993 owner at his or her last known address, the names and addresses
1994 of such property owners to be obtained from the record of the
1995 property appraiser of the county political subdivision in which
1996 the land is located or from such other sources as the district
1997 manager or engineer deems reliable, and proof of such mailing
1998 shall be made by the affidavit of the district manager or by the
1999 engineer, said proof to be filed with the district manager,
2000 provided that failure to mail said notice or notices shall not

CS/HB 4079

2026

2001 invalidate any of the proceedings hereunder. It is provided
2002 further that the last publication shall be at least 1 week prior
2003 to the date of the hearing on the final special assessment
2004 resolution. Said notice shall describe the general areas to be
2005 improved and advise all persons interested that the description
2006 of each property to be assessed and the amount to be assessed to
2007 each piece, parcel, lot, or acre of property may be ascertained
2008 at the office of the district manager. Such service by
2009 publication shall be verified by the affidavit of the publisher
2010 and filed with the district manager. Moreover, the initial
2011 special assessment resolution with its attached, referenced, and
2012 incorporated engineer's cost report, preliminary special
2013 assessment methodology, and preliminary special assessment roll,
2014 along with the notice resolution, shall be available for public
2015 inspection at the office of the district manager and the office
2016 of the engineer or any other office designated by the board of
2017 supervisors in the notice resolution. Notwithstanding the
2018 foregoing, the landowners of all of the property which is
2019 proposed to be assessed may give the district written notice of
2020 waiver of any notice and publication provided for in this
2021 subparagraph and such notice and publication shall not be
2022 required, provided, however, that any meeting of the board of
2023 supervisors to consider such resolution shall be a publicly
2024 noticed meeting.

2025 3. At the time and place named in the noticed resolution

CS/HB 4079

2026

2026 as provided for in subparagraph 2., the board of supervisors of
2027 the district shall meet and hear testimony from affected
2028 property owners as to the propriety and advisability of making
2029 the systems, facilities, services, projects, works,
2030 improvements, or infrastructure and funding them with
2031 assessments referenced in the initial special assessment
2032 resolution on the property. Following the testimony and
2033 questions from the members of the board or any professional
2034 advisors to the district of the preparers of the engineer's cost
2035 report, the special assessment methodology, and the special
2036 assessment roll, the board of supervisors shall make a final
2037 decision on whether to levy and assess the particular special
2038 assessments. Thereafter, the board of supervisors shall meet as
2039 an equalizing board to hear and to consider any and all
2040 complaints as to the particular special assessments and shall
2041 adjust and equalize the special assessments to ensure proper
2042 assessment based on the benefit conferred on the property.

2043 4. When so equalized and approved by resolution or
2044 ordinance by the board of supervisors, to be called the final
2045 special assessment resolution, a final special assessment roll
2046 shall be filed with the clerk of the board and such special
2047 assessment shall stand confirmed and remain legal, valid, and
2048 binding first liens on the property against which such special
2049 assessments are made until paid, equal in dignity to the first
2050 liens of ad valorem taxation of county and municipal governments

2051 and school boards. However, upon completion of the systems,
2052 facilities, services, projects, improvements, works, or
2053 infrastructure, the district shall credit to each of the
2054 assessments the difference in the special assessment as
2055 originally made, approved, levied, assessed, and confirmed and
2056 the proportionate part of the actual cost of the improvement to
2057 be paid by the particular special assessments as finally
2058 determined upon the completion of the improvement; but in no
2059 event shall the final special assessment exceed the amount of
2060 the special and peculiar benefits as apportioned fairly and
2061 reasonably to the property from the system, facility, or service
2062 being provided as originally assessed. Promptly after such
2063 confirmation, the special assessment shall be recorded by the
2064 clerk of the district in the minutes of the proceedings of the
2065 district, and the record of the lien in this set of minutes
2066 shall constitute *prima facie* evidence of its validity. The board
2067 of supervisors, in its sole discretion, may by resolution grant
2068 a discount equal to all or a part of the payee's proportionate
2069 share of the cost of the project consisting of bond financing
2070 cost, such as capitalized interest, funded reserves, and bond
2071 discounts included in the estimated cost of the project, upon
2072 payment in full of any special assessments during such period
2073 prior to the time such financing costs are incurred as may be
2074 specified by the board of supervisors in such resolution.

2075 5. District special assessments may be made payable in

CS/HB 4079

2026

2076 installments over no more than 40 years from the date of the
2077 payment of the first installment thereof and may bear interest
2078 at fixed or variable rates.

2079 (b) Notwithstanding any provision of this act or chapter
2080 170, Florida Statutes, that portion of s. 170.09, Florida
2081 Statutes, that provides that special assessments may be paid
2082 without interest at any time within 30 days after the
2083 improvement is completed and a resolution accepting the same has
2084 been adopted by the governing authority shall not be applicable
2085 to any district special assessments, whether imposed, levied,
2086 and collected pursuant to this act or other general laws,
2087 including, but not limited to, chapter 170, Florida Statutes.

2088 (c) In addition, the district is authorized expressly in
2089 the exercise of its rulemaking power to adopt a rule or rules
2090 which provide for notice, levy, imposition, equalization, and
2091 collection of assessments.

2092 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
2093 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

2094 (a) The board may, after any special assessments or
2095 benefit special assessments for assessable improvements are
2096 made, determined, and confirmed as provided in this act, issue
2097 certificates of indebtedness for the amount so assessed against
2098 the abutting property or property otherwise benefited, as the
2099 case may be, and separate certificates shall be issued against
2100 each part or parcel of land or property assessed, which

2101 certificates shall state the general nature of the improvement
2102 for which the assessment is made. The certificates shall be
2103 payable in annual installments in accordance with the
2104 installments of the special assessment for which they are
2105 issued. The board may determine the interest to be borne by such
2106 certificates, not to exceed the maximum rate allowed by general
2107 law, and may sell such certificates at either private or public
2108 sale and determine the form, manner of execution, and other
2109 details of such certificates. The certificates shall recite that
2110 they are payable only from the special assessments levied and
2111 collected from the part or parcel of land or property against
2112 which they are issued. The proceeds of such certificates may be
2113 pledged for the payment of principal of and interest on any
2114 revenue bonds or general obligation bonds issued to finance in
2115 whole or in part such assessable improvement, or, if not so
2116 pledged, may be used to pay the cost or part of the cost of such
2117 assessable improvements.

2118 (b) The district may also issue assessment bonds, revenue
2119 bonds, or other obligations payable from a special fund into
2120 which such certificates of indebtedness referred to in paragraph
2121 (a) may be deposited or, if such certificates of indebtedness
2122 have not been issued, the district may assign to such special
2123 fund for the benefit of the holders of such assessment bonds or
2124 other obligations, or to a trustee for such bondholders, the
2125 assessment liens provided for in this act unless such

2126 certificates of indebtedness or assessment liens have been
2127 theretofore pledged for any bonds or other obligations
2128 authorized hereunder. In the event of the creation of such
2129 special fund and the issuance of such assessment bonds or other
2130 obligations, the proceeds of such certificates of indebtedness
2131 or assessment liens deposited therein shall be used only for the
2132 payment of the assessment bonds or other obligations issued as
2133 provided in this section. The district is authorized to covenant
2134 with the holders of such assessment bonds, revenue bonds, or
2135 other obligations that it will diligently and faithfully enforce
2136 and collect all the special assessments, and interest and
2137 penalties thereon, for which such certificates of indebtedness
2138 or assessment liens have been deposited in or assigned to such
2139 fund; to foreclose such assessment liens so assigned to such
2140 special fund or represented by the certificates of indebtedness
2141 deposited in the special fund, after such assessment liens have
2142 become delinquent, and deposit the proceeds derived from such
2143 foreclosure, including interest and penalties, in such special
2144 fund; and to make any other covenants deemed necessary or
2145 advisable in order to properly secure the holders of such
2146 assessment bonds or other obligations.

2147 (c) The assessment bonds, revenue bonds, or other
2148 obligations issued pursuant to this section shall have such
2149 dates of issue and maturity as shall be deemed advisable by the
2150 board; however, the maturities of such assessment bonds or other

2151 obligations shall not be more than 2 years after the due date of
2152 the last installment which will be payable on any of the special
2153 assessments for which such assessment liens, or the certificates
2154 of indebtedness representing such assessment liens, are assigned
2155 to or deposited in such special fund.

2156 (d) Such assessment bonds, revenue bonds, or other
2157 obligations issued under this section shall bear such interest
2158 as the board may determine, not to exceed the maximum rate
2159 allowed by general law, and shall be executed, shall have such
2160 provisions for redemption prior to maturity, shall be sold in
2161 the manner, and shall be subject to all of the applicable
2162 provisions contained in this act for revenue bonds, except as
2163 the same may be inconsistent with this section.

2164 (e) All assessment bonds, revenue bonds, or other
2165 obligations issued under this section shall be, shall
2166 constitute, and shall have all the qualities and incidents of
2167 negotiable instruments under the law merchant and the laws of
2168 the state.

2169 (15) TAX LIENS.—All taxes of the district provided for in
2170 this act, together with all penalties for default in the payment
2171 of the same and all costs in collecting the same, including a
2172 reasonable attorney fee fixed by the court and taxed as a cost
2173 in the action brought to enforce payment, shall, from January 1
2174 for each year the property is liable to assessment and until
2175 paid, constitute a lien of equal dignity with the liens for

2176 state and county taxes and other taxes of equal dignity with
2177 state and county taxes upon all the lands against which such
2178 taxes shall be levied. A sale of any of the real property within
2179 the district for state and county or other taxes shall not
2180 operate to relieve or release the property so sold from the lien
2181 for subsequent district taxes or installments of district taxes,
2182 which lien may be enforced against such property as though no
2183 such sale thereof had been made. In addition to, and not in
2184 limitation of, the preceding sentence, for purposes of s.
2185 197.552, Florida Statutes, the lien of all special assessments
2186 levied by the district shall constitute a lien of record held by
2187 a municipal or county governmental unit. Sections 194.171,
2188 197.122, 197.333, and 197.432, Florida Statutes, shall be
2189 applicable to district taxes with the same force and effect as
2190 if such sections were expressly set forth in this act.

2191 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
2192 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

2193 (a) The district shall have the power and right to:
2194 1. Pay any delinquent state, county, district, municipal,
2195 or other tax or assessment upon lands located wholly or
2196 partially within the boundaries of the district.

2197 2. Redeem or purchase any tax sales certificates issued or
2198 sold on account of any state, county, district, municipal, or
2199 other taxes or assessments upon lands located wholly or
2200 partially within the boundaries of the district.

2201 (b) Delinquent taxes paid, or tax sales certificates
2202 redeemed or purchased, by the district, together with all
2203 penalties for the default in payment of the same and all costs
2204 in collecting the same and a reasonable attorney fee, shall
2205 constitute a lien in favor of the district of equal dignity with
2206 the liens of state and county taxes and other taxes of equal
2207 dignity with state and county taxes upon all the real property
2208 against which the taxes were levied. The lien of the district
2209 may be foreclosed in the manner provided in this act.

2210 (c) In any sale of land pursuant to s. 197.542, Florida
2211 Statutes, as may be amended from time to time, the district may
2212 certify to the clerk of the circuit court of the county holding
2213 such sale the amount of taxes due to the district upon the lands
2214 sought to be sold, and the district shall share in the
2215 disbursement of the sales proceeds in accordance with this act
2216 and under the laws of the state.

2217 (17) FORECLOSURE OF LIENS.—Any lien in favor of the
2218 district arising under this act may be foreclosed by the
2219 district by foreclosure proceedings in the name of the district
2220 in a court of competent jurisdiction as provided by general law
2221 in like manner as is provided in chapter 170 or chapter 173,
2222 Florida Statutes, and amendments thereto, and those chapters
2223 shall be applicable to such proceedings with the same force and
2224 effect as if those chapters were expressly set forth in this
2225 act. Any act required or authorized to be done by or on behalf

2226 of a municipality in foreclosure proceedings under chapter 170
2227 or chapter 173, Florida Statutes, may be performed by such
2228 officer or agent of the district as the board of supervisors may
2229 designate. Such foreclosure proceedings may be brought at any
2230 time after the expiration of 1 year from the date any tax, or
2231 installment thereof, becomes delinquent; however, no lien shall
2232 be foreclosed against any political subdivision or agency of the
2233 state. Other legal remedies shall remain available.

2234 (18) MANDATORY USE OF CERTAIN DISTRICT FACILITIES.—To the
2235 full extent permitted by law, the district shall require all
2236 lands, buildings, premises, persons, firms, and corporations
2237 within the district to use the facilities of the district.

2238 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
2239 PROVISIONS REQUIRED.—

2240 (a) No contract shall be let by the board for any goods,
2241 supplies, or materials to be purchased when the amount thereof
2242 to be paid by the district shall exceed the amount provided in
2243 s. 287.017, Florida Statutes, as amended from time to time, for
2244 category four, unless notice of bids shall be advertised once in
2245 a newspaper in general circulation in Marion County. Any board
2246 seeking to construct or improve a public building, structure, or
2247 other public works shall comply with the bidding procedures of
2248 s. 255.20, Florida Statutes, as amended from time to time, and
2249 other applicable general law. In each case, the bid of the
2250 lowest responsive and responsible bidder shall be accepted

2251 unless all bids are rejected because the bids are too high or
2252 the board determines it is in the best interests of the district
2253 to reject all bids. The board may require the bidders to furnish
2254 bond with a responsible surety to be approved by the board.
2255 Nothing in this subsection shall prevent the board from
2256 undertaking and performing the construction, operation, and
2257 maintenance of any project or facility authorized by this act by
2258 the employment of labor, material, and machinery.

2259 (b) The provisions of the Consultants' Competitive
2260 Negotiation Act, s. 287.055, Florida Statutes, apply to
2261 contracts for engineering, architecture, landscape architecture,
2262 or registered surveying and mapping services let by the board.

2263 (c) Contracts for maintenance services for any district
2264 facility or project shall be subject to competitive bidding
2265 requirements when the amount thereof to be paid by the district
2266 exceeds the amount provided in s. 287.017, Florida Statutes, as
2267 amended from time to time, for category four. The district shall
2268 adopt rules, policies, or procedures establishing competitive
2269 bidding procedures for maintenance services. Contracts for other
2270 services shall not be subject to competitive bidding unless the
2271 district adopts a rule, policy, or procedure applying
2272 competitive bidding procedures to said contracts. Nothing herein
2273 shall preclude the use of requests for proposal instead of
2274 invitations to bid as determined by the district to be in its
2275 best interest.

2276 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
2277 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.-

2278 (a) The district is authorized to prescribe, fix,
2279 establish, and collect rates, fees, rentals, or other charges,
2280 hereinafter sometimes referred to as "revenues," and to revise
2281 the same from time to time, for the systems, facilities, and
2282 services furnished by the district, including, but not limited
2283 to, recreational facilities, water management and control
2284 facilities, and water and sewer systems; to recover the costs of
2285 making connection with any district service, facility, or
2286 system; and to provide for reasonable penalties against any user
2287 or property for any such rates, fees, rentals, or other charges
2288 that are delinquent.

2289 (b) No such rates, fees, rentals, or other charges for any
2290 of the facilities or services of the district shall be fixed
2291 until after a public hearing at which all the users of the
2292 proposed facility or services or owners, tenants, or occupants
2293 served or to be served thereby and all other interested persons
2294 shall have an opportunity to be heard concerning the proposed
2295 rates, fees, rentals, or other charges. Rates, fees, rentals,
2296 and other charges shall be adopted under the administrative
2297 rulemaking authority of the district, but shall not apply to
2298 district leases. Notice of such public hearing setting forth the
2299 proposed schedule or schedules of rates, fees, rentals, and
2300 other charges shall have been published in a newspaper of

2301 general circulation in Marion County at least once and at least
2302 10 days prior to such public hearing. The rulemaking hearing may
2303 be adjourned from time to time. After such hearing, such
2304 schedule or schedules, either as initially proposed or as
2305 modified or amended, may be finally adopted. A copy of the
2306 schedule or schedules of such rates, fees, rentals, or charges
2307 as finally adopted shall be kept on file in an office designated
2308 by the board and shall be open at all reasonable times to public
2309 inspection. The rates, fees, rentals, or charges so fixed for
2310 any class of users or property served shall be extended to cover
2311 any additional users or properties thereafter served which shall
2312 fall in the same class, without the necessity of any notice or
2313 hearing.

2314 (c) Such rates, fees, rentals, and other charges shall be
2315 just and equitable and uniform for users of the same class, and
2316 when appropriate may be based or computed either upon the amount
2317 of service furnished, upon the average number of persons
2318 residing or working in or otherwise occupying the premises
2319 served, or upon any other factor affecting the use of the
2320 facilities furnished, or upon any combination of the foregoing
2321 factors, as may be determined by the board on an equitable
2322 basis.

2323 (d) The rates, fees, rentals, or other charges prescribed
2324 shall be such as will produce revenues, together with any other
2325 assessments, taxes, revenues, or funds available or pledged for

2326 such purpose, at least sufficient to provide for the items
2327 hereinafter listed, but not necessarily in the order stated:

2328 1. To provide for all expenses of operation and
2329 maintenance of such facility or service.

2330 2. To pay when due all bonds and interest thereon for the
2331 payment of which such revenues are, or shall have been, pledged
2332 or encumbered, including reserves for such purpose.

2333 3. To provide for any other funds which may be required
2334 under the resolution or resolutions authorizing the issuance of
2335 bonds pursuant to this act.

2336 (e) The board shall have the power to enter into contracts
2337 for the use of the projects of the district and with respect to
2338 the services, systems, and facilities furnished or to be
2339 furnished by the district.

2340 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that any
2341 rates, fees, rentals, charges, or delinquent penalties are not
2342 paid when due and are in default for 60 days or more, the unpaid
2343 balance thereof and all interest accrued thereon, together with
2344 reasonable attorney fees and costs, may be recovered by the
2345 district in a civil action.

2346 (22) DISCONTINUANCE OF SERVICE.—In the event the fees,
2347 rentals, or other charges for district services or facilities
2348 are not paid when due, the board shall have the power, under
2349 such reasonable rules and regulations as the board may adopt, to
2350 discontinue and shut off such services until such fees, rentals,

2351 or other charges, including interest, penalties, and charges for
2352 the shutting off and discontinuance and the restoration of such
2353 services, are fully paid; and, for such purposes, the board may
2354 enter on any lands, waters, or premises of any person, firm,
2355 corporation, or body, public or private, within the district
2356 limits. Such delinquent fees, rentals, or other charges,
2357 together with interest, penalties, and charges for the shutting
2358 off and discontinuance and the restoration of such services and
2359 facilities and reasonable attorney fees and other expenses, may
2360 be recovered by the district, which may also enforce payment of
2361 such delinquent fees, rentals, or other charges by any other
2362 lawful method of enforcement.

2363 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved
2364 person may have recourse to such remedies in law and at equity
2365 as may be necessary to ensure compliance with this act,
2366 including injunctive relief to enjoin or restrain any person
2367 violating this act or any bylaws, resolutions, regulations,
2368 rules, codes, or orders adopted under this act. In case any
2369 building or structure is erected, constructed, reconstructed,
2370 altered, repaired, converted, or maintained, or any building,
2371 structure, land, or water is used, in violation of this act or
2372 of any code, order, resolution, or other regulation made under
2373 authority conferred by this act or under law, the board or any
2374 citizen residing in the district may institute any appropriate
2375 action or proceeding to prevent such unlawful erection,

2376 construction, reconstruction, alteration, repair, conversion,
2377 maintenance, or use; to restrain, correct, or avoid such
2378 violation; to prevent the occupancy of such building, structure,
2379 land, or water; and to prevent any illegal act, conduct,
2380 business, or use in or about such premises, land, or water.

2381 (24) SUITS AGAINST THE DISTRICT.—Any suit or action
2382 brought or maintained against the district for damages arising
2383 out of tort, including, without limitation, any claim arising
2384 upon account of an act causing an injury or loss of property,
2385 personal injury, or death, shall be subject to the limitations
2386 provided in s. 768.28, Florida Statutes.

2387 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All
2388 district property shall be exempt from levy and sale by virtue
2389 of an execution, and no execution or other judicial process
2390 shall issue against such property, nor shall any judgment
2391 against the district be a charge or lien on its property or
2392 revenues; however, nothing contained herein shall apply to or
2393 limit the rights of bondholders to pursue any remedy for the
2394 enforcement of any lien or pledge given by the district in
2395 connection with any of the bonds or obligations of the district.

2396 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—
2397 (a) The board of supervisors of the district may ask the
2398 Legislature to repeal or amend this act to expand or to contract
2399 the boundaries of the district or otherwise cause the merger or
2400 termination of the district, and the district's consent may be

2401 evidenced by a resolution or other official written statement of
2402 the district.

2403 (b) The district shall remain in existence until:

2404 1. The district is terminated and dissolved pursuant to
2405 amendment to this act by the Legislature.

2406 2. The district has become inactive pursuant to s.

2407 189.062, Florida Statutes.

2408 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—The
2409 district may merge with one or more community development
2410 districts situated wholly within its boundaries. The district
2411 shall be the surviving entity of the merger. Any mergers shall
2412 commence upon each such community development district filing a
2413 written request for merger with the district. A copy of the
2414 written request shall also be filed with Marion County. The
2415 district, subject to the direction of its board of supervisors,
2416 shall enter into a merger agreement which shall provide for the
2417 proper allocation of debt, the manner in which such debt shall
2418 be retired, the transition of the community development district
2419 board, and the transfer of all financial obligations and
2420 operating and maintenance responsibilities to the district. The
2421 execution of the merger agreement by the district and each
2422 community development district constitutes consent of the
2423 landowners within each district. The district and each community
2424 development district requesting merger shall hold a public
2425 hearing within its boundaries to provide information about and

2426 take public comment on the proposed merger in the merger
2427 agreement. The public hearing shall be held within 45 days after
2428 the initial consideration and approval of the merger agreement
2429 by all parties thereto. Notice of the public hearing shall be
2430 published at least 14 days before the hearing in a newspaper of
2431 general circulation in Marion County. At the conclusion of the
2432 public hearing, each district shall consider a resolution either
2433 approving or disapproving the proposed merger. If the district
2434 and each community development district which is a party to the
2435 merger agreement adopt a resolution approving the proposed
2436 merger, the resolutions and the executed merger agreement shall
2437 be filed with Marion County. Upon receipt of the resolutions
2438 approving the merger and the merger agreement, Marion County
2439 shall adopt a non-emergency ordinance dissolving each community
2440 development district pursuant to s. 190.046(10), Florida
2441 Statutes.

2442 (28) INCLUSION OF TERRITORY.—The inclusion of any or all
2443 territory of the district within a municipality does not change,
2444 alter, or affect the boundary, territory, existence, or
2445 jurisdiction of the district.

2446 (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
2447 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this
2448 district under this act, each contract for the initial sale of a
2449 parcel of real property and each contract for the initial sale
2450 of a residential unit within the district shall include,

2451 immediately prior to the space reserved in the contract for the
2452 signature of the purchaser, the following disclosure statement
2453 in boldfaced and conspicuous type which is larger than the type
2454 in the remaining text of the contract: "THE UPLANDS STEWARDSHIP
2455 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES
2456 AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS
2457 PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF
2458 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT
2459 AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT.
2460 THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER
2461 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
2462 ASSESSMENTS PROVIDED FOR BY LAW."

2463 (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days
2464 after the election of the first board of supervisors creating
2465 this district, the district shall cause to be recorded in the
2466 grantor-grantee index of the property records in Marion County a
2467 "Notice of Creation and Establishment of the Uplands Stewardship
2468 District." The notice shall, at a minimum, include the legal
2469 description of the property covered by this act.

2470 (31) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility,
2471 service, works, improvement, project, or other infrastructure
2472 owned by the district, or funded by federal tax exempt bonding
2473 issued by the district, is public; and the district by rule may
2474 regulate, and may impose reasonable charges or fees for, the use
2475 thereof, but not to the extent that such regulation or

2476 imposition of such charges or fees constitutes denial of
2477 reasonable access.

2478 **Section 7.** If any provision of this act is determined
2479 unconstitutional or otherwise determined invalid by a court of
2480 law, all the rest and remainder of the act shall remain in full
2481 force and effect as the law of this state.

2482 **Section 8.** This act shall take effect upon becoming a law,
2483 except that the provisions of this act which authorize the levy
2484 of ad valorem taxation shall take effect only upon express
2485 approval by a majority vote of those qualified electors of the
2486 Uplands Stewardship District, as required by Section 9 of
2487 Article VII of the State Constitution, voting in a referendum
2488 election held during a general election at such time as all
2489 members of the board are qualified electors who are elected by
2490 qualified electors of the district as provided in this act.