

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of new municipal electric service) Docket No. 140059-EI
provider and petition for waiver of)
Rule 25-9.044(2), F.A.C., by Babcock Ranch) Filed: June 4, 2014
Community Independent Special District)
_____)

**LEE COUNTY ELECTRIC COOPERATIVE'S
MOTION FOR OFFICIAL RECOGNITION**

Lee County Electric Cooperative (“LCEC”), by and through undersigned counsel, respectfully moves for official recognition of Chapter 2007-306, Laws of Florida (the “Babcock Special Act”) (Exhibit "A") and Chapter 67-764, Laws of Florida (the “Reedy Creek Special Act”) (Exhibit "B"), the relevant provisions of which are designated below. These statutory provisions bear on the veracity of the claims by the Babcock Ranch Community Independent Special District (“Babcock Ranch”) that its powers under the Babcock Special Act are “virtually indistinguishable from those powers granted by the legislature to the Reedy Creek Improvement District” and that “there is no material distinction between the Reedy Creek District and the Babcock Ranch District”. *See* Babcock Ranch’s Response to Commission Staff’s Data Requests (Nos. 1 and 8), dated May 12, 2014.

Rule 28-106.213(6) of the Florida Administrative Code provides that requests for official recognition shall be by motion and shall be considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, Florida Statutes. Under Section 90.201, Florida Statutes, official recognition of public statutory law is mandatory. Therefore, LCEC requests that the Commission take official recognition of the above-referenced special acts, including the following provisions that are most relevant:

I. Authority to Operate as an Electric Utility.

A. Reedy Creek Special Act. Section 9(17) of the Reedy Creek Special Act authorizes the Reedy Creek District to own and operate “public utilities”, which expressly includes the authority to own and operate “electric power plants” and to engage in the “generation”, “transmission” and “distribution” of electric power inside the Reedy Creek Special District.

Section 9. *Powers of the District.* --

(17) Public Utilities.—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, telephone lines, plants and systems and other communications systems of any nature, transmission lines and related facilities and plants and facilities for the generation and transmission of power through nuclear fission and other new and experimental sources of power and energy; to purchase electric power, natural gas and other sources of power for distribution within the District; and to develop and operate such new and experimental public utilities, including but not limited to centrally distributed heating and air conditioning facilities and services, closed-circuit television systems, and computer services and facilities, as the Board of Supervisors may from time to time determine. *Ch. 67-764, § 9(17), at 295, Laws of Fla. (emphasis added).*

B. Babcock Special Act. The only substantive discussion in the Babcock Special Act about any type of “utility service” operations is in Section 6(7)(b), which alludes only to a “water, sewer, or wastewater utility”.

(7) SPECIAL POWERS. --

(b) To provide for water supply, sewer, and wastewater management, reclamation, and reuse, or any combination thereof, and any irrigation systems, facilities, and services and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

1. The district may not purchase or sell a water, sewer, or wastewater reuse utility that provides service to the public for compensation, or enter into a wastewater facility privatization contract for a wastewater facility, until the governing body of the district has held a public hearing on the purchase, sale, or wastewater facility privatization contract and made a determination that the purchase, sale, or wastewater facility privatization contract is in the public interest.

2. In determining if the purchase, sale, or wastewater facility privatization contract is in the public interest, the district shall consider, at a minimum, the following:

a. The most recent available income and expense statement for the utility.

b. The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions in aid of construction and the accumulated depreciation thereon.

c. A statement of the existing rate base of the utility for regulatory purposes.

d. The physical condition of the utility facilities being purchased or sold or subject to a wastewater facility privatization contract.

e. The reasonableness of the purchase, sale, or wastewater facility privatization contract price and terms.

f. The impacts of the purchase, sale, or wastewater facility privatization contract on utility customers, both positive and negative.

g. Any additional investment required and the ability and willingness of the purchaser or the private firm under a wastewater facility privatization contract to make that investment, whether the purchaser is the district or the entity purchasing the utility from the district.

h. In the case of a wastewater facility privatization contract, the terms and conditions on which the private firm will provide capital investment and financing or a combination thereof for contemplated capital replacements, additions, expansions, and repairs.

i. The alternatives to the purchase, sale, or wastewater facility privatization contract and the potential impact on utility customers if the purchase, sale, or wastewater facility privatization contract is not made.

j. The ability of the purchaser or the private firm under a wastewater facility privatization contract to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the district or the entity purchasing the utility from the district.

k. In the case of a wastewater facility privatization contract, the district shall give significant weight to the technical expertise and experience of the private firm in carrying out the obligations specified in the wastewater facility privatization contract.

1. All moneys paid by a private firm to a district pursuant to a wastewater facility privatization contract shall be used for the purpose of reducing or offsetting property taxes, wastewater service rates, or debt reduction or making infrastructure improvements or capital asset expenditures or other public purpose, provided, however, that nothing herein shall preclude the district from using all or part of the moneys for the purpose of the district's qualification for relief from the repayment of federal grant awards associated with the wastewater system as may be required by federal law or regulation. The district shall prepare a statement showing that the purchase, sale, or wastewater facility privatization contract is in the public interest, including a summary of the purchaser's or private firm's experience in water, sewer, or wastewater reuse utility operation and a showing of financial ability to provide the service, whether the purchaser or private firm is the district or the entity purchasing the utility from the district. *Ch. 2007-306 § 6(7)(b), at 21-22, Laws of Fla. (emphasis added).*

II. Exclusive Jurisdiction over Public Utilities.

A. Reedy Creek Special Act. Section 22 of the Reedy Creek Special Act gives the Reedy Creek District exclusive jurisdiction and control over all "public utilities" services, which as described in Section 9(17) expressly includes the generation, transmission, and distribution of electric power. This exclusive jurisdiction provision also specifies that when the Reedy Creek District sets rates for public utility services, it shall not be subject to the Commission's rate-setting power.

Section 22. Within Act is Full Authority for the Establishment of District Projects and District Finances.-

(1) The Board of Supervisors shall have exclusive jurisdiction and control over all of the projects of the District, including but not limited to all

drainage and reclamation facilities, water and flood control facilities, water and sewer systems, public utilities and transportation facilities, and over the budget and finances of the District, including without limitation expenditures and appropriations, except to the extent otherwise provided in this Act and except to the extent that the Board of Supervisors may by agreement with any other public or private body authorize the same to exercise jurisdiction or control over any of the projects of the District. Subject to the limitations of and as may be otherwise required in this section and in section 15 of this Act, it shall not be necessary for the District to obtain any certificate of convenience or necessity, franchise, license, permit or other authorization from any bureau, board, commission or like instrumentality of the State or any political subdivision thereof in order to construct, reconstruct, acquire, extend, repair, improve, maintain or operate any project, and the rates, fees, rentals, fares, tolls or other charges to be fixed and collected with respect to the facilities and services of the District shall not be subject to supervision, regulation or the rate-setting power of any bureau, board, commission or other agency of the State or any political subdivision thereof. Nothing in this section or any other section of this Act shall be deemed to exempt any privately owned or operated telephone company, as defined in section 364.02, Florida Statutes, and amendments thereto, or any privately owned or operated electric power company, or any person, firm or corporation other than the District acting either independently, jointly with, as agent of the District or otherwise, from the provisions or requirements of any other law pertaining to the certification or regulation of telephone or electric power companies, persons, firms or corporations, or from the jurisdiction of the Florida public service commission or other regulatory agencies. *Ch. 67-764, § 22(1), at 310, Laws of Fla. (emphasis added).*

B. Babcock Special Act. There is no similar exclusive jurisdiction provision in the Babcock Special Act. In fact, the Babcock Special Act emphasizes that the special powers granted to Babcock Ranch are “subject to, and not inconsistent with” the regulatory jurisdiction of other applicable agencies.

(7) SPECIAL POWERS.—The district shall have, and the board may exercise, the following special powers to implement its lawful and special purpose and to provide, pursuant to that purpose, systems, facilities, services, improvements, projects, works, and infrastructure, each of which constitutes a lawful public purpose when exercised pursuant to this charter, subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area

included therein, and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, finance, fund, and maintain improvements, systems, facilities, services, works, projects, and infrastructure, including, without limitation, any obligations pursuant to a development order or agreement. *Ch. 2007-306, § 6(7), at 20, Laws of Fla.*

Furthermore, nowhere in the Babcock Special Act is Babcock Ranch expressly authorized to charge rates for electricity or electricity services, and nowhere in the Babcock Special Act is Babcock Ranch is exempted from the Commission's rate setting regulation as was expressly set forth in the Reedy Creek Special Act.

III. Authority to Discontinue Service.

A. Reedy Creek Special Act. Under Section 20 of the Reedy Creek Special Act, the Reedy Creek District has unrestricted power to discontinue service for the non-payment of charges for any services and facilities.

Section 20. Discontinuance of Service.—In the event that the fees, rentals or other charges for the services and facilities of any project are not paid when due, the Board of Supervisors shall have the power to discontinue and shut off the same until such fees, rentals or other charges, including interest, penalties and charges for the shutting off and discontinuance and the restoration of such services and facilities, are fully paid, and for such purposes may enter on any lands, waters and premises of any person, firm, corporation or other body, public or private, within or without the District limits. Such delinquent fees, rentals or other charges, together with interest, penalties and charges for the shutting off and discontinuance and the restoration of such services and facilities, and reasonable attorney's fees and other expenses, may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment of such delinquent fees, rentals or other charges by any other lawful method of enforcement. *Ch. 67-764, § 20, at 309, Laws of Fla. (emphasis added).*

B. Babcock Special Act. Under Section 6(22) of the Babcock Special Act, Babcock Ranch is only empowered to discontinue utility service where “fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due.”

(22) DISCONTINUANCE OF SERVICE.—In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorney’s fees and other expenses, may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement. *Ch. 2007-306 § 6(22), at 43, Laws of Fla. (emphasis added).*

IV. Authority to Exercise Eminent Domain.

A. Reedy Creek Special Act. Section 9(5) of the Reedy Creek Special Act provides the Reedy Creek District unrestricted authority to exercise eminent domain within the Reedy Creek Special District to “carry out any of the purposes of the District.”

(5) *Eminent Domain.*- To exercise within or without the territorial limits of the District the right and power of eminent domain in all cases and under all circumstances provided for in sections 298.22 and 298.62, Florida Statutes, and amendments thereto. In addition to and not in limitation of the foregoing, the District may also exercise the right and power of eminent domain within the territorial limits of the District for the purpose of condemning any real, personal or mixed property, public or private, including without limitation property owned by any other political body or municipal corporation, which the Board of Supervisors shall deem necessary for the use of, construction or operation of any of the projects of the District or otherwise to carry out any of the purposes of the District. The power of condemnation shall be exercised in the same manner as is now provided by the general laws of the State. In any proceeding under this Act or under chapter 298, Florida Statutes, for the taking of property by eminent domain or condemnation, the Board of Supervisors is authorized to file declaration of taking immediate possession of the property before the final trial by making deposit as to value as provided by the general statutes, and shall have all the benefits provided by chapters 73 and 74, Florida Statutes, and amendments thereto, or any other statutes of the State of Florida which give the right to immediate taking and possession. No public or private body, and no agency or authority of the

State or any political subdivision thereof, shall exercise the power of eminent domain or condemnation with respect to any of the properties, easements or rights owned by the District lying within the District except with the concurrence of the Board of Supervisors of the District, which shall not be unreasonably withheld. *Ch. 67-764, § 9(5), at 291-92, Laws of Fla. (emphasis added).*

B. Babcock Special Act. Section 6(6)(p) of the Babcock Special Act limits the eminent domain powers of Babcock Ranch to “uses and purposes of the district relating solely to water, sewer, and transportation improvements . . . and water management.” (Emphasis added.)

(p) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county in which the taking will occur, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property within the state, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, transportation improvements as outlined in subsection (7), and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another. *Ch. 2007-306, § 6(6)(p), at 19, Laws of Fla. (emphasis added).*

V. Authority to Levy and Collect a Utility Tax on the Purchase of Electricity.

A. Reedy Creek Special Act. Section 27 of Reedy Creek Special Act expressly empowers the Reedy Creek District to levy and collect a utilities tax on the purchase of electricity not to exceed 10% of the payments received for the provision of such utility service.

Section 27, Utility Tax-

(1) The District shall have the right, and authority by resolution of the Board of Supervisors to impose, levy, and collect on each and every purchase of electricity, metered or bottled gas (natural, liquified, petroleum gas or manufactured, water service, telephone service and telegraph service in its geographic limits, a tax (straight percentage, sliding scale, graduated or other basis) in an amount not to exceed ten (10) per cent of the payments received by the seller of such utility service, provided, however, that the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity, or other

forms of power shall not be deemed to be a utility service and purchases thereof under such circumstances shall not be taxable hereunder. In every case the tax shall be collected from the purchaser of such utility service and paid by such purchaser for the use of the District to the seller or such utility service at the time of the purchaser paying the charges therefore to the seller. *Ch. 67-764, § 27(1), at 320-21, Laws of Fla.*

B. Babcock Special Act. There is nothing in the Babcock Special Act which authorizes Babcock Ranch to collect a similar tax on the sale of electric utility service.

WHEREFORE, LCEC respectfully requests that the Commission take Official Recognition of the Babcock Special Act and the Reedy Creek Special Act, including the statutory provisions cited above.

GOOD FAITH CONFERENCE CERTIFICATION

In accordance with Rule 28-106.204(3), Florida Administrative Code, counsel for LCEC has conferred with counsel for Babcock Ranch, Florida Power & Light Company (“FPL”), Tampa Electric Cooperative, Inc. (“TECO”), and Florida Rural Electric Cooperative, Inc. (“FECA”) regarding their respective positions on the Motion, and is authorized to represent that TECO and FECA support the Motion, FPL does not object to the Motion, and Babcock Ranch opposes the Motion.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was provided by e-mail this 4th day of June, 2014 to:

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EXHIBIT A

BABCOCK SPECIAL ACT

Council Substitute for House Bill No. 1515

An act relating to Charlotte County; creating the Babcock Ranch Community Independent Special 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 in s. 189.404(3), F.S., 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 governing board and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; 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 the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for bonds; providing for borrowing; providing for future ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing for amendment to charter; providing for required notices to purchasers of residential units within the district; defining district public property; providing severability; providing for a referendum; providing an effective date.

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

Section 1. This act may be cited as the "Babcock Ranch Community Independent Special District Act."

Section 2. Legislative findings and intent; definitions; policy.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The unincorporated area of southeastern Charlotte County, including the Babcock Ranch lands, are unique and special with a need towards protecting natural resources and retaining a viable agricultural system while protecting private property rights and promoting a sound economy.

(b) The Board of Trustees of the Internal Improvement Trust Fund, the Florida Fish and Wildlife Conservation Commission, and Lee County have purchased approximately 73,500 acres of the approximately 91,000-acre Babcock Ranch for the perpetual preservation of such lands and for establishing a contiguous wildlife protection area from Lake Okeechobee to the Charlotte Harbor Estuary Project.

(c) The Department of Community Affairs, Charlotte County, Lee County, and the then contract purchaser of the Babcock Ranch have entered into an Interlocal Planning Agreement for the Babcock Ranch, dated January 24, 2006, which outlines the steps necessary to achieve the sale and preservation of approximately 73,500 acres of the entire Babcock Ranch and development of the remaining approximately 17,800 acres (the “Babcock Ranch Community”) with a new, sustainable, compact, and mixed-use community that will provide residents with a balance of living, working, educational, civic, and recreational opportunities incorporating greenways, pedestrian ways, and transit corridors.

(d) The district and the district charter, as created by this act, with its general and special powers are essential and, for the reasons set forth herein, the best alternative for planning, constructing, maintaining, operating, financing, and improving the provision of systems, facilities, and services necessary to meet the infrastructure needs of the Babcock Ranch Community.

(e) There is a particular need to implement a specialized and limited single-purpose independent special district unit of local government in connection with the development of the Babcock Ranch Community, in order to prevent urban sprawl by providing sustaining and freestanding infrastructure and to prevent the needless duplication, fragmentation, and proliferation of local government services.

(f) Management of conservation, environmental, agricultural, and economic challenges and opportunities in the Babcock Ranch area transcends the boundaries and responsibilities of both private landowners and individual units of government.

(g) There are two alternatives for the creation of independent special districts for properties of this size: the establishment by rule of the Governor and Cabinet of one or more uniform community development districts over the property; and the establishment by special act of the Legislature of a single independent special district meeting the minimum requirements of chapter 189, Florida Statutes, the applicable district accountability general law. Use of this special act, created under chapter 189, Florida Statutes, is the better of the two alternatives in this case because it will allow for use of a single special district, with longer involvement and responsibility on the part of the initial landowner, which will result in better intergovernmental coordination and lower administrative costs for Charlotte County and the district, including its landowners and residents. Additionally, use of this special act will provide the flexibility to include within the district, at a later date, contiguous Babcock Ranch lands within Lee County, whereas chapter 190, Florida Statutes, would prevent a single uniform community development district from crossing county lines. Additionally, use of this special act updates the charter of a uniform community development district under chapter 190, Florida Statutes, eliminates potential for its abuse, clarifies and sets forth certain uniform procedures for liens on property, and makes other substantial reforms to the benefit of the people of Charlotte County and future landowners, residents, and visitors.

(h) A longer involvement of the initial landowner with regard to the provision of systems, facilities, and services for the Babcock Ranch Community, coupled with a severely limited and highly specialized single purpose of the district, is in the public interest.

(i) Any public or private system to provide infrastructure improvements, systems, facilities, and services to the Babcock Ranch Community must be established through a highly specialized, innovative, responsive, and accountable mechanism to provide the components of infrastructure at sustained levels of high quality over the long term.

(j) The existence and use of such a limited, specialized single-purpose local government for the Babcock Ranch Community, subject to the Charlotte County comprehensive plan and land development regulations, will result in a higher propensity to provide for orderly development and prevent urban sprawl; protect and preserve environmental and conservation uses and assets; potentially enhance the market value for both present and future landowners of the property consistent with the need to protect private property; potentially enhance the net economic benefit to Charlotte County, including an enhanced tax base to the benefit of all present and future taxpayers in Charlotte County; and result in the sharing of costs of providing certain systems, facilities, and services in an innovative, sequential, and flexible manner within the area to be serviced by the district.

(k) The creation and establishment of the district will encourage local government financial self-sufficiency in providing public facilities and in identifying and implementing fiscally sound, innovative, and cost-effective techniques to provide and finance public facilities while encouraging development, use, and coordination of capital improvement plans by all levels of government, pursuant to chapter 187, Florida Statutes.

(l) The creation and establishment of the district will encourage and enhance cooperation among communities that have unique assets, irrespective of political boundaries, to bring the private and public sectors together to establish an orderly and environmentally and economically sound plan for current and future needs and growth.

(m) The creation and establishment of the district is a legitimate alternative method available to manage, own, operate, construct, and finance capital infrastructure systems, facilities, and services.

(n) In order to be responsive to the critical timing required through the exercise of its special management functions, an independent district requires financing of those functions, including bondable, lienable, and non-lienable revenue, with full and continuing public disclosure and accountability, funded by landowners, both present and future, and funded also by users of the systems, facilities, and services provided to the land area by the district, without burdening the taxpayers and citizens of the state, Charlotte County, or any municipality therein.

(o) The district created and established by this act shall not exercise or have any comprehensive planning, zoning, or development permitting

power; the establishment of the district shall not be considered a development order within the meaning of chapter 380, Florida Statutes; and all applicable planning and permitting laws, rules, regulations, agreements, and policies of Charlotte County shall control the development of the land within the district.

(p) The creation by this act of the Babcock Ranch Community Independent Special District is not inconsistent with the Charlotte County comprehensive plan.

(q) Charlotte County does not object to the creation of the district.

(r) It is the legislative intent and purpose that no debt or obligation of the district constitute a debt or obligation on any local general-purpose government without its consent.

(s) It is the legislative intent and purpose that no local general-purpose government shall be under any obligation or duty to assume any obligation or commitment made by the developer or the district.

(2) DEFINITIONS.—As used in this act:

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

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

(c) “Assessment bonds” means special obligations of the district that are payable solely from proceeds of the special assessments or benefit special assessments levied for assessable improvements, provided that, in lieu of issuing assessment bonds to fund the costs of assessable improvements, the district may issue revenue bonds for such purposes payable from special assessments.

(d) “Assessments” means those nonmillage district assessments that include special assessments, benefit special assessments, and maintenance special assessments and a nonmillage, non-ad valorem maintenance tax if authorized by general law.

(e) “Babcock Ranch” means the approximately 91,000 acres of contiguous lands generally located in southeastern Charlotte County and in the north-eastern portion of Lee County, the majority of which, approximately 73,500 acres, has been purchased pursuant to that certain Agreement for Sale and Purchase entered into by the Board of Trustees of the Internal Improvement Trust Fund, the Florida Fish and Wildlife Conservation Commission, and Lee County, as authorized pursuant to the Babcock Ranch Preserve Act, chapter 2006-231, Laws of Florida, and the remainder of which, approximately 17,800 acres, known as “Area 6,” is to be developed as the Babcock Ranch Community.

(f) “Babcock Ranch Community” means that portion of the Babcock Ranch to be developed with a new, sustainable, compact, mixed-use community pursuant to that certain Interlocal Planning Agreement for the Babcock Ranch, dated January 24, 2006, among the Florida Department of Community Affairs, Lee and Charlotte Counties, and the then contract purchaser of the Babcock Ranch, and pursuant to development approvals issued or to be issued by Lee County and Charlotte County, consisting of approximately 17,800 acres. The subject of this act is that portion of the Babcock Ranch Community located in Charlotte County, consisting of approximately 13,631 acres, as described in section 4.

(g) “Babcock Ranch Community Independent Special District” means the unit of special and single-purpose local government created and chartered by this act, including the creation of its charter, and limited to the performance, in implementing its single purpose, of those general and special powers authorized by its charter under this act, the boundaries of which are more specifically set forth in this act, the governing head of which is created and authorized to operate with legal existence by this act, and the purpose of which is as set forth in this act.

(h) “Benefit special assessments” are district assessments imposed, levied, and collected pursuant to the provisions of section 6(12)(b).

(i) “Bond” includes “certificate,” and the provisions that are applicable to bonds are equally applicable to certificates. The term “bond” includes any general obligation bond, assessment bond, refunding bond, revenue bond, and other such obligation in the nature of a bond as provided for in this act.

(j) “Cost” or “costs,” when used with reference to any project, includes, but is not limited to:

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

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

3. The cost of improvements.

4. Planning, engineering, designing, fiscal, legal, and other professional and consultant expenses and charges.

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

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

7. Financing charges.

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

9. Working capital.

10. Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reason-

able period of time after completion of construction or acquisition as the board may determine.

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

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

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

14. Administrative expenses.

15. The costs and expenses associated with the use, operation, maintenance, and repair of improvements.

16. Such other expenses as may be necessary or incidental to the acquisition, disposition, transfer, construction, operation, maintenance, or reconstruction of any project or to the financing thereof, or to the development of any lands within the district.

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

(k) "District" means the Babcock Ranch Community Independent Special District.

(l) "District manager" means the manager of the district.

(m) "General obligation bonds" means bonds that are secured by, or provide for their payment by, the pledge of the full faith and credit and taxing power of the district, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the resolution authorizing their issuance, and for payment of which recourse may be had against the general fund of the district.

(n) "Governing board" or "board" means the governing board of the district or, if such board has been abolished, the board, body, or commission assuming the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(o) "Governing board member" means any member of the governing board.

(p) "Land development regulations" means those regulations of general purpose local government, adopted under the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163, Florida Statutes, to which the district is subject and as to which the district may not do anything that is inconsistent. Land development regulations shall not mean specific management, engineering, planning, operating, and other criteria and standards needed in the daily management, implementation, and provision by the district of systems, facilities, services,

works, improvements, projects, or infrastructure, including design criteria and standards, so long as they remain subject to and are not inconsistent with the applicable land development regulations.

(q) “Landowner” means the owner of a freehold estate as it appears on the deed record, including a trustee, a private corporation, and an owner of a condominium unit. “Landowner” does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. “Landowner” also means the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years.

(r) “General-purpose local government” means a county, municipality, or consolidated city-county government.

(s) “Maintenance special assessments” are assessments imposed, levied, and collected pursuant to the provisions of section 6(12)(d).

(t) “Non-ad valorem assessment” means only those assessments that are not based upon millage and that can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

(u) “Powers” means powers used and exercised by the governing board to accomplish the single, limited, and special purpose of the district, including:

1. “General powers,” those organizational and administrative powers of the district as provided in its charter in order to carry out its single special purpose as a local government public corporate body politic.

2. “Special powers,” those powers enumerated by the district charter to implement its specialized systems, facilities, services, projects, improvements, and infrastructure and related functions in order to carry out its single specialized purpose.

3. Any other powers, authority, or functions set forth in this act or in chapter 189 or chapter 190, Florida Statutes.

(v) “Project” means any development, improvement, property, power, utility, facility, enterprise, service, system, works, or infrastructure now existing or hereafter undertaken or established under the provisions of this act.

(w) “Qualified elector” means any person at least 18 years of age or older, who is a citizen of the United States, a legal resident of the state and the district, and who registers to vote with the Supervisor of Elections in Charlotte County.

(x) “Refunding bonds” means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

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

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

(aa) “Special assessments” means assessments as imposed, levied, and collected by the district for the costs of assessable improvements pursuant to the provisions of this act, chapter 170, Florida Statutes, and the additional authority under section 197.3631, Florida Statutes, or other provisions of general law that provide or authorize a supplemental means to impose, levy, or collect special assessments.

(bb) “Tax” or “taxes” means those levies and impositions of the governing board that support and pay for government and the administration of law and that may be:

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

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

(cc) “Water system” means any plant, system of pipes or lines, facility, or property, and any addition, extension, or improvement thereto at any future time constructed or acquired as a part thereof, useful, necessary, or having the present capacity for future use in connection with the development of sources, treatment, purification, or distribution of water. “Water system” also includes lakes, canals, ditches, reservoirs, dams, impoundments, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation thereof.

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

(a) The district and the district charter, with its general and special powers, as created in this act, are essential and the best alternative for the residential, commercial, and other community uses, projects, or functions in the included portion of Charlotte County consistent with the effective comprehensive plans and serve a lawful public purpose.

(b) The district, which is a government of special purpose, is limited to its special purpose as expressed in this act, with the power to provide, plan, implement, construct, maintain, and finance as a government of special purpose for its systems, facilities, services, improvements, infrastructure, and projects and possessing financing powers to fund its management powers over the long term and with sustained levels of high quality.

(c) The creation of the Babcock Ranch Community Independent Special District by and pursuant to this act, and its exercise of its management and related financing powers to implement its limited, single, and special purpose, does not constitute a development order and does not invoke any provision within the meaning of chapter 380, Florida Statutes, and all applicable governmental planning, environmental, and land development laws, regulations, rules, policies, and ordinances apply to all development of the land within the jurisdiction of the district as created by this act.

(d) The district shall operate and function subject to, and not inconsistent with, the Charlotte County comprehensive plan and any applicable development orders, zoning regulations, and other land development regulations.

(e) The special and single purpose Babcock Ranch Community Independent Special District will not have the powers of a general-purpose local government to adopt a comprehensive plan or related land development regulations as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163, Florida Statutes.

(f) This act may be amended, in whole or in part, only by subsequent special act of the Legislature. No amendment to this act that alters the district boundaries or the general or special powers of the district may be considered by the Legislature unless it is accompanied by a resolution or official statement as provided for in section 189.404(2)(e)4., Florida Statutes.

Section 3. Creation and establishment; jurisdiction; construction; charter with legal description.—

(1) The Babcock Ranch Community Independent Special District, which also may be referred to as the “district,” is created and incorporated as a public body corporate and politic, an independent, limited, special purpose local government, an independent special district under section 189.404, Florida Statutes, and as defined in this act and section 189.403(3), Florida Statutes, in and for a certain portion of Charlotte County. Any amendments to chapter 190, Florida Statutes, after January 1, 2007, granting additional general powers, special powers, authorities, or projects to a community development district by amendment to its uniform charter, sections 190.006-190.041, Florida Statutes, shall constitute a general power, special power,

authority, or function of the Babcock Ranch Community Independent Special District. All notices for the enactment by the Legislature of this special act have been provided pursuant to the State Constitution, laws of the state, and the Rules of the Florida House of Representatives and of the Florida Senate.

(2) The territorial boundary of the district shall embrace and include all of that certain real property as described in section 4.

(3) The jurisdiction of this district, in the exercise of its general and special powers, and in the carrying out of its special purposes, is both within the external boundaries of the legal description of this district and extraterritorially only when expressly authorized by this act or by applicable general law. This special purpose district is created as a public body corporate and politic, with local government authority and power limited by its charter, this act, and subject to the provisions of other general laws, in particular chapter 189, Florida Statutes, except that in the event that a conflict arises between the provisions of applicable general laws and this act, the provisions of this act will control, and the district has jurisdiction to perform such acts and exercise such authorities, functions, and powers as shall be necessary, convenient, incidental, proper, or reasonable for the implementation of its limited, single, and specialized purpose regarding the sound planning, provision, acquisition, development, operation, maintenance, and related financing of those public systems, facilities, services, improvements, projects, and infrastructure works as authorized herein, including those necessary and incidental thereto.

(4) The exclusive charter of the “Babcock Ranch Community Independent Special District” is this act, which may be amended, terminated, or repealed only by special act of the Legislature.

Section 4. Legal description of the Babcock Ranch Community Independent Special District.—

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

CHARLOTTE COUNTY PARCEL:

A parcel of land lying within Sections 29, 31 through 33, Township 41 South, Range 26 East, AND, Sections 4 through 10, Sections 15 through 17 and Sections 19 through 36, Township 42 South, Range 26 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 31, Township 42 South, Range 26 East and run S89°41'45"E, along the South line of said Section 31, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5,189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5,306.08 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East;

Thence S89°37'16"E a distance of 5,289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5,294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 3,430.66 feet; Thence N00°00'40"W a distance of 10,185.53 feet; Thence N05°46'23"E a distance of 1,058.56 feet; Thence N66°40'38"W a distance of 200.62 feet; Thence S83°12'47"W a distance of 1,373.33 feet; Thence N30°17'33"W a distance of 1,686.63 feet; Thence N70°02'41"W a distance of 1,332.41 feet; Thence S72°42'44"W a distance of 1,430.81 feet; Thence N49°18'31"W a distance of 2,362.25 feet; Thence S69°00'57"W a distance of 1,518.19 feet; Thence S21°08'17"W a distance of 865.44 feet; Thence S20°29'11"E a distance of 1,376.91 feet; Thence N74°38'25"E a distance of 1,635.69 feet; Thence S00°18'50"E a distance of 1,309.92 feet; Thence S89°45'02"W a distance of 4,154.48 feet; Thence N51°39'36"W a distance of 782.53 feet; Thence N04°14'12"E a distance of 1,329.59 feet; Thence N39°20'59"W a distance of 1,779.16 feet; Thence N42°01'35"W a distance of 1,162.94 feet; Thence S52°01'16"W a distance of 818.34 feet; Thence S62°56'46"W a distance of 516.42 feet; Thence S89°59'33"W a distance of 307.20 feet; Thence N80°06'18"W a distance of 334.84 feet; Thence N20°54'51"W a distance of 336.86 feet; Thence N05°03'05"E a distance of 533.35 feet; Thence N22°47'49"E a distance of 5,490.82 feet; Thence N55°42'26"E a distance of 195.73 feet; Thence N21°59'06"W a distance of 1,739.17 feet; Thence N52°37'55"E a distance of 867.75 feet; Thence N13°36'57"W a distance of 2,507.33 feet; Thence S78°50'16"W a distance of 687.95 feet; Thence N19°48'25"W a distance of 366.25 feet; Thence N08°01'21"W a distance of 493.32 feet; Thence N03°43'40"E a distance of 687.22 feet; Thence N00°28'20"E a distance of 674.51 feet; Thence N25°12'33"W a distance of 261.13 feet; Thence N42°54'55"W a distance of 643.19 feet; Thence N07°19'37"W a distance of 171.40 feet; Thence N13°05'30"E a distance of 201.96 feet; Thence N32°40'01"W a distance of 186.12 feet; Thence N05°04'15"W a distance of 1,832.77 feet; Thence N19°47'08"W a distance of 527.20 feet; Thence N26°13'22"W a distance of 802.13 feet; Thence S79°06'55"W a distance of 475.20 feet; Thence N74°19'19"W a distance of 1,689.05 feet; Thence N01°26'06"W a distance of 897.42 feet; Thence N89°51'42"W a distance of 67.91 feet; Thence N00°00'03"W a distance of 1,218.37 feet; Thence N39°50'11"W a distance of 190.86 feet; Thence N00°00'29"W a distance of 324.62 feet; Thence N89°59'52"W a distance of 688.20 feet; Thence N00°00'00"E a distance of 1,967.22 feet; Thence N41°13'25"W a distance of 2,825.17 feet; Thence S89°59'57"W a distance of 3,566.80 feet; Thence S00°00'03"E a distance of 2,799.34 feet; Thence S89°11'17"W a distance of 5,960.98 feet to a point lying 50.00 feet East of the East right-of-way line for State Road No. 31; Thence along a line 50.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: S00°48'43"E a distance of 2,976.13 feet and S00°34'01"W a distance of 786.25 feet; Thence S89°25'59"E a distance of 4,104.32 feet; Thence S00°01'22"E a distance of 2,084.04 feet; Thence S16°46'15"E a distance of 1,740.24 feet; Thence S09°11'59"W a distance of 1,325.85 feet; Thence S73°15'18"E a distance

of 661.15 feet; Thence N59°20'29"E a distance of 577.75 feet; Thence S38°10'48"E a distance of 551.46 feet; Thence S86°25'58"E a distance of 385.80 feet; Thence S24°01'11"E a distance of 975.12 feet; Thence S57°46'34"E a distance of 530.20 feet; Thence S70°04'12"E a distance of 1,843.47 feet; Thence N63°01'21"E a distance of 1,214.99 feet; Thence S50°03'22"E a distance of 2,565.56 feet; Thence S13°56'09"W a distance of 1,953.90 feet; Thence S12°51'59"E a distance of 1,862.33 feet; Thence S71°59'01"W a distance of 448.53 feet; Thence N45°00'57"W a distance of 266.60 feet; Thence S69°50'23"W a distance of 1,104.27 feet; Thence S28°10'55"E a distance of 1,272.60 feet; Thence S62°45'03"W a distance of 4,638.30 feet; Thence S82°12'01"W a distance of 711.48 feet; Thence S81°38'00"W a distance of 5,167.82 feet; Thence N77°54'41"W a distance of 707.32 feet; Thence N89°28'15"W a distance of 299.98 feet to a point lying 50.00 feet East of the East right-of-way line for State Road No. 31; Thence along a line 50.00 feet East of, and parallel with, the East right-of-way line for State Road No. 31, the following courses and distances: S00°31'45"W a distance of 4,197.71 feet, S00°26'10"W a distance of 5,282.33 feet and S00°36'46"W a distance of 5,337.00 feet to the Point of Beginning.

Containing 13,630.64 acres, more or less.

Bearings hereinabove mentioned are based on the North line of Section 6, Township 43 South, Range 26 East to bear S89°41'45"E.

Section 5. Governing board; members and meetings; organization; powers; duties; terms of office; related election requirements.—

(1) The board shall exercise the powers granted to the district pursuant to this act. The board shall consist of five voting members. Each voting member shall hold office for a term of 4 years, except as otherwise provided herein for initial board members, and until a successor is chosen and qualified. Additionally, Charlotte and Lee Counties, acting through their respective boards of county commissioners, are each entitled, but under no obligation, to appoint one person to act as a representative for the appointing county and liaison to the board. Such person may be appointed to serve as liaison to the board at any time after the initial landowner's meeting and may serve until replaced or removed by the appointing county. Only Charlotte and Lee Counties may appoint liaisons to the board, and only landowners and qualified electors may elect voting members to the board. All members of the board must be residents of the state and citizens of the United States. A board liaison is entitled to receive all meeting notices and board meeting materials in the same manner as a voting member of the board and shall be entitled to be heard at board meetings in the same manner as board members, except that such person shall not be a member of the governing board nor be entitled to vote.

(2)(a) Within 90 days following the effective date of this act, there shall be held a meeting of the landowners of the district for the purpose of electing five members for the district. Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks in a newspaper that is in general circulation in the area of the district, the last day of such publication to be not less than 14 days or more than 28 days before the date of the

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

(b) At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. The two candidates receiving the highest number of votes shall be elected for terms expiring November 30, 2010, and the three candidates receiving the next largest number of votes shall be elected for terms expiring November 30, 2008, with the term of office for each successful candidate commencing upon election. The members of the first board elected by landowners shall serve their respective terms; however, the next election of board members shall be held on the first Tuesday after the first Monday in November 2008. Thereafter, there shall be an election by landowners for the district every 2 years on the first Tuesday after the first Monday in November, which shall be noticed pursuant to paragraph (a). The second and subsequent landowners' election shall be announced at a public meeting of the board at least 90 days prior to the date of the landowners' meeting and shall also be noticed pursuant to paragraph (a). Instructions on how all landowners may participate in the election, along with sample proxies, shall be provided during the board meeting that announces the landowners' meeting. Each member elected in or after November 2008 shall serve a 4-year term.

(3)(a)1. The board may not exercise the ad valorem taxing power or general obligation bond power authorized by this act until such time as all members of the board, except for nonvoting members, are qualified electors who are elected by qualified electors of the district.

2.a. Regardless of whether the district has proposed to levy ad valorem taxes or issue general obligation bonds, board members initially elected by landowners shall be elected by qualified electors of the district as the district becomes populated with qualified electors. The transition shall occur such that the composition of the board, after the first general election following a trigger of the qualified elector population thresholds set forth below, shall be as follows:

(I) Once 4,600 qualified electors reside within the district, one voting board member shall be a person who was elected by the qualified electors, and four voting board members shall be persons who were elected by the landowners.

(II) Once 8,900 qualified electors reside within the district, two voting board members shall be persons who were elected by the qualified electors, and three voting board members shall be persons elected by the landowners.

(III) Once 22,000 qualified electors reside within the district, three voting board members shall be persons who were elected by the qualified electors and two voting board members shall be persons who were elected by the landowners.

(IV) Once 24,000 qualified electors reside within the district, four voting board members shall be persons who were elected by the qualified electors and one voting board member shall be a person who was elected by the landowners.

(V) Once 25,000 qualified electors reside within the district, all five voting board members shall be persons who were elected by the qualified electors.

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

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

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

d. Once the district qualifies to have any of its board members elected by the qualified electors of the district, the initial and all subsequent elections by the qualified electors of the district shall be held at the general election in November. The board shall adopt a resolution if necessary to implement this requirement. The transition process described herein is intended to be in lieu of the process set forth in section 189.4051, Florida Statutes.

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

(c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions of chapter 106, Florida Statutes, and shall file qualifying papers and qualify

for individual seats in accordance with section 99.061, Florida Statutes. Candidates shall pay a qualifying fee, which shall consist of a filing fee and, if applicable, an election assessment or, as an alternative, shall file a petition signed by not less than 1 percent of the registered voters of the district, and take the oath required in section 99.021, Florida Statutes, with the supervisor of elections in the county affected by such candidacy. The amount of the filing fee is 3 percent of \$4,800; however, if the electors have provided for compensation, the amount of the filing fee is 3 percent of the maximum annual compensation so provided. The filing fee and election assessment, if applicable, shall be distributed as provided in section 105.031(3), Florida Statutes.

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

(4) Voting members of the board shall be public officers, shall be known as members and, upon entering into office, shall take and subscribe to the oath of office as prescribed by section 876.05, Florida Statutes. Voting members of the board shall be subject to ethics and conflict of interest laws of the state that apply to all local public officers. Voting members of the board shall hold office for the terms for which they were elected and until their successors are chosen and qualified. If, during the term of office, a voting member vacancy occurs, the remaining voting members of the board shall fill each vacancy by an appointment for the remainder of the unexpired term.

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

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

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

(8) The board shall keep a permanent record book entitled "Record of Proceedings of Babcock Ranch Community Independent Special District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book and all other district records shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119, Florida Statutes. The record book shall be

kept at the office or other regular place of business maintained by the board in a designated location in Charlotte County.

(9) Each voting member of the board shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the board, not to exceed \$4,800 per year per member, or an amount established by the electors at referendum. In addition, each voting member of the board shall receive travel and per diem expenses as set forth in section 112.061, Florida Statutes.

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

Section 6. Governing board; general duties.—

(1) DISTRICT MANAGER AND EMPLOYEES.—The board shall employ and fix the compensation of a district manager, who shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112, Florida Statutes, for a board member, the district manager, or another employee of the district to be a stockholder, officer, or employee of a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

(2) TREASURER.—The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of or pursuant to a resolution of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.

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

(4) BUDGET; REPORTS AND REVIEWS.—

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

(b) On or before July 15 of each year, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be not fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted prior to October 1 of each year.

(c) At least 60 days prior to adoption, the board of the district shall submit to the Charlotte County Board of County Commissioners, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year, and the board of county commissioners may submit written comments to the board of the district solely for the assistance and information of the board of the district in adopting its annual district budget.

(d) The board of the district shall submit annually to the Charlotte County Board of County Commissioners its district public facilities report under section 189.415(2), Florida Statutes, which report the board of county commissioners shall use and rely on in the preparation or revision of its comprehensive plan, specifically under section 189.415(6), Florida Statutes.

(5) DISCLOSURE OF PUBLIC FINANCING.—The district shall, in accordance with all applicable general law, provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing residents and all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy. Any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement. The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall ensure that disclosures made by develop-

ers pursuant to chapter 498, Florida Statutes, meet the requirements of section 190.009(1), Florida Statutes.

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

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

(b) To apply for coverage of its employees under the Florida Retirement System in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the Florida Retirement System Trust Fund.

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

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

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

(f) To maintain an office at such place or places as the board designates in Charlotte County, and within the district when facilities are available.

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

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

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

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

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

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

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

(n) To determine, order, levy, impose, collect, and enforce assessments pursuant to this act and the general laws of the state.

(o) To hold, control and acquire by donation, purchase, or condemnation (subject to the limitation on the district's eminent domain powers as set forth below), or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act, both within and outside the boundaries of the district, and to make use of such easements, dedications, or reservations for the purposes authorized by this act.

(p) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county in which the taking will occur, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property within the state, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, transportation improvements as outlined in subsection (7), and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(q) To exercise such special powers and other express powers as may be authorized and granted by this act in the charter of the district, including powers as provided in any interlocal agreement entered into pursuant to chapter 163, Florida Statutes, or that shall be required or permitted to be undertaken by the district pursuant to any development order or development of regional impact, or any other agreement with Charlotte County or other governmental entities, including, without limitation, any school district, sheriff, fire district, drainage district, and health care district for proportionate, fair-share, or pipelining capital construction funding for any certain capital facilities or systems required from the development pursuant to any applicable development order or agreement.

(r) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any other powers or duties or the special purpose of the district authorized by this act.

(s) To carry out any conditions of any development approval, development order, or agreement applicable to the development of the Babcock Ranch Community that relates to the provisions of infrastructure, including roads and other on-site and off-site improvements and any surety obligations relating thereto.

The provisions of this subsection shall be construed liberally in order to carry out effectively the specialized purpose of this act.

(7) SPECIAL POWERS.—The district shall have, and the board may exercise, the following special powers to implement its lawful and special purpose and to provide, pursuant to that purpose, systems, facilities, services, improvements, projects, works, and infrastructure, each of which constitutes a lawful public purpose when exercised pursuant to this charter, subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area included therein, and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, finance, fund, and maintain improvements, systems, facilities, services, works, projects, and infrastructure, including, without limitation, any obligations pursuant to a development order or agreement. Any or all of the following special powers are granted by this act in order to implement the special purpose of the district:

(a) To provide water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges. In the event that the board assumes the responsibility for providing water management and control for the district that is to be financed by benefit special assessments, the board shall adopt plans and assessments pursuant to law or may adopt water management and control plans, assess for benefits, and apportion and levy special assessments, as follows:

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

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

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

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

5. The water management and control plan may be altered in detail from time to time until the appraisal record herein provided is filed but not in such manner as to affect materially the conditions of its adoption. After the appraisal record has been filed, no alteration of the plan shall be made, except as provided by this act.

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

(b) To provide for water supply, sewer, and wastewater management, reclamation, and reuse, or any combination thereof, and any irrigation systems, facilities, and services and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

1. The district may not purchase or sell a water, sewer, or wastewater reuse utility that provides service to the public for compensation, or enter into a wastewater facility privatization contract for a wastewater facility, until the governing body of the district has held a public hearing on the purchase, sale, or wastewater facility privatization contract and made a determination that the purchase, sale, or wastewater facility privatization contract is in the public interest.

2. In determining if the purchase, sale, or wastewater facility privatization contract is in the public interest, the district shall consider, at a minimum, the following:

a. The most recent available income and expense statement for the utility.

b. The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions in aid of construction and the accumulated depreciation thereon.

c. A statement of the existing rate base of the utility for regulatory purposes.

d. The physical condition of the utility facilities being purchased or sold or subject to a wastewater facility privatization contract.

e. The reasonableness of the purchase, sale, or wastewater facility privatization contract price and terms.

f. The impacts of the purchase, sale, or wastewater facility privatization contract on utility customers, both positive and negative.

g. Any additional investment required and the ability and willingness of the purchaser or the private firm under a wastewater facility privatization contract to make that investment, whether the purchaser is the district or the entity purchasing the utility from the district.

h. In the case of a wastewater facility privatization contract, the terms and conditions on which the private firm will provide capital investment and financing or a combination thereof for contemplated capital replacements, additions, expansions, and repairs.

i. The alternatives to the purchase, sale, or wastewater facility privatization contract and the potential impact on utility customers if the purchase, sale, or wastewater facility privatization contract is not made.

j. The ability of the purchaser or the private firm under a wastewater facility privatization contract to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the district or the entity purchasing the utility from the district.

k. In the case of a wastewater facility privatization contract, the district shall give significant weight to the technical expertise and experience of the private firm in carrying out the obligations specified in the wastewater facility privatization contract.

1. All moneys paid by a private firm to a district pursuant to a wastewater facility privatization contract shall be used for the purpose of reducing or offsetting property taxes, wastewater service rates, or debt reduction or making infrastructure improvements or capital asset expenditures or other public purpose, provided, however, that nothing herein shall preclude the district from using all or part of the moneys for the purpose of the district's qualification for relief from the repayment of federal grant awards associated with the wastewater system as may be required by federal law or regulation. The district shall prepare a statement showing that the purchase, sale, or wastewater facility privatization contract is in the public interest, including a summary of the purchaser's or private firm's experience in water, sewer, or wastewater reuse utility operation and a showing of financial ability to provide the service, whether the purchaser or private firm is the district or the entity purchasing the utility from the district.

(c) To provide for bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d) To provide for transportation and transportation-related improvements equal to or exceeding the specifications of the county in which such transportation improvements are located, which specifications may include, but not be limited to, those outlined in conditions of development approval. Such transportation and transportation-related improvements may include,

but are not limited to, highways, streets, roads, alleys, trails, pathways, sidewalks, parkways, bicycle lanes, jogging paths, interchanges, bridges, thoroughfares of all kinds and descriptions, landscaping, hardscaping, irrigation, storm drains, street lighting, traffic signals, regulatory or informational signage, road striping, underground conduit, underground cable or fiber or wire, parking facilities, and all other related elements of a functioning transportation system in general or as related to the conditions of a development approval affecting the Babcock Ranch Community. Such transportation improvements may be located on-site or off-site; provided, however, that any off-site transportation improvements must be required or approved by the local general purpose government in which they are located.

(e) To provide buses, trolleys, transit shelters and services, ridesharing facilities and services, parking improvements, and related signage.

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

(g) To provide for observation areas, conservation areas, mitigation areas, wildlife areas and wildlife habitat within or outside the district, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(h) To provide for parks and facilities for indoor and outdoor recreational, cultural, educational, and library uses.

(i) To provide for fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.

(j) To establish and maintain emergency medical and rescue response services, and acquire and maintain rescue, medical, and other emergency equipment.

(k) To provide for school buildings and related structures, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the affected school board. The district is granted the special power to contract with the school boards of Charlotte and Lee counties and, as applicable, the boards of county commissioners of Charlotte and Lee Counties, and with the applicable landowner developer of the lands within the district, to assess the school district educational facilities plan, and to implement a management and financing plan for timely construction, maintenance, and acquisition, at the option of the district, of school facilities, including facilities identified in the facilities work programs or those proposed by charter schools. The district is granted the special power to determine, order, levy, impose, collect, or arrange for the collection and enforcement of assessments, as defined in and pursuant to this act, for such school facilities. The district is eligible for the financial enhancements available to educational facility benefit districts to provide for financing the construction and maintenance of educational facilities pursuant to section 1013.356, Florida Statutes, and, if and when authorized by general law, to

acquire such educational facilities. This act, in the place of an educational facilities benefit district, authorizes the affected school board to designate the district. The district is authorized to enter into an interlocal agreement with the affected school board and, as applicable, the affected county, and applicable private landowners and developers in order to provide for such construction, maintenance, and acquisition and in order to receive the applicable financial enhancements provided by section 1013.356, Florida Statutes. The interlocal agreement shall consider, among other things, absorption rates, sales rates, and related data of existing and projected schools; racial, ethnic, social, and economic balance within the affected school district under applicable state and federal law; and the provision of school attendance zones to allow students residing within a reasonable distance of the facilities constructed and financed through the interlocal agreement to attend such facilities. Because these facilities are funded by assessments and not by taxes of any type, the provision of these facilities may be multiuse and, consistent with the provisions of this act, shall be first liens on the property upon a showing of special and peculiar benefits that flow to the property within the jurisdiction of the district as a logical connection from the systems, facilities, and services, resulting in added use, enhanced enjoyment, decreased insurance premiums, or enhanced value in marketability so that the Legislature finds that the provisions of the Florida Constitution for free public schools is implemented and enhanced. Nothing herein requires any change in the method of election of the governing board of the district provided for in section 5.

(l) To provide for security, including, but not limited to, guardhouses, fences, and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however, the district may not exercise any powers of a law enforcement agency but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. The district may operate guardhouses for the limited purpose of providing security for the residents of the district and that serve a predominate public, as opposed to private, purpose. Such guardhouses shall be operated by the district or any other unit of local government pursuant to procedures designed to serve such security purposes as set forth in rules adopted by the board, from time to time, following the procedures set forth in chapter 120, Florida Statutes.

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

(n) To provide waste collection and disposal.

(o) To enter into impact fee credit agreements with Charlotte and Lee Counties and their respective school boards. Under such agreements, if the district constructs or makes contributions for public systems, facilities, services, projects, improvements, works, and infrastructures for which impact fee credits would be available to the landowner developer under the applicable impact fee ordinance, the agreement authorized by this act shall provide that such impact fee credit shall inure to the landowners within the district in proportion to assessments or other burdens levied and imposed upon the

landowners with respect to assessable improvements giving rise to such impact fee credits, and the district shall from time to time execute such instruments, such as assignments of impact fee credits, as may be necessary, appropriate, or desirable to accomplish or to confirm the foregoing.

(p) To provide buildings and structures for district offices, maintenance facilities, meeting facilities, town centers, or any other project authorized or granted by this act.

(q) To establish and create, at noticed meetings, such governmental departments of the governing board of the district, as well as committees, task forces, boards, or commissions, or other agencies under the supervision and control of the district, as from time to time the members of the board may deem necessary or desirable in the performance of the acts or other things necessary to exercise the board's general or special powers to implement an innovative project to carry out the special purpose of the district as provided in this act and to delegate the exercise of its powers to such departments, boards, task forces, committees, or other agencies and such administrative duties and other powers as the board may deem necessary or desirable, but only if there is a set of expressed limitations for accountability, notice, and periodic written reporting to the board that shall retain the powers of the board.

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

(s) To provide for affordable housing and affordable housing assistance in accordance with section 189.4155(6), Florida Statutes, and other provisions of general law.

(t) To provide for the construction and operation of communications systems and related infrastructure for the carriage and distribution of communications services, and to enter into joint ventures, public-private partnerships, and other agreements and to grant such easements as may be necessary to accomplish the foregoing. Communications systems shall mean all facilities, buildings, equipment, items, and methods necessary or desirable in order to provide communications services, including, without limitation, wires, cables, conduits, wireless cell sites, computers, modems, satellite antennae sites, transmission facilities, network facilities, and appurtenant devices necessary and appropriate to support the provision of communications services. Communications services includes without limitation internet, voice telephone or similar services provided by voice over internet protocol, cable television, data transmission services, electronic security monitoring services, and multi-channel video programming distribution services.

(u) To provide electricity and related infrastructure and to enter into public-private partnerships and agreements as may be necessary to accomplish the foregoing.

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

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

(x) To exercise its general and special powers as set forth in this act within or without the boundaries of the district when the subject of such exercise is approved or required by a development order, or is the subject of an agreement with the county, school district, or with any other applicable public or private entity, and is not inconsistent with the effective local comprehensive plans.

The enumeration of special powers herein shall not be deemed exclusive or restrictive but shall be deemed to incorporate all powers, express or implied, necessary or incident to carrying out such enumerated special powers, including the general powers provided by this special act charter to the district to implement its single purpose. Further, the provisions of this subsection shall be construed liberally in order to carry out effectively the special purpose of this district under this act. However, nothing contained herein shall relieve the district of its obligation to obtain a resolution from the affected county prior to exercising its eminent domain authority outside of the district boundaries pursuant to section 6.

(8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to the other powers provided for in this act, and not in limitation thereof, the district shall have the power, at any time and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine not to exceed the maximum rate allowed by general law, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but, in such event, a like amount of the bonds authorized shall not be issued.

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

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

(10) BONDS.—

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

1. The money paid for the bonds.
2. The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds.
3. In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

(b) Authorization and form of bonds.—Any general obligation bonds, special assessment bonds, or revenue bonds may be authorized by resolution or resolutions of the board that shall be adopted by a majority of all the voting members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs as defined in this act; the rate or rates of interest, not to exceed the maximum rate allowed by general law; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state at which payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of

bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by section 159.825(1)(f) and (g), Florida Statutes, regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

(c) Interim certificates; replacement certificates.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds that become mutilated, lost, or destroyed.

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

(e) Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than moneys held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

(f) Issuance of additional bonds.—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution autho-

izing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(g) Refunding bonds.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequent thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time that in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

(h) Revenue bonds.—

1. The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from benefit special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

2. Any two or more projects may be combined and consolidated into a single project and may hereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects, regardless of whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the district and that revenue bonds to be thereafter issued by the district shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original bonds.

(i) General obligation bonds.—

1. Subject to the limitations of this charter, the district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the Board of County Commissioners of Charlotte County upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

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

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

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

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

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

c. Any combination of assessments and revenues described in subparagraphs a. and b.

(j) Bonds as legal investment or security.—

1. Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall be and constitute security that may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.

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

(k) Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to ensure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

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

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

(n) Application of section 189.4085, Florida Statutes.—Bonds issued by the district shall meet the criteria set forth in section 189.4085, Florida Statutes.

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

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

(q) Default; dissolution.—A default on the bonds or obligations of the district shall not constitute a debt or obligation of any local general purpose government or the state. In the event of a default or dissolution of the district, no local general-purpose government shall be required to assume the property of the district, the debts of the district, or the district's obligations to complete any infrastructure improvements or provide services to the district.

(11) TRUST AGREEMENTS.—Any issue of bonds shall be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company within or without the state that may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof

with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to that such trust agreement pertains.

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

(a) Ad valorem taxes.—A board elected by and consisting of qualified electors of the district shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed the maximum amount authorized by law. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and at the same time as county taxes. The levy of ad valorem taxes must be approved by referendum as required by Section 9 of Article VII of the State Constitution.

(b) Benefit special assessments.—The board annually shall determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance assessable improvements. These assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year. Such assessment shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in section 197.3632 or chapter 173, Florida Statutes, for collecting and enforcing these assessments. Each annual installment of benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under subsections (6) and (7) shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to the benefits received by each tract of land. The board may, if it determines it is in the best interests of the district, set forth in the proceedings initially levying such benefit special assessments or in subsequent proceedings a formula for the determination of an amount, which when paid by a taxpayer with respect to any tax parcel, shall constitute a prepayment of all future annual installments of such benefit special assessments and that the payment of which amount with respect to such tax parcel shall relieve and discharge such tax parcel of the lien of such benefit special assessments and any subsequent annual installment thereof. The board

may provide further that upon delinquency in the payment of any annual installment of benefit special assessments, the prepayment amount of all future annual installments of benefit special assessments as determined in this paragraph shall be and become immediately due and payable together with such delinquent annual installment.

(c) Non-ad valorem maintenance taxes.—If and when authorized by general law, to maintain and preserve the physical facilities and services constituting the works, improvements, or infrastructure provided by the district pursuant to this act; to repair and restore any one or more of them, when needed; and to defray the current expenses of the district, including any sum that may be required to pay state and county ad valorem taxes on any lands that may have been purchased and that are held by the district under the provisions of this act, the governing board may, upon the completion of said systems, facilities, services, works, improvements, or infrastructure, in whole or in part, as may be certified to the board by the engineer of the board, levy annually a non-ad valorem and nonmillage tax upon each tract or parcel of land within the district, to be known as a “maintenance tax.” This non-ad valorem maintenance tax shall be apportioned upon the basis of the net assessments of benefits assessed as accruing from the original construction and shall be evidenced to and certified by the governing board of the district not later than June 1 of each year to the property appraiser of Charlotte County and shall be extended by the property appraiser on the tax roll of the property appraiser, as certified by the property appraiser to the tax collector, and collected by the tax collector on the merged collection roll of the tax collector in the same manner and at the same time as county ad valorem taxes, and the proceeds therefrom shall be paid to the district. This non-ad valorem maintenance tax shall be a lien until paid on the property against which assessed and enforceable in like manner and of the same dignity as county ad valorem taxes.

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

(e) Special assessments.—To levy and impose any special assessments pursuant to this subsection.

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

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

(h) Status of assessments.—Benefit special assessments, maintenance special assessments, and special assessments are hereby found and determined to be non-ad valorem assessments as defined by section 197.3632, Florida Statutes. Maintenance taxes are non-ad valorem taxes and are not special assessments.

(i) Assessments constitute liens; collection.—Any and all assessments, including special assessments, benefit special assessments, and maintenance special assessments authorized by this section, and including special assessments as defined in this act and granted and authorized by this subsection, and including maintenance taxes if authorized by general law, shall constitute a lien on the property against which assessed from the date of levy and imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes. These assessments may be collected, at the district's discretion, under authority of section 197.3631, Florida Statutes, by the tax collector pursuant to the provisions of sections 197.3632 and 197.3635, Florida Statutes, or in accordance with other collection measures provided by law. In addition to, and not in limitation of, any powers otherwise set forth herein or in general law, these assessments may also be enforced pursuant to the provisions of chapter 173, Florida Statutes.

(j) Land owned by governmental entity.—Except as otherwise provided by law, no levy of ad valorem taxes or non-ad valorem assessments under this act, chapter 170, or chapter 197, Florida Statutes, or otherwise, by a board of a district, on property of a governmental entity that is subject to a ground lease as described in section 190.003(13), Florida Statutes, shall constitute a lien or encumbrance on the underlying fee interest of such governmental entity.

(13) SPECIAL ASSESSMENTS.—

(a) As an alternative method to the levy and imposition of special assessments pursuant to chapter 170, Florida Statutes, pursuant to the authority of section 197.3631, Florida Statutes, or pursuant to other provisions of general law, now or hereafter enacted, which provide a supplemental means or authority to impose, levy, and collect special assessments as otherwise

authorized under this act, the board may levy and impose special assessments to finance the exercise of any of its powers permitted under this act using the following uniform procedures:

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

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

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

c. The preliminary assessment roll to be prepared will be in accordance with the method of assessment provided for in the assessment methodology and as may be adopted by the governing board; the assessment roll shall be completed as promptly as possible and shall show the acreage, lots, lands, or plats assessed and the amount of the fairly and reasonably apportioned assessment based on special and peculiar benefit to the property, lot, parcel, or acreage of land; and, if the assessment against each such lot, parcel, acreage, or portion of land is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered into and shown upon the assessment roll.

2. The governing board of the district may determine and declare by an initial assessment resolution to levy and assess the assessments with respect to assessable improvements stating the nature of the systems, facilities, and services, improvements, projects, or infrastructure constituting

such assessable improvements, the information in the engineer's cost report, the information in the assessment methodology as determined by the board at the noticed meeting and referencing and incorporating as part of the resolution the engineer's cost report, the preliminary assessment methodology, and the preliminary assessment roll as referenced exhibits to the resolution by reference. If the board determines to declare and levy the special assessments by the initial assessment resolution, the board shall also adopt and declare a notice resolution that shall provide and cause the initial assessment resolution to be published once a week for a period of 2 weeks in a newspaper of general circulation published in Charlotte County and said board shall by the same resolution fix a time and place at which the owner or owners of the property to be assessed or any other persons interested therein may appear before said board and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Thirty days' notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each assessed property owner at his or her last known address, the names and addresses of such property owners to be obtained from the record of the property appraiser of the county political subdivision in which the land is located or from such other sources as the district manager or engineer deems reliable, and proof of such mailing shall be made by the affidavit of the manager of the district or by the engineer, said proof to be filed with the district manager, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. It is provided further that the last publication shall be at least 1 week prior to the date of the hearing on the final assessment resolution. Said notice shall describe the general areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece, parcel, lot, or acre of property may be ascertained at the office of the manager of the district. Such service by publication shall be verified by the affidavit of the publisher and filed with the manager of the district. Moreover, the initial assessment resolution with its attached, referenced, and incorporated engineer's cost report, preliminary assessment methodology, and preliminary assessment roll, along with the notice resolution, shall be available for public inspection at the office of the manager and the office of the engineer or any other office designated by the governing board in the notice resolution. Notwithstanding the foregoing, the landowners of all of the property that is proposed to be assessed may give the district written notice of waiver of any notice and publication provided for in this subparagraph and such notice and publication shall not be required, provided, however, that any meeting of the governing board to consider such resolution shall be a publicly noticed meeting.

3. At the time and place named in the noticed resolution as provided for in subparagraph 2., the governing board of the district shall meet and hear testimony from affected property owners as to the propriety and advisability of making the systems, facilities, services, projects, works, improvements, or infrastructure and funding them with assessments referenced in the initial assessment resolution on the property. Following the testimony and questions from the members of the board or any professional advisors to the

district of the preparers of the engineer's cost report, the assessment methodology, and the assessment roll, the governing board shall make a final decision on whether to levy and assess the particular assessments. Thereafter, the governing board shall meet as an equalizing board to hear and to consider any and all complaints as to the particular assessments and shall adjust and equalize the assessments on the basis of justice and right.

4. When so equalized and approved by resolution or ordinance by the governing board, to be called the final assessment resolution, a final assessment roll shall be filed with the clerk of the board and such assessment shall stand confirmed and remain legal, valid, and binding first liens on the property against which such assessments are made until paid, equal in dignity to the first liens of ad valorem taxation of county and municipal governments and school boards. However, upon completion of the systems, facilities, service, project, improvement, works, or infrastructure, the district shall credit to each of the assessments the difference in the assessment as originally made, approved, levied, assessed, and confirmed and the proportionate part of the actual cost of the improvement to be paid by the particular special assessments as finally determined upon the completion of the improvement; but in no event shall the final assessment exceed the amount of the special and peculiar benefits as apportioned fairly and reasonably to the property from the system, facility, or service being provided as originally assessed. Promptly after such confirmation, the assessment shall be recorded by the clerk of the district in the minutes of the proceedings of the district, and the record of the lien in this set of minutes shall constitute prima facie evidence of its validity. The governing board, in its sole discretion, may, by resolution, grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing cost, such as capitalized interest, funded reserves, and bond discounts included in the estimated cost of the project, upon payment in full of any assessments during such period prior to the time such financing costs are incurred as may be specified by the governing board in such resolution.

5. District assessments may be made payable in installments over no more than 30 years from the date of the payment of the first installment thereof and may bear interest at fixed or variable rates.

(b) Notwithstanding any provision of this act or of chapter 170 or section 170.09, Florida Statutes, which provide that assessments may be paid without interest at any time within 30 days after the improvement is completed and a resolution accepting the same has been adopted by the governing authority, such provision shall not be applicable to any district assessments, whether imposed, levied, and collected pursuant to the provisions of this act or other provisions of general law, including, but not limited to, chapter 170, Florida Statutes.

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

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

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

(b) The district may also issue assessment bonds, revenue bonds, or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is authorized to covenant with the holders of such assessment bonds, revenue bonds, or other obligations that it will diligently and faithfully enforce and collect all the special assessments, and interest and penalties thereon, for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(c) The assessment bonds, revenue bonds, or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board; however, the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment that will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness

representing such assessment liens, are assigned to or deposited in such special fund.

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

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

(15) TAX LIENS.—All taxes of the district provided for in this act, except together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. In addition to, and not in limitation of, the preceding, for purposes of section 197.552, Florida Statutes, the lien of all special assessments levied by the district shall constitute a lien of record held by a municipal or county governmental unit. The provisions of sections 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.

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

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

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

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

(b) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state

and county taxes upon all the real property against which the taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

(c) In any sale of land pursuant to section 197.542, Florida Statutes, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold, and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.

(17) FORECLOSURE OF LIENS.—Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in a like manner as provided in chapter 173, Florida Statutes, and the provisions of that chapter shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the governing board may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent; however, no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

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

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

(a) No contract shall be let by the board for any goods, supplies, or materials to be purchased when the amount thereof to be paid by the district shall exceed the amount provided in section 287.017, Florida Statutes, for category four, unless notice of bids shall be advertised once in a newspaper in general circulation in Charlotte County. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of section 255.20, Florida Statutes, and other applicable general law. In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high or the board determines it is in the best interests of the district to reject all bids. The board may require the bidders to furnish bond with a responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.

(b) The provisions of the Consultants' Competitive Negotiation Act, section 287.055, Florida Statutes, apply to contracts for engineering, architect-

ture, landscape architecture, or registered surveying and mapping services let by the board.

(c) Contracts for maintenance services for any district facility or project shall be subject to competitive bidding requirements when the amount thereof to be paid by the district exceeds the amount provided in section 287.017, Florida Statutes, for category four. The district shall adopt rules, policies, or procedures establishing competitive bidding procedures for maintenance services. Contracts for other services shall not be subject to competitive bidding unless the district adopts a rule, policy, or procedure applying competitive bidding procedures to said contracts. Nothing herein shall preclude the use of requests for proposal instead of invitations to bid as determined by the district to be in its best interest.

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

(a) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as “revenues,” and to revise the same from time to time, for the systems, facilities, and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, water, sewer, and reuse systems, and solid waste collection and disposal; to recover the costs of making connection with any district service, facility, or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(b) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper of general circulation in Charlotte County at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served that shall fall in the same class, without the necessity of any notice or hearing.

(c) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or

computed either upon the amount of service furnished, upon the average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

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

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

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

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

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

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

(22) DISCONTINUANCE OF SERVICE.—In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorney's fees and other expenses, may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

(23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act or any bylaws, resolutions, regulations, rules, codes, or orders

adopted under this act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this act or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board or any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid such violation; to prevent the occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

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

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

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

(a) The board may ask the Legislature through its local legislative delegations in and for Charlotte County to amend this act to contract, to expand or to contract, and to expand the boundaries of the district.

(b) The district shall remain in existence until:

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

2. The district has become inactive pursuant to section 189.4044, Florida Statutes.

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

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

text of the contract: "THE BABCOCK RANCH COMMUNITY INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

(29) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days after the election of the first governing board of the district, the district shall cause to be recorded in the grantor-grantee index of the property records in the county in which it is located a "Notice of Creation and Establishment of the Babcock Ranch Community Independent Special District." The notice shall, at a minimum, include the legal description of the property covered by this act.

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

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

Section 8. In the election provided for in section 9, each landowner present in person or by proxy shall be entitled to cast one vote for each assessable acre or fraction of an acre of land owned by him or her and located within the district.

Section 9. This section and section 8 shall take effect upon this act becoming law, and the remaining sections shall take effect upon approval by a majority vote of the owners of land within the district who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners' meeting to be held within 90 days after the effective date of this act. Such landowners' meeting shall be noticed as provided in section 5 for the initial landowners' meeting and may be combined with such meeting. However, the provisions of this act that authorize the levy of ad valorem taxation and issuance of general obligation bonds shall take effect only upon express approval by a majority vote of those qualified electors of the Babcock Ranch Community Independent Special District voting in a referendum election held at such time as all members of the board are qualified electors who are elected by qualified electors of the district as provided in this act.

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.

EXHIBIT B
REEDY CREEK SPECIAL ACT

CHAPTER 67-764

House Bill No. 486

AN ACT relating to the establishment, powers and functions of the Reedy Creek Improvement District; changing the name of the Reedy Creek Drainage District created under authority of Chapter 298, Florida Statutes, to the Reedy Creek Improvement District; setting forth new territorial boundaries of the District in Orange and Osceola Counties and excluding certain lands from said boundaries; assuming all lawful debts and other obligations and continuing all proceedings for the construction of improvements and the condemnation of land and for tax levies; providing for refund of taxes heretofore levied on lands excluded from the District; making powers and authorities conferred by Chapter 298, Florida Statutes, applicable to the Reedy Creek Improvement District except provisions of sections 298.07, 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.20, 298.22-298.25, 298.35, 298.37-298.40, 298.401, 298.41, 298.42, 298.44-298.46, 298.48, 298.52, 298.56, 298.57, 298.61, 298.69-298.74, Florida Statutes, and amendments thereto; providing for the election of a Board of Supervisors by the landowners within the District and for membership, term of office, qualification, organization and compensation of the Board of Supervisors and the filling of vacancies; providing for meetings of the landowners and supervisors and other procedures relating to the management and operation of the District; providing for appointment of a treasurer, depositories, fiscal agent and other officers and their qualifications, powers and duties; providing powers and duties of the Board of Supervisors; providing additional powers and duties of the Reedy Creek Improvement District including the ownership, acquisition, mortgage, lease and disposal of property and facilities, and the furnishing of proprietary services and facilities of all kinds, among them reclamation, drainage, irrigation, water and flood control, erosion control, water and sewer systems, waste control and disposal systems, airport facilities, communication, cultural, recreational and educational facilities of all kinds, parking facilities and meters, public transportation and utilities, streets, toll roads and bridges, sidewalks, street lighting and related facilities, and other projects and experimental projects; authorizing

services and prohibiting the construction or operation of like facilities or services without consent and approval of the Board of Supervisors subject to criminal penalties; authorizing the District to maintain projects across rights-of-way within or without the District; providing authority to set rates, fees, rentals, tolls, fares and charges, subject to certain requirements concerning public hearings and the sufficiency of revenues, and to make agreements and contracts for services without public hearing and pledge the same as security for District bonds; providing authority to recover delinquent charges, together with attorney's fees, expenses and penalties, and to discontinue services; authorizing agreements with private or public persons or agencies concerning the furnishing of facilities and services and the inclusion of other utility plants or systems as part of District projects; granting the District exclusive authority over District projects and budgets and providing exemption of District projects and activities and the District budget and finances from other regulatory laws and authorities, subject to certain limitations; exempting the area of the District from county zoning, building and construction, platting, subdivision, safety, sanitary and like codes and regulations and from state law pertaining to land use regulation, zoning and building codes, except to the extent that the Board of Supervisors may designate District areas subject to county codes and regulations; authorizing the District to adopt zoning, building and construction, platting, subdivision, safety, sanitary and like codes and regulations with respect to areas within the District including incorporated municipalities, subject to certain limitations; authorizing the District to adopt and revise a comprehensive general plan for physical development of the area within the District, building codes and other safety and sanitary codes, and to require building permits; requiring the approval by the Board of Supervisors and recording of plats, and making the failure to comply with such requirements a misdemeanor and subject to other penalties; authorizing the Board of Supervisors to adopt rules and regulations with respect to platting; authorizing the Board of Supervisors to vacate plats; requiring subdivision plans to be approved by the Board of Supervisors and authorizing the Board to adopt subdivision regulations; authorizing the Board of Supervisors to adopt

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zoning regulations; authorizing the Board of Supervisors to grant variances and waivers with respect to subdivision, platting, recording, zoning and other regulations; authorizing the Board of Supervisors to set up a planning and zoning commission and a zoning board of adjustment and to prescribe the powers, duties, organization and functioning of the same; providing power and authority to levy ad valorem taxes based on county assessed valuation not to exceed thirty (30) mills on the dollar per annum; providing power and authority to levy a maintenance tax under section 298.54, Florida Statutes, and a special ad valorem maintenance tax not to exceed ten (10) mills on the dollar per annum; providing power and authority to levy utility taxes not to exceed ten per cent (10%) of the payments received by the seller, the method of collection of the same, and criminal and other penalties for violation of District regulations pertaining thereto; providing for determination of annual installments of drainage taxes; providing for collection of taxes by certification to the respective boards of county commissioners of Orange and Osceola Counties and assessment and collection of taxes by county tax assessors and collectors or as otherwise directed by the Board of Supervisors; providing for tax discounts and penalties; establishing tax and other liens and procedures for the foreclosure of liens; authorizing the District to pay taxes and redeem tax sales certificates with respect to property in the District and to participate in the proceeds of tax sales; providing power to issue general obligation bonds, revenue bonds, utility service tax bonds and refunding bonds; providing for the pledge of taxes, assessments, revenues and other properties as security to the payment of bonds; providing for the lien of pledges of revenues, taxes and assessments; providing for the making of special assessments for improvements and the procedure to be followed in connection therewith; providing for the collection of special assessments and the foreclosure of delinquent assessments or installments, including acceleration of payment and recovery of attorney's fees and costs; providing power to issue assessment certificates and bonds; providing power to issue bond anticipation notes; providing power to make short-term borrowings and to issue certificates of indebtedness; providing authority for making trust agreements; providing for the sale of bonds;

providing with respect to the authorization and form of bonds; providing for increase in maximum allowable interest on District bonds above six (6) per cent per annum under certain circumstances; providing for interim and replacement certificates and negotiability; providing for bond defeasance; making District bonds legal investment or security for other public and private bodies; authorizing agreements with the Florida Development Commission and others; providing authority to make bond covenants and to provide for the rights, remedies and security of bondholders; providing for validation of bonds by publication of notice of issuance and by validation proceedings under Chapter 75, Florida Statutes; providing independent authority to issue bonds and authorizing the issuance of District bonds without approval of the board of drainage commissioners or other public authorities; extending pledge to bondholders and safeguarding agreements with the Federal government against impairment of rights; providing for cooperation agreements with municipalities and for the joint discharge of common functions and the joint undertaking and financing of projects; authorizing cooperative agreements with Federal and State governments, agencies, subdivisions and others with respect to financial and other contributions and loans to the District, the furnishing of facilities and services by or to the District, and fire and police protection; providing for tax exemption of District properties, bonds and revenues; providing statute of limitations on claims, suits or actions against the District; providing for posting of notices in lieu of publication under certain circumstances; providing for annexation of lands to and exclusion from the District and revision of the District boundaries; authorizing the withdrawal of lands from the District within sixty (60) days after the effective date of the Act; limiting the establishment of municipalities within the area of the District and the annexation of land within the District by municipalities; providing for construction of District projects with or without competitive bidding; subject to certain conditions, permitting supervisors to have an interest in corporations contracting with the District; providing power of injunction and other relief for violation of District by-laws, regulations, resolutions, rules, codes and orders; providing criminal and other pen-

alties; providing for investment of funds by the District; providing for fiscal year of the District; providing severability; providing effective date.

WHEREAS, the economic progress and well-being of the people of Florida depend in large measure upon the many visitors and new residents who come to Florida from other parts of the United States and elsewhere to enjoy its beneficial climate, scenic beauty and natural resources and the many man-made attractions, sports and recreation facilities and economic opportunities offered to them in Florida; and

WHEREAS, tourists and other temporary visitors have for many years constituted a major source of income for the people of Florida, and the growing annual inflow of such visitors, together with the steady increase in the number of newcomers making Florida their permanent home and the many new industries that in recent years have been established in Florida, are largely responsible for the unprecedented high level of prosperity that has been attained by the people of Florida; and

WHEREAS, in order to assure the future welfare and continued prosperity of Florida and its people; Florida must continue to attract temporary visitors, permanent residents and new industries and offer to the public outstanding vacation, sports and recreation facilities and residential communities; and

WHEREAS, in light of the recent advances in technology and the rapidly increasing speed and capacity of modern air carriers, which have made accessible and led to the development of many new year-round resorts and recreation-oriented communities in other states and parts of the world that vie with Florida for the tourist trade, the maintenance of Florida's prosperity and its leadership as a tourist state make it imperative that appropriate measures be taken to promote the conservation of natural resources and attractions, the creation of vacation, sports and recreation facilities and residential communities of high quality and the utilization of the many technological advances achieved by American industry in developing new concepts in community living and recreation; and

WHEREAS, the conservation of natural resources and attractions, the creation of favorable conditions for the development

of high-quality vacation, sports and recreation facilities and residential communities and the utilization of new concepts, ideas, designs and technological advances in the establishment of such facilities and communities are valid public purposes and the legitimate concern of special taxing districts created for that purpose; and

WHEREAS, there has heretofore been established by proceedings under chapter 293, Florida Statutes, a drainage district, known as the Reedy Creek Drainage District, encompassing a large tract of land located in the southwestern part of Orange County and the northwestern part of Osceola County; and

WHEREAS, it is the intention of the Legislature through the within enactment to supplement, expand and otherwise modify the powers, functions and authorities of the Reedy Creek Drainage District, which shall hereafter be known as the Reedy Creek Improvement District, so as to enable that district to undertake the improvements herein provided for, to promote and create favorable conditions for the development and practical application of new and advanced concepts, designs and ideas for a recreation-oriented community and to undertake, and enable enterprises conducted within the District to undertake, a broad and flexible program of experimentation and development; and

WHEREAS, the objectives and purposes of the Reedy Creek Improvement District shall be to provide for the reclamation, drainage and irrigation of land, to establish water, flood and erosion control, to provide water and sewer systems and waste collection and disposal facilities, to provide for mosquito and other pest controls, to provide public airport, recreation, and parking facilities, to advertise, to provide for public transportation and public utilities, to create and maintain conservation areas and wild-life sanctuaries within the District, to provide streets, roads, bridges and street lighting facilities, to adopt zoning and building codes and regulations, and to exercise all of the other powers and authorities provided for in this Act; and

WHEREAS, the Legislature hereby finds and declares that the several powers and authorities provided for in this Act are each valid and independent objectives and purposes of the

Reedy Creek Improvement District and essential to the accomplishment of the purposes of this Act; and

WHEREAS, the Legislature further finds and declares that the purposes of this Act cannot be realized except through a special taxing district having the powers hereinafter provided and that the operation of the District and its facilities and services and the exercise by the Board of Supervisors of the District of the powers and authorities provided for herein are necessary for the convenience, comfort and welfare of the District and all its inhabitants and landowners, will benefit all properties, persons and enterprises within the District, and constitute a valid public purpose;

NOW, THEREFORE,

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

Section 1. *Creation of the District Ratified and Approved; Change of Name of District to Reedy Creek Improvement District; Boundaries Defined.*—The decree of the Circuit Court in and for the Ninth Judicial Circuit of the State of Florida, entered in chancery No. 66-1061, on the 13th day of May, 1966, creating and incorporating the Reedy Creek Drainage District as a public corporation of this State, and all subsequent proceedings taken in the Circuit Court concerning that District, are hereby ratified, confirmed and approved, except that the boundaries of said District henceforth shall be as provided in this Act. The Reedy Creek Drainage District shall henceforth be known by the name of Reedy Creek Improvement District, and shall continue to be a public corporation of this State and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions and other undertakings of the Reedy Creek Drainage District are hereby validated and shall continue to be valid and binding on the Reedy Creek Improvement District in accordance with their respective terms, conditions, covenants and tenor. All taxes heretofore levied by the Board of Supervisors of the Reedy Creek Drainage District on lands within the boundaries of the Reedy Creek Improvement District shall continue to be effective, binding and collectible and a lien on such lands in accordance with the provisions of this Act, provided that any such taxes levied on any lands within the boundaries of the Reedy Creek Drainage District as heretofore organized but not

within the boundaries of the Reedy Creek Improvement District as herein established shall be of no further force and effect with respect to lands not included within the Reedy Creek Improvement District and shall not constitute a lien on such lands, and any such tax heretofore collected with respect to such lands shall be refunded. Any proceeding heretofore begun by the Reedy Creek Drainage District under chapter 298, Florida Statutes, or any other law, for the construction of any improvements, works or facilities, for the assessment of benefits and damages or for the borrowing of money shall not be impaired or avoided by this Act, but may be continued and completed in the name of the Reedy Creek Improvement District. All proceedings for the condemnation of land heretofore brought by the Reedy Creek Drainage District may be continued and completed in the name of the Reedy Creek Improvement District. The Reedy Creek Improvement District shall include within its territorial boundaries all of the lands within the following-described boundaries:

- (1) Begin at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 6, Township 24 South, Range 28 East; then North along the west section line of said Section 6 to the West quarter corner of Section 6; then East along the North line of the Southwest quarter and the North line of the Southeast quarter to a point on the shore line of Lake Mabel; then meander the shore line of Lake Mabel in a Southwesterly direction to the South line of said Section 6; then continue meandering the shore line of Lake Mabel in a Southeasterly, Easterly and Northeasterly direction across the North quarter of Section 7, Township 24 South, Range 28 East, to the North line of said Section 7; then continue meandering the shore line of Lake Mabel in a Northeasterly direction across the Southeast quarter of Section 6, Township 24 South, Range 28 East, to a point on said shore line which is intersected by the South quarter line of said Section 6; then East along said South quarter line to the East section line of said Section 6; then South along the East section line of said Section 6 to the Southeast corner of the Southeast quarter of said Section 6; then East along the North section line of Section 8, Township 24 South, Range 28 East to the point where said North section

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 der the shore line of South Lake in a Southwesterly,
 Southeasterly and Northeasterly direction to a point
 where the shore line of South Lake intersects the West
 quarter line of Section 8, Township 24 South, Range 28
 East; then South along the West quarter line of Sec-
 tion 8, Township 24 South, Range 28 East, and Section
 17, Township 24 South, Range 28 East to the North-
 west corner of the Northeast quarter of the Southwest
 quarter of said Section 17; then East along the North
 line of the South half of said Section 17 to the North-
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 quarter of said Section 17; then South along the West
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 ter to the Northeast corner thereof; then North along
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 Southeast quarter of said Section 17; then East along
 the North line of the South half of Section 17 to the
 East quarter corner of said Section 17; then South
 along the East section line of Section 17; Township 24
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 21, Township 24 South, Range 28 East; then East
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 21, Township 24 South, Range 28 East, to the North-
 east corner thereof; then South along the East line of
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 then East along the North line of the Southeast quar-
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 of Section 21, Township 24 South, Range 28 East to the
 Northeast corner thereof; then South along the West
 quarter line of Section 21, Township 24 South, Range
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 of said Section 21; then West along the South line of

the North half of the Northwest quarter of the Southwest quarter of Section 21 and the South line of the North half of the Northeast quarter of the Southeast quarter of Section 20, Township 24 South, Range 28 East, to the Northwest corner of Lot 94, Munger Land Company Subdivision of said Section 20; then South along the West line of said Lot 94 to the North line of the Southeast quarter of the Southeast quarter of said Section 20; then East along the North line of the Southeast quarter of the Southeast quarter of said Section 20 and the North line of the South half of the Southwest quarter of Section 21, Township 24 South, Range 28 East, to the Northwest corner of the East quarter of the Southeast quarter of the Southwest quarter of said Section 21; then South along the West line of the East quarter of the Southeast quarter of the Southwest quarter to the Southwest corner thereof; then East along the South line of said Section 21 to the South quarter corner of said Section 21; then North along the quarter section line to the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section 21; then East along the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter to the Northeast corner thereof; then North along the West line of the Northeast quarter of the Southwest quarter of the Southeast quarter of said Section 21 to the Northwest corner thereof; then East along the South quarter line of said Section 21 to the East section line of said Section 21; then North along the East section line of Section 21, Township 24 South, Range 28 East to the East quarter corner of said section, and the West quarter corner of Section 22, Township 24 South, Range 28 East; then East along the North line of the South half of Section 22, Township 24 South, Range 28 East and the North line of the South half of Section 23, Township 24 South, Range 28 East to the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 23; then South along the West quarter section line of said Section 23 to the South section line of Section 23; then West along the South section line of Section 23, Township 24 South, Range 28 East and

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Section 22, Township 24 South, Range 28 East to the North quarter corner of Section 27, Township 24 South, Range 28 East; then South along the East line of the Northwest quarter of Section 27, Township 24 South, Range 28 East to the Northeast corner of Lot 41, Munger Land Company Subdivision of said Section 27; then West along the North line of said Lot 41, 60 feet; then Southwesterly 700 feet, more or less, to a point 85 feet West of the East line of Lot 56, Munger Land Company Subdivision of said Section 27 on a line parallel to the South line of the Northwest quarter of said Section 27 which commenced at a point on the East line of said Lot 56 at a point 700 feet South from the Northeast corner of said Lot 41; then East along a line parallel to the South line of the Northwest quarter of said Section 27 to a point on the East line of said Lot 56 which is 700 feet South from the Northeast corner of said Lot 41; then South along the East line of said Lot 56 to a point on the shore line of Lake Bryan; then meander the shore line of Lake Bryan in a Southwesterly direction to a point on the South line of the Northwest quarter of Section 27, Township 24 South, Range 28 East; then West along the South line of the North half of said Section 27 to the West quarter corner of Section 27, and the East quarter corner of Section 28, Township 24 South, Range 28 East; then North along the West line of Section 27, Township 24 South, Range 28 East, to the Northwest corner of the Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 27; then East along the South line of Lot 48, Munger Land Company Subdivision of said Section 27, to the Southeast corner of said Lot 48; then North along the East line of Lot 48 to the North quarter line of said Section 27; then West along said North quarter line of Section 27 and the North quarter line of Section 28, Township 24 South, Range 28 East, to an intersection with the Westerly right-of-way line of U. S. Interstate Highway 4; then Southwesterly along said right-of-way line to an intersection with the South line of the North half of the Northwest quarter of the Southeast quarter of said Section 28; then West along said South line to the Southwest corner thereof;

then South along the quarter section line to the Southwest corner of the Northwest quarter of the Southeast quarter; then East along the South line of the Northwest quarter of the Southeast quarter to the Southeast corner of the Southwest quarter of the Northwest quarter of the Southeast quarter of said Section 28; then South along the West line of Lot 102, Munger Land Company Subdivision of said Section 28 to the Southwest corner of said Lot 102, then East along the South line of said Lot 102 to the Southeast corner thereof; then South along the West line of Lot 124, Munger Land Company Subdivision of said Section 28 to the South line of said Section 28; then West along the South section line of said Section 28 to the Southwest corner of the East three-eighths of the Southwest quarter of said Section 28; then North along the West line of the East three-eighths of the Southwest quarter of said Section 28 to the Northwest corner thereof; then West along the quarter section line to the West quarter corner of said Section 28 and the East quarter corner of Section 29, Township 24 South, Range 28 East; then North along the East section line of said Section 29 to the Northeast corner of the South half of the Southeast quarter of the Northeast quarter of said Section 29; then West along the North line of Lot 64, Munger Land Company Subdivision of said Section 29 to the Northwest corner of said Lot 64; then South along the West line of said Lot 64 to the quarter section line; then West along said quarter section line of Section 29 to the Northwest corner of the East half of the Southeast quarter of said Section 29; then South along the West line of the East half of the Southeast quarter to the Southwest corner thereof; then West along the South section line of Sections 29 and 30, Township 24 South, Range 28 East, to the Northeast corner of the West half of the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 31, Township 24 South, Range 28 East; then South along the East line of said West half of the Northwest quarter of the Northwest quarter of the Northeast quarter to the Southeast corner thereof; then East along the North line of the South half of the Northwest quarter of the

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Northeast quarter of said Section 31 to the Northeast corner of the West half of the Southeast quarter of the Northwest quarter of the Northeast quarter of said Section 31; then South along the East line of said West half of the Southeast quarter of the Northwest quarter of the Northeast quarter and the East line of the West half of the Northeast quarter of the Southwest quarter of the Northeast quarter of said Section 31 to the Southeast corner thereof; then West along the South line of the North half of the Southwest quarter of the Northeast quarter to the Northeast corner of the West half of the Southwest quarter of the Southwest quarter of the Northeast quarter of said Section 31; then South along the East line of said West half of the Southwest quarter of the Southwest quarter of the Northeast quarter to the Southeast corner thereof; then East along the North line of the Southeast quarter of said Section 31 to the Northeast corner of the West half of the Northwest quarter of the Northeast quarter of the Southeast quarter of said Section 31; then South along the East line of the West quarter of the Northeast quarter of the Southeast quarter to the Southeast corner thereof; then West along the South line of the Northeast quarter of the Southeast quarter of said Section 31, to the Southwest corner thereof; then North along the West line of the Southwest quarter of the Northeast quarter of the Southeast quarter of said Section 31 to the Northwest corner thereof; then West along the South line of the North half of the Northwest quarter of the Southeast quarter to the Southwest corner thereof; then South along the quarter section line to the Northwest corner of the Southwest quarter of the Southeast quarter; then East along the North line of the Northwest quarter of the Southwest quarter of the Southeast quarter to the Northeast corner thereof; then South along the East line of the Northwest quarter of the Southwest quarter of the Southeast quarter to the Southeast corner thereof; then West along the South line of the Northwest quarter of the Southwest quarter of the Southeast quarter to the Southwest corner thereof; then South along the quarter section line to the South quarter corner of said Section 31; then

East along the South section line of said Section 31 to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 31; then North along the West line of the South half of the Southeast quarter of the Southeast quarter of said Section 31 to the Northwest corner thereof; then East along the North line of the South half of the Southeast quarter of the Southeast quarter to the Northeast corner thereof; then South along the East section line to the Southeast corner of said Section 31, Township 24 South, Range 28 East; then East along the South section line of Section 32, Township 24 South, Range 28 East to the Southeast corner of the West half of the Southwest quarter of the Southwest quarter of Section 32, Township 24 South, Range 28 East; then North along the East line of the West half of the Southwest quarter of the Southwest quarter of said Section 32 to the Northeast corner of Lot 114, Munger Land Company Subdivision of said Section 32; then East along the North line of Lots 115, 116 and 117, Munger Land Company Subdivision of Section 32, Township 24 South, Range 28 East to the Northeast corner of said Lot 117; then South along the East line of Lot 117 to the South line of said Section 32; then East along the South section line of Section 32, Township 24 South, Range 28 East to a point where said South section line is intersected by the North right-of-way line of U. S. Interstate Highway 4; then Southwesterly along the North right-of-way line of U. S. Interstate Highway 4 to a point where said North right-of-way line intersects the East section line of Section 6, Township 25 South, Range 28 East; then South along the East section line of said Section 6 to the Southeast corner of said Section 6; then East along the North section line of Section 8, Township 25 South, Range 28 East and Section 9, Township 25 South, Range 28 East to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 9, Township 25 South, Range 28 East; then South along the West quarter section line of said Section 9 to a point where the West quarter section line of said section intersects the South quarter section line of said section; then East along the South quarter section line of Section 9,

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quarter of Section 9, Township 25 South, Range 28
East; then West along the South section line of said
Section 9 to the Northeast corner of the Northwest
quarter of the Northwest quarter of Section 16, Town-
ship 25 South, Range 28 East; then South along the
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quarter of said Section 16 to the Southeast corner of
the Northwest quarter of the Northwest quarter of said
Section 16; then West along the South line of the
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Section 16 to the Southwest corner of the Northwest
quarter of the Northwest quarter of said Section 16;
then South along the West section line of Section 16,
Township 25 South, Range 28 East to the West quarter
corner of said Section 16; then East along the North
line of the South half of said Section 16 to the North-
east corner of the Southwest quarter of said Section
16; then South along the East line of the Southwest
quarter of said Section 16 to the Southeast corner of
the Northeast quarter of the Southwest quarter of said
Section 16; then West along the South quarter section
line of said Section 16 to the Northwest corner of
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said Section 16; then South along the West section
line of Section 16, Township 25 South, Range 28 East
and Section 21, Township 25 South, Range 28 East
to the Southeast corner of Section 20, Township 25
South, Range 28 East; then West along the South sec-
tion line of said Section 20 to the Southwest corner
of Section 20, Township 25 South, Range 28 East;
then South along the East section line of Section 30,
Township 25 South, Range 28 East, and Section 31,
Township 25 South, Range 28 East to the Southeast
corner of the Northeast quarter of the Southeast quar-
ter of Section 31, Township 25 South, Range 28 East;
then West along the South quarter line of said Section

31 to the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 31; then North along the West line of the Northeast quarter of the Southeast quarter of said Section 31 to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 31; then West along the North line of the South half of said Section 31 to a point on said North line equal distance between the Northeast corner and the Northwest corner of the Northwest quarter of the Southeast quarter of said Section 31; then North to a point on the North line of said Section 31 which is equal distance between the Northeast corner and the Northwest corner of the Northwest quarter of the Northeast quarter of said Section 31; then West along the South section line of Section 30, Township 25 South, Range 28 East, Section 25, Township 25 South, Range 27 East and Section 26, Township 25 South, Range 27 East to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 26; then North along the West line of said Southeast quarter of the Southeast quarter of Section 26 to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 26; then West along the South quarter section line of said Section 26 to the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 26; then North along the West line of the Northwest quarter of the Southeast quarter of Section 26 to the Northwest corner thereof; then West along the North line of the South half of said Section 26 to the Southwest corner of Lot 14, Block B, Florida Fruit and Truck Land Company Subdivision of Section 26, Township 25 South, Range 27 East; then North along the West line of said Lot 14 and the West line of Lot 7, Block B, Florida Fruit and Truck Land Company Subdivision of Section 26, Township 25 South, Range 27 East to the Northwest corner of said Lot 7; then East along the North line of said Lot 7 to the Northeast corner thereof; then North along the West line of the Southeast quarter of the Southwest quarter of Section 23, Township 25 South, Range 27 East to the southerly right-of-way line of U. S. Interstate Highway

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4; then Northeasterly along the Southerly right-of-way line of U. S. Interstate Highway 4 to the point where said Southerly right-of-way line intersects the North line of the Southeast quarter of the Southwest quarter of said Section 23; then East along the North line of the Southeast quarter of the Southwest quarter of said Section 23 to the Northeast corner thereof; then North along the half-section line of Section 23, Township 25 South, Range 27 East and Section 14, Township 25 South, Range 27 East to the Northeast corner of the Southeast quarter of the Southwest quarter of said Section 14; then West along the North line of said Southeast quarter of the Southwest quarter of Section 14 to a point which is 235 feet East of the Southwest corner of the East half of the Northeast quarter of the Southwest quarter of said Section 14; then North to a point on the North line of the South half of said Section 14 which is 235 feet East of the Northwest corner of the East half of the Northeast quarter of the Southwest quarter of said Section 14; then West along the North line of the South half of the said Section 14 to the Southwest corner of the East half of the Southeast quarter of the Northwest quarter; then North along the West line of the East half of the Southeast quarter of the Northwest quarter of said Section 14 to the North line of the Southeast quarter of the Northwest quarter of said Section 14; then West along the North line of the Southeast quarter of the Northwest quarter of said Section 14 to the Southwest corner of the East three-quarters of the Northeast quarter of the Northwest quarter of said Section 14; then North along the West line of the East three-quarters of the Northeast quarter of the Northwest quarter of said Section 14 to the Northwest corner of the East three-quarters of the Northeast quarter of the Northwest quarter of said Section 14; then West along the North section line of said Section 14 to the Southeast corner of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 11, Township 25 South, Range 27 East; then North along the East line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 11 to the Northeast

corner thereof; then West along the North line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 11 to the West section line of Section 11, Township 25 South, Range 27 East; then North along the West section line of said Section 11 to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 11; then East to the Southwest corner of the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter of said Section 11; then North along the West line of the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter of said Section 11 to the Northwest corner thereof; then East to the Southwest corner of the East half of the Northeast quarter of the Northwest quarter of the Southwest quarter of said Section 11; then North along the West line of the East half of the East half of the Northwest quarter of the Southwest quarter of said Section 11 to a point on said line 50 feet South of the Northwest corner of the East half of the East half of the Northwest quarter of the Southwest quarter of said Section 11; then East along a line parallel to the North line of the South half of said Section 11 to a point on the East line of the Northwest quarter of the Southwest quarter of said Section 11, 50 feet South of the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 11; then North along the East line of the Northwest quarter of the Southwest quarter of said Section 11, 50 feet to the Northeast corner thereof; then East along the North line of the South half of said Section 11 to the Southwest corner of the East half of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 11; then North along the West line of the East half of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 11 to the Northwest corner thereof; then East along the North line of the Southwest quarter of the Southeast quarter of the Northwest quarter of said Section 11 to the Northeast corner thereof; then North along the West line of the East quarter of the Northwest quarter of said Section 11 to the Southwest corner of the Northeast quarter of

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the Northeast quarter of the Northwest quarter of said Section 11; then East along the South line of the North-east quarter of the Northeast quarter of the Northwest quarter of said Section 11 to the Southeast corner thereof; then North along the half-section line of Section 11, Township 25 South, Range 27 East, Section 2, Township 25 South, Range 27 East and Section 35, Township 24 South, Range 27 East to the Northeast corner of the Southwest quarter of said Section 35; then West along the North line of the Southwest quarter of said Section 35 to the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 35; then North along the West line of the Southeast quarter of the Northwest quarter of said Section 35 to the Northwest corner of the Southwest quarter of said Section 35; then West along the North line of the Southeast quarter of the Southwest quarter of the Northwest quarter of said Section 35 to the Northwest corner thereof; then South along the West line of the Southeast quarter of the Southwest quarter of the Northwest quarter of said Section 35 to the Southwest corner thereof; then West along the North line of the Southwest quarter of said Section 35 to the West quarter corner of said Section 35; then South along the West section line of said Section 35 to the Southeast corner of Section 34, Township 24 South, Range 27 East; then West along the South section line of Section 34, Township 24 South, Range 27 East to the Southeast corner of Section 33, Township 24 South, Range 27 East; then North along the East section line of said Section 33 to the Northeast corner of the Southeast quarter of the Southeast quarter of the Southeast quarter thereof; then West along the North line of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 33 to the Northwest corner thereof; then South along the West line of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 33 to the Southwest corner thereof; then West along the South section line of Section 33, Township 24 South, Range 27 East to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 33,

Township 24 South, Range 27 East; then North along the West line of the East quarter of said Section 33 to the Southwest corner of the Northeast quarter of the Northeast quarter of said Section 33; then East along the South line of the Northeast quarter of the Northeast quarter of said Section 33 to the Southeast corner thereof; then North along the East section line of said Section 33 to the Southwest corner of Section 27, Township 24 South, Range 27 East; then East along the South section line of Section 27, Township 24 South, Range 27 East to the half-section line of Section 34, Township 24 South, Range 27 East; then South along the half-section line of said Section 34 to the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 34; then East along the North quarter section line of said Section 34 to the Southwest corner of the East half of the Northeast quarter of the Northeast quarter of said Section 34; then North along the West line of the East half of the Northeast quarter of the Northeast quarter of said Section 34 to the Northwest corner thereof; then West along the North section line of said Section 34 to the South quarter corner of Section 27, Township 24 South, Range 27 East; then North along the half-section line of said Section 27 to the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 27; then West along the South line of the Northeast quarter of the Northwest quarter of said Section 27 to the Southwest corner thereof; then North along the West line of the Northeast quarter of the Northwest quarter of said Section 27 to the Northwest corner thereof; then West along the North section line of said Section 27 to the Southwest corner of Section 22, Township 24 South, Range 27 East; then North along the West section line of Section 22, Township 24 South, Range 27 East to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 22; then East along the North line of the Southwest quarter of the Southwest quarter of said Section 22 to the Northeast corner thereof; then North along the West quarter section line of said Section 22 to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 22; then

of the Southwest quarter of the Northwest quarter of Section 1, Township 24 South, Range 27 East to a point 25 feet West of the Southeast corner thereof; then North parallel to the East line of the Southwest quarter of the Northwest quarter of said Section 1 a distance of 598.55 feet to the Southerly right-of-way line of Reams Road; then East along said Southerly right-of-way line a distance of 100 feet; then South $2^{\circ} 4' 3''$ East 523.60 feet; then North $89^{\circ} 43' 41''$ East a distance of 52 feet; then South $0^{\circ} 12' 22''$ East a distance of 49 feet; then North $89^{\circ} 43' 41''$ East a distance of 229 feet; then South $0^{\circ} 12' 22''$ East a distance of 26 feet; then East along the North line of the Northeast quarter of the Southwest quarter of said Section 1 to a point 90 feet East of the Northeast corner thereof; then South $5^{\circ} 34' 38''$ West a distance of 911.82 feet; then South along the East line of the Northeast quarter of the Southwest quarter of Section 1, Township 24 South, Range 27 East a distance of 420 feet to the Southeast corner thereof; then East along the South quarter section line of said Section 1 to the East section line of said Section 1 and the point of beginning.

(2) The following described parcels shall be excluded from the District as above described:

1. The west 150 feet of the North 300 feet of Lot 112, Munger Land Company Subdivision of Section 22, Township 24 South, Range 28 East; and
2. That part of the Northwest quarter of the Southeast quarter of the Southwest quarter of Section 22, Township 24 South, Range 28 East lying North of U. S. Interstate Highway 4 and East of State Road 535; and
3. That part of Lot 109, Munger Land Company Subdivision of Section 22, Township 24 South, Range 28 East lying North of U. S. Interstate Highway 4 and East of State Road 535; and
4. Lots 43 and 44, Munger Land Company Subdivision of Section 27, Township 24 South, Range 23 East; and
5. The North 150 feet of Lot 110 lying West of State Road 535, the North 150 feet of Lot 111 and the North 150

feet of Lot 112 (less the West 150 feet thereof), Munger Land Company Subdivision of Section 22, Township 24 South, Range 28 East; and

6. Lot 80, Munger Land Company Subdivision of Section 29, Township 24 South, Range 28 East.

Section 2. *Applicability of Certain Provisions of Chapter 298, Florida Statutes, to the Reedy Creek Improvement District; Inconsistent Laws Inapplicable.*—The provisions of chapter 298, Florida Statutes, and all amendments thereto, now existing or hereafter enacted, are hereby declared to be applicable to the Reedy Creek Improvement District insofar as not inconsistent with the provisions of this Act or any subsequent special acts relating to the Reedy Creek Improvement District. Except as may be otherwise provided in this Act, the Reedy Creek Improvement District shall have all of the powers and authorities mentioned in or conferred by chapter 298, Florida Statutes, and acts amendatory thereof. Notwithstanding the foregoing, the provisions of sections 298.07, 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.20, 298.23, 298.24, 298.25, 298.35, 298.37, 298.38, 298.39, 298.40, 298.401, 298.41, 298.42, 298.44, 298.45, 298.46, 298.48, 298.52, 298.56, 298.57, 298.61, 298.69, 298.70, 298.71, 298.72, 298.73, 298.74, Florida Statutes, and amendments thereto, shall not be applicable to the Reedy Creek Improvement District. In the event of a conflict between the provisions of this Act and the provisions of any other law, now existing or hereafter enacted, the provisions of this Act shall control to the extent of any such conflict unless such enactment shall specifically repeal or amend the provisions of this Act.

Section 3. *Definitions.*—Unless the context shall indicate otherwise, the following words as used in this Act shall have the following meanings:

(1) "Airport facilities" means airport facilities of all kinds including, but not limited to, landing fields, hangars, shops, terminals, buildings and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft and helicopters, and the unloading and handling of passengers, mail, express and freight, together with all necessary appurtenances and equipment and all properties, rights, easements and franchises re-

ating thereto and deemed necessary or convenient by the Board of Supervisors in connection therewith.

(2) "Assessable improvements" includes without limitation any and all drainage and land reclamation works and facilities, sewer systems, storm sewers and drains, water systems, streets, roads or other projects of the District, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby, and any and all modifications, improvements and enlargements thereof.

(3) "Bond" includes "certificate", and provisions applicable to bonds shall be equally applicable to certificates. "Bond" includes general obligation bonds, assessment bonds, refunding bonds, excise tax bonds, revenue bonds, and such other obligations in the nature of bonds as are provided for in this Act, as the case may be.

(4) "Board of Supervisors" means the Board of Supervisors of the Reedy Creek Improvement District, or if such District shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Board of Supervisors shall be given by law.

(5) "Cost", when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction or reconstruction; the cost of surveys, estimates, plans and specifications; the cost of acquisition, construction or reconstruction; the cost of improvements; engineering, fiscal and legal expenses and charges; the cost of all labor, materials, machinery and equipment; the cost of all lands, properties, rights, easements and franchises acquired; Federal, State and local taxes and assessments; financing charges; the creation of initial reserve and debt service funds; working capital; interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the Board of Supervisors may determine; the cost of issuance of bonds pursuant to this Act, including advertisements and printing, the cost of any election held pursuant to this Act and all other expenses of issuance of bonds; discount, if any, on the sale or exchange of bonds; adminis-

trative expenses; such other expenses as may be necessary or incidental to the acquisition, construction or reconstruction of any project or to the financing thereof, or the development of any lands within the District; and reimbursement of any public or private body, person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction or reconstruction of any project or improvements thereon, or in connection with any other development of land that the Board of Supervisors of the District shall determine to be necessary or desirable in carrying out the purposes of this Act, may be treated as a part of such cost.

(6) "District" means the Reedy Creek Improvement District.

(7) "Landowner" means the owner of the freehold estate, as appears by the deed record, including private corporations having such an ownership interest, and shall not include reversioners, remaindermen, trustees (other than persons owning the freehold estate as of deed record) or mortgagees, who shall not be counted and need not be notified by publication, or served by process, but shall be represented by the present owners of the freehold estate in any proceeding under this Act or under chapter 298, Florida Statutes. For purposes of this Act the landowner of condominium parcels or property shall be the association responsible for the operation of the condominium.

(8) "Parking facilities" means lots, garages, parking terminals and other structures (either single or multi-level and either at, above or below the surface) for the off-street parking of motor vehicles, open to public use with or without a fee, including, but without limiting the generality of the foregoing, facilities for trucks and buses, waiting rooms, lockers, and, if deemed necessary or desirable by the Board of Supervisors, space to be leased for such uses as the Board of Supervisors may deem advisable, and all facilities appurtenant thereto, including on-street parking meters, and all property rights, easements and interests relating thereto which the Board of Supervisors deems necessary or desirable for the construction or operation thereof.

(9) "Plat" means a map or drawing, depicting the division of lands into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated.

(10) "Project" means any development, improvement, property, utility, facility, works, road, sidewalk, enterprise, service or convenience, including without limitation public transportation facilities and devices and telephone and other communication facilities and services, now existing or hereafter undertaken or established, that under the provisions of this Act or under chapter 298, Florida Statutes, the District is authorized to construct, acquire, undertake or furnish for its own use or for the use of any other person, firm or corporation, owning, leasing or otherwise using the same, for any profit or non-profit purpose or activity, and shall include, without limitation, such repairs, replacements, additions, extensions and betterments of and to any project as may be deemed necessary or desirable by the Board of Supervisors to place or to maintain such project in proper condition for the safe, efficient and economic operation thereof.

(11) "Sewer system" means any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, including without limitation industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources; and, without limiting the generality of the foregoing, shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all sewer mains, laterals and other devices for the reception and collection of sewage from premises connected therewith, and all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(12) "Subdivision" means the division of a parcel of land, whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future,

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(13) "Waste collection and disposal system" means all the facilities of the District for the collection and disposal of garbage and other waste matter, except sewage but including liquid waste material from septic tank and grease trap systems, together with digested sludge from sewage treatment plants, and shall include all such facilities, including incinerators, composting plants or other means of disposal constructed or acquired pursuant to the provisions of this Act, or hereafter constructed or acquired by the District from any other source whatsoever.

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

(15) "Water system" means any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment, or purification and distribution of water for domestic or industrial use and, without limiting the generality of the foregoing, includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all real and personal property and any interests therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(16) References in this Act to the territorial or corporate limits of the District mean such limits or boundaries as the same may from time to time be expanded, contracted or otherwise revised by law or in any proceedings taken under this Act, and any actions that may be taken by or on behalf of the District under this Act within the limits or boundaries of the District may be taken within such limits or boundaries as expanded, contracted or otherwise revised.

Section 4. *Board of Supervisors; Elections; Organization; Term of Office; Quorum; Annual Meetings, Report and Minutes.*

(1) The Board of Supervisors of the Reedy Creek Improvement District shall be the governing body of the District and shall, subject to the provisions of this Act, exercise the powers granted to the District under this Act and under chapter 298, Florida Statutes. The Board of Supervisors shall consist of five (5) members, and except as otherwise provided herein each member shall hold office for a term of four (4) years and until his successor shall be chosen and shall qualify. A majority of the members of the Board of Supervisors shall be residents of Orange or Osceola Counties, or some adjoining county. All of the members of the Board shall be owners of land within the District.

(2) The election of the three (3) members of the Board of Supervisors of the Reedy Creek Drainage District, held on June 6, 1966, is hereby ratified, confirmed and approved. The members of the Board of Supervisors of the Reedy Creek Drainage District in office on the date of enactment of this Act shall constitute members of the Board of Supervisors of the Reedy Creek Improvement District and shall continue to hold office until June 6, 1967 and thereafter for a term of two (2) years commencing on June 6, 1967 and until their successors are chosen and shall qualify.

(3) The first annual meeting of the landowners of the District under this Act shall be held in the month of May, 1967, for the purpose of electing two (2) supervisors for a term of four (4) years commencing on June 6, 1967 and until their successors are chosen and shall qualify. If for any reason such first annual meeting cannot be held in May, 1967, then such meeting shall be held as soon as practicable thereafter. There-

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(4) Following the first annual meeting of the landowners, elections of supervisors shall be held every two (2) years for the purpose of electing two (2) or three (3) supervisors, as the case may be, as successors to the supervisors whose terms expire in June of such year. Each supervisor so elected shall hold office for a term of four (4) years, commencing as of the first Tuesday in June of the year of his election, and until his successor is chosen and shall qualify. Such elections shall be held at the annual meeting of the landowners of the District held in such year.

(5) At all elections of supervisors, each landowner shall be entitled to one (1) vote in person or by written proxy for every acre of land and for every major fraction of an acre owned by him in the District. The ownership of land or lands aggregating in excess of one-half acre and less than one (1) acre shall entitle the landowner to one (1) vote with respect thereto. Except as otherwise provided hereinabove, there shall be no more than one (1) vote for every acre of land within the District, regardless of the number of fractional or other ownership interests held therein. Ownership of one-half acre or a lesser fraction of an acre shall not entitle the owner thereof to a vote. The person receiving the highest number of votes for the office of supervisor shall be declared elected. If at any meeting of the landowners more than one (1) office of supervisor is to be filled, a separate vote shall be taken on each such office. Tie votes shall be decided by lot.

(6) All supervisors shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any supervisor, the remaining supervisor or supervisors (even though less than a quorum) may fill such vacancy until the sooner occurrence of (a) the next annual meeting of the landowners, when a successor to such appointee shall be elected by the landowners for the unexpired term, or (b) the election by the landowners of a successor to such appointee for the unexpired term, at a special meeting of the landowners called for such purpose at any time upon written request of the landowners as provided in section 5 of this Act. In the event any vacancy remains unfilled for more than thirty (30)

days after such vacancy occurs, it may be filled by vote of the landowners at a meeting of landowners called for such purpose, and the person so elected shall replace any person who may have been elected by the remaining supervisor or supervisors after the landowners have made a written request for such an election as provided in section 5 of this Act.

(7) As soon as practicable after each election, the Board of Supervisors of the District shall organize by choosing one of their number President of the Board of Supervisors and by electing a Secretary, who need not be a member of the Board. The Board of Supervisors shall adopt a seal which shall be the seal of the District.

(8) A majority of the members of the Board of Supervisors shall constitute a quorum.

(9) At each annual meeting of the landowners of the District the Board of Supervisors shall report all work undertaken or completed during the preceding year and the status of the finances of the District.

(10) The Board of Supervisors shall keep a permanent record book entitled "Record of Governing Board of Reedy Creek Improvement District", in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to public inspection. Such record book shall be kept at an office or other regular place of business maintained by the Board of Supervisors in Orange or Osceola County.

(11) Whenever any election shall be authorized or required by this Act to be held by the landowners at any particular or stated time or day, and if for any reason such election is not held at such time or on such day, then in such event the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter when practicable, and in accordance with the procedures provided by this Act.

Section 5. Notice and Call of Meetings of Landowners; Quorum; Adjournments; Representation at Meetings; Recall; Taking Action without Meeting.—

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(1) The Board of Supervisors shall provide for the giving of notice of all meetings of landowners by publication once a week for two (2) consecutive weeks prior to such meeting in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties. Meetings of landowners shall be held in a public place, or any other place made available for the purpose of such meeting, in Orange or Osceola County, and the place, date and hour of holding such meeting and the purpose thereof shall be stated in the notice. Landowners representing a majority of the number of acres in the District, present in person or by proxy, shall constitute a quorum at any meeting of the landowners.

(2) The Board of Supervisors shall have the power to call special meetings of the landowners at any time to receive reports of the Board of Supervisors or for such other purpose as the Board of Supervisors may determine. A special meeting of the landowners may also be called at any time upon notice as provided hereinabove at the written request of the owners of not less than twenty-five (25) per cent in acreage of the land within the District for the purpose of (a) filling any vacancy on the Board of Supervisors remaining unfilled for more than thirty (30) days after such vacancy occurs, (b) recalling any supervisor theretofore elected or designated and filling such vacancy for the unexpired term, or (c) taking any other action by the landowners of the District. Such special meeting shall be called by any court of competent jurisdiction in the event that the Board of Supervisors fails to do so upon request as provided in the preceding sentence. Except as otherwise provided in section 4 of this Act with respect to the election of supervisors, action taken at a meeting of the landowners shall be by the affirmative vote of the owners of at least a majority in acreage of the land within the District represented at such meeting.

(3) If no quorum is present or represented at a meeting of the landowners at the time and place the same is called to be held, the landowners present and represented, although less than a quorum, may adjourn to another time or day, and at such or any subsequent adjourned meeting may, if a quorum is then present or represented, take any action that the landowners could have taken at the meeting or meetings so adjourned for lack of a quorum.

(4) At any meeting of the landowners, guardians may represent their wards; executors and administrators may represent the estate of deceased persons; trustees may represent lands held by them in trust; and private corporations may be represented by their duly authorized proxy. All landowners, including guardians, executors, administrators, trustees and corporations, may be represented and vote by proxy.

(5) Any action required or that may be taken at a meeting of the landowners may be taken, without a meeting or notice of meeting being given, upon the written consent of all of the landowners.

Section 6. *Compensation of Board.*—Each supervisor shall be entitled to receive for his services a per diem of Twenty-Five Dollars (\$25.00) for each day actually engaged in work pertaining to the District, but not in excess in any one month of One Hundred Dollars (\$100.00). In addition, each supervisor shall receive reasonable travelling expenses for attending the place of meeting from his residence. Unless the Board of Supervisors by resolution otherwise provides, such travelling expenses shall not be in excess of the amounts provided by law for state and county officials.

Section 7. *Treasurer; Depositories; Fiscal Agent.*—

(1) The Board of Supervisors shall designate a person who is a resident of the State of Florida, or a bank or trust company organized under the laws of the State of Florida, as Treasurer of the District, who shall have charge of the funds of the District. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the Board of Supervisors by warrant or check signed by the Treasurer, or by such other person as may be authorized by the Board of Supervisors. The Board of Supervisors may give the Treasurer such other or additional powers and duties as the Board may deem appropriate, and fix his compensation. The Board of Supervisors may require the Treasurer to give a bond in such amount, on such terms and with such sureties as may be deemed satisfactory to the Board to secure the performance by the Treasurer of his powers and duties. The Board of Supervisors shall audit or have audited the books of the Treasurer at least once a year.

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 terms and conditions as to the payment of interest by such
 depository upon the funds so deposited as the Board may deem
 just and reasonable.

(3) The State Comptroller may from time to time adopt,
 revise and rescind rules and regulations prescribing the quali-
 fications of depositories of funds of the District and establishing
 requirements for security to be given by depositories with re-
 spect to such funds. In the absence of any such rules and regula-
 tions issued by the State Comptroller, the Board of Supervisors
 may prescribe the qualifications of depositories and the re-
 quirements for security to be given by depositories.

(4) The Board of Supervisors may employ a fiscal agent,
 who shall be either a resident of the State of Florida or a cor-
 poration organized under the laws of this or any other state
 and authorized by such laws to act as such fiscal agent for
 municipal corporations in the State of Florida and who shall
 assist in the keeping of the tax books, the collection of taxes
 and the remitting of funds to pay maturing bonds and coupons,
 and perform such other or additional services and duties as
 fiscal agent and receive such compensation as the Board of Su-
 pervisors may determine.

Section 8. *Powers and Duties of the Board of Supervisors.*
 —Except as otherwise provided in this Act, all of the powers
 and duties of the District shall be exercised by and through
 the Board of Supervisors. Without limiting the generality of
 the foregoing, the Board shall have the power and authority
 to:

(1) Employ engineers, contractors, consultants, attor-
 neys, auditors, agents, employees and representatives, as
 the Board of Supervisors may from time to time determine,
 on such terms and conditions as the Board of Supervisors
 may approve, and fix their compensation and duties.

(2) Adopt by-laws, rules, resolutions and orders pre-
 scribing the powers, duties and functions of the officers
 of the District, the conduct of the business of the District,

the maintenance of records, and the form of certificates evidencing tax liens and all other documents and records of the District. The Board may adopt administrative rules and regulations with respect to any of the projects of the District, on such notice and public hearing, if any, as the Board may determine.

(3) Maintain an office at such place or places as it may designate.

(4) Enter or direct the entry upon any lands, premises, waters or other property subject to the requirements of due process as to privately owned property.

(5) Execute all contracts and other documents, adopt all proceedings and perform all acts determined by the Board of Supervisors to be necessary or desirable to carry out the purposes of this Act. The Board may authorize one or more members of the Board to execute contracts and other documents on behalf of the Board or the District.

(6) Establish and create such departments, boards or other agencies as from time to time the Board of Supervisors may deem necessary or desirable in the performance of any acts or other things necessary to the exercise of the powers provided in this Act, and to delegate to such departments, boards or other agencies such administrative duties and other powers as the Board of Supervisors may deem necessary or desirable. The Board of Supervisors may appoint a person to act as general manager of the District, having such official title, functions, duties and power as the Board may prescribe.

(7) Examine, and authorize any officer or agent of the District to examine, the county tax rolls with respect to the assessed valuation of the real and personal property within the District.

Section 9. *Powers of the District.*—In addition to and not in limitation of the powers and authorities of the District under chapter 298, Florida Statutes, and amendments thereto, the District shall have the following powers:

(1) *Legal Proceedings.*—To sue and be sued by its name in any court of law or in equity.

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(2) *Corporate Seal.*—To adopt and use a corporate seal and to alter the same at pleasure.

(3) *Ownership and Disposition of Property.*—To acquire property, real, personal or mixed, within or without its territorial limits, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, on such terms and conditions as the Board of Supervisors may deem necessary or desirable, and by condemnation (subject to the limitations of subsection 5 hereinbelow); all provided that the Board of Supervisors determines that the use or ownership of such property is necessary in the furtherance of a designated lawful purpose authorized under the provisions of this Act or chapter 298, Florida Statutes, and amendments thereto; to acquire mineral rights and leases; to acquire title to submerged lands and riparian rights and easements or rights-of-way with or without restrictions within or without the limits of the District; to accept the dedication of streets and other rights-of-way on such terms and conditions as the Board of Supervisors may approve; to make purchase money mortgages and deed trusts and other forms of encumbrance on any property acquired by the District and to purchase property subject to purchase money mortgages, or other encumbrances; and to mortgage, hold, manage, control, convey, lease, sell, grant or otherwise dispose of the same, and of any of the assets and properties of the District, with or without consideration.

(4) *Lease of Facilities.*—Whenever deemed necessary or desirable by the Board of Supervisors, to lease as lessor or lessee to or from any person, firm, corporation, association or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District and to carry out any of the purposes of the District, subject to the limitations of section 21 of this Act.

(5) *Eminent Domain.*—To exercise within or without the territorial limits of the District the right and power of eminent domain in all cases and under all circumstances provided for in sections 298.22 and 298.62, Florida Statutes, and amendments thereto. In addition to and not in limitation of the foregoing, the District may also exercise the right and power of eminent domain within the territorial limits of the District for the purpose of condemning any real, personal or mixed

property, public or private, including without limitation property owned by any other political body or municipal corporation, which the Board of Supervisors shall deem necessary for the use of, construction or operation of any of the projects of the District or otherwise to carry out any of the purposes of the District. The power of condemnation shall be exercised in the same manner as is now provided by the general laws of the State. In any proceeding under this Act or under chapter 298, Florida Statutes, for the taking of property by eminent domain or condemnation, the Board of Supervisors is authorized to file declaration of taking immediate possession of the property before the final trial by making deposit as to value as provided by the general statutes, and shall have all the benefits provided by chapters 73 and 74, Florida Statutes, and amendments thereto, or any other statutes of the State of Florida which give the right to immediate taking and possession. No public or private body, and no agency or authority of the State or any political subdivision thereof, shall exercise the power of eminent domain or condemnation with respect to any of the properties, easements or rights owned by the District and lying within the District except with the concurrence of the Board of Supervisors of the District, which shall not be unreasonably withheld.

(6) *Reclamation; Drainage; Irrigation.*—To adopt a plan of reclamation, and to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve canals, ditches, drains, dikes, levees, pumps, plants and pumping systems and other works for drainage purposes, and irrigation works, machinery and plants.

(7) *Water and Flood Control; Erosion Control; Eligibility for State Assistance.*—To own, acquire, construct, reconstruct, equip, maintain, operate, extend and improve water and flood control facilities; to regulate the supply and level of water within the District; to divert waters from one area, lake, pond, river, stream, basin, or drainage or water flood control facility to any other area, lake, pond, river, stream, basin, or drainage and water flood control facility; to regulate, control and restrict the development and use of natural or artificial streams or bodies of water, lakes or ponds; and to take all measures determined by the Board of Supervisors to be necessary or desirable to prevent or alleviate land erosion. Subject to the limi-

tations of subsection 2 of section 11 of this Act, the powers granted to the District by this subsection 7 shall be exclusive within the area of the District of the exercise of the same or like powers by any other public body, agency, authority or subdivision, and no other public body, agency, authority or subdivision shall within the area of the District exercise the same or like powers as are granted to the District under this subsection except upon the concurrence of the Board of Supervisors. The Legislature hereby finds and declares the District eligible to receive moneys, disbursements and assistance from the State available to flood control or water management districts and navigation districts or agencies.

(8) *Water and Sewer Systems.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve water systems and sewer systems or combined water and sewer systems; to regulate the use of sewers and the supply of water within the District and to prohibit or regulate the use and maintenance of out-houses, privies, septic tanks or other sanitary structures or appliances within the District; to prescribe methods of pretreatment of wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such wastes when not sufficiently pretreated as may be prescribed, and to prescribe penalties for the refusal of any person or corporation to so pretreat such wastes; to sell or otherwise dispose of the effluent, sludge or other by-products as a result of sewage treatment; and to construct and operate connecting, intercepting or outlet sewers and sewer mains and pipes and water mains, conduits or pipelines in, along or under any street, alleys, highways or other public places or ways within or without the District, when deemed necessary or desirable by the Board of Supervisors in accomplishing the purposes of this Act.

(9) *Waste Collection and Disposal.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve a waste collection and disposal system, and to sell or otherwise dispose of any effluent, residue or other by-products of such system.

(10) *Mosquito and Pest Controls; Eligibility for State Aid.*—To establish a program for the control, abatement and elimination of mosquitos and other noxious insects, rodents, reptiles and other pests throughout the District and to under-

take such works and construct such facilities within or without the District as may be determined by the Board of Supervisors to be needed to effectuate such program; to abate and suppress mosquitos and other arthropods, whether disease-bearing or pestiferous, within the District or without the District when in the judgment of the Board of Supervisors necessary or desirable for the health and welfare of the inhabitants of or visitors to the District; and to take any and all temporary or permanent eliminative measures that the Board of Supervisors may deem advisable. The Legislature hereby finds and declares the District eligible to receive State funds, supplies, services and equipment available or that may in the future become available to mosquito or pest control districts.

(11) *Airport Facilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve airport facilities.

(12) *Recreation Facilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve parks, playgrounds, picnic grounds, camping facilities, golf courses, athletic fields, marinas, piers, wharves, docks, harbors, boating and fishing facilities, swimming pools, bathing beaches and other water recreation facilities, stadiums, auditoriums, civic centers, aquariums, libraries, museums, recreational centers, convention halls and facilities, radio and television sending, transmission and receiving stations, community antenna television systems, and cultural, recreational and educational buildings, facilities and projects of all kinds and descriptions.

(13) *Parking Facilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve parking facilities, to install or cause to be installed parking meters at or near the curbs of streets, roads and other public ways within the District, and to adopt such regulations and impose such charges in connection with any parking facilities and parking meters as the Board of Supervisors may deem necessary or desirable.

(14) *Fire Protection.*—To own, acquire, construct, reconstruct, equip, maintain, operate, extend and improve fire control facilities for the District, including fire stations, water mains and plugs, fire trucks and other vehicles and equipment, and to undertake such works and construct such fa-

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(15) *Advertising.*—To undertake a program of advertising to the public and promoting the businesses, facilities and attractions within the District and the projects of the District, and to expend moneys and undertake such activities to carry out such advertising and promotional program as the Board of Supervisors from time to time may determine.

(16) *Transportation.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve common, private or contract carriers, buses, vehicles, railroads, monorails, airplanes, helicopters, boats and other transportation facilities, whether now or hereafter invented or developed including without limitation novel and experimental facilities such as moving platforms and sidewalks, as may be determined from time to time by the Board of Supervisors to be useful or appropriate to meet the transportation requirements of the District and activities conducted within the District; and to extend such transportation facilities to areas outside the District in order to provide transportation to and from the District.

(17) *Public Utilities.*—To own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, telephone lines, plants and systems and other communications systems of any nature, transmission lines and related facilities and plants and facilities for the generation and transmission of power through nuclear fission and other new and experimental sources of power and energy; to purchase electric power, natural gas and other sources of power for distribution within the District; and to develop and operate such new and experimental public utilities, including but not limited to centrally distributed heating and air conditioning facilities and services, closed-circuit television systems, and computer services and facilities, as the Board of Supervisors may from time to time determine.

(18) *Conservation Areas and Sanctuaries.*—To designate, set aside and maintain lands and areas within the District

as conservation areas or bird and wild-life sanctuaries; to stock such areas with animal and plant life and to stock water areas with fish and other aquatic life; to promulgate and enforce rules and regulations with respect thereto and to protect and preserve the natural beauty thereof; and to do all acts necessary or desirable in order to qualify such lands and areas as conservation areas and sanctuaries under any of the laws of the State or under Federal law.

(19) *Issuance of Bonds.*—To issue general obligation bonds, revenue bonds, assessment bonds or any other bonds or obligations authorized by the provisions of this Act or any other law, or any combination of the foregoing, to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, maintenance or operation of any project or combination of projects, to provide for any facility, service or other activity of the District and to provide for the retirement or refunding of any bonds or obligations of the District, or for any combination of the foregoing purposes.

(20) *Other Powers; Research and Development.*—In addition to the powers specifically provided in this Act, the District shall have the power to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve such other projects as the Board of Supervisors may in its discretion find necessary or desirable to accomplish the purposes of this Act, and to exercise through its Board of Supervisors all powers necessary, convenient or proper to carry out the purposes of this Act. In connection with any of the projects that the District is authorized to undertake pursuant to the powers and authority vested in it by this Act, and in order to promote the development and utilization of new concepts, designs and ideas in the fields of recreation and community living, the District shall have the power and authority to examine into, develop and utilize new concepts, designs and ideas, and to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve such experimental public facilities and services, including by way of example and not of limitation facilities for the generation of power by nuclear fission, and otherwise to undertake, sponsor, finance and maintain such research activities, experimentation and development as the Board may from time to time determine.

Section 10. *Authority of the District with Respect to Roads, Bridges, Street Lighting, etc.*—

(1) The District shall have the powers, and shall be entitled to the benefits and privileges under law, of special road and special road and bridge districts. The District shall have the right and power to own, acquire, open, extend, close, vacate, abandon, construct, reconstruct, pave, operate, improve and maintain highways, streets, toll roads and bridges, alleys, sidewalks, promenades, boardwalks, bridges, tunnels, interchanges, underpasses, overpasses, causeways, storm drains and public thoroughfares of all kinds and descriptions (hereinafter collectively and severally referred to as "public roads") and connections to and extensions of any and all existing public roads within the District, deemed necessary or convenient by the Board of Supervisors to provide access to and efficient development of the territory within the District; to regulate and control the use, encroachments in, upon, over and under, and the obstruction thereof; to erect, maintain, from time to time change the location of and operate toll plazas, traffic control devices and signs and street signs; and to construct and maintain sidewalks and street lights along public roads in the District and elsewhere as may from time to time be deemed appropriate by the Board of Supervisors adequately to service the District and its residential, park, recreational, commercial and industrial areas.

(2) The right and authority of the District to construct, control and maintain public roads and connections to and extensions thereof now or hereafter acquired, constructed or maintained with public funds shall be exclusive of and supercede within the territorial limits of the District the jurisdiction and authority of the State Road Department of Florida and of any other agency or authority of the State or any political subdivision thereof, except as to those portions of State Roads 530 and 535 and Interstate Highway 4 lying within the District, which shall remain under the jurisdiction and authority of the State Road Department. No public road within the District or any connection to or extensions thereof shall constitute a part of the state highway system or the county road system unless so designated by the Board of Supervisors of the District, and no agency or authority of the State or any political subdivision thereof shall have the power or authority, except with the concurrence

of the Board of Supervisors, to acquire, construct or maintain public roads within the territorial limits of the District, excepting State Roads 530 and 535 and Interstate Highway 4.

(3) The District shall have the right and authority exclusive of any other agency or authority of the State or any political subdivision thereof to contract with and franchise public or private persons to own, acquire, open, extend, close, vacate, construct, pave, operate, maintain, and improve toll highways, roads and bridges within the territorial limits of the District, on such terms with respect to construction, maintenance, the levy of tolls and restrictions on the use of the roadways as the District may determine to be appropriate. No private toll road franchised by the District and no private road connected to or an extension of any State or any other public road within the District shall by reason of such connection with a public road, and when not otherwise dedicated to the use of the public, constitute or be deemed a public road.

(4) The Board of Supervisors of the District shall have the right and authority to sell or lease any road to the State Road Department, enter lease-purchase agreements with respect thereto with the State Road Department, and contract with the same for the construction or maintenance of any road, on such terms and conditions as the Board of Supervisors of the District and the State Road Department may agree. The State Road Department of Florida is hereby authorized and empowered to purchase or lease any road from the District, enter lease-purchase agreements with respect to the same and construct or maintain any road within the District pursuant to such agreement with the Board of Supervisors of the District. The cost of any road acquired, leased or constructed by the State Road Department may be defrayed in whole or in part out of the gasoline tax funds accruing to the State Road Department for use in Orange and Osceola Counties, as the case may be, under the provisions of Section 16 of Article IX of the Constitution of Florida, section 208.44, Florida Statutes, and any other laws of the State with respect to the application of taxes levied upon gasoline, special fuels or other like products.

(5) The location, design, and construction of access roads and connecting roads and extensions of State Roads 530 and 535 and Interstate Highway 4 within the territorial limits of the District shall be jointly determined by the Board of Super-

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Section 11. Adoption, Revision and Revocation of Plan of Reclamation; September 29, 1966 Stipulation with Orange County Continued in Effect.—

(1) In addition to and not in limitation of its powers under section 298.27, Florida Statutes, and amendments thereto, the Board of Supervisors may at any time and from time to time adopt, revoke or modify, in whole or in part, any plan of reclamation or any plan providing for the drainage of lands within the District, including without limitation any such plan heretofore approved by the Circuit Court for the Ninth Circuit of the State of Florida, and may provide for such new and additional drainage facilities, canals, ditches, levees and other works as the Board may determine. In connection with the revision of any plan of reclamation or the providing of any new or additional drainage facilities, canals, ditches, levees or other works, or in the event that the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage works, benefits may be reassessed, additional assessments made and taxes levied in accordance with the procedures provided in this Act or in chapter 298, Florida Statutes. The Board of Supervisors may at any time approve and make effective technical changes or modifications in any plan of reclamation or drainage not affecting assessed benefits, levy of taxes or the security of bondholders.

(2) The stipulation dated September 29, 1966 by and between the Reedy Creek Drainage District and Orange County, filed and entered in the proceeding pending in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, being Case No. Chancery 66-1061, shall continue to be effective and binding on the Reedy Creek Improvement District and Orange County and applicable to any plan of reclamation now or hereafter adopted by the Reedy Creek Improvement District unless and until revised or terminated by agreement of the parties thereto.

Section 12. Unit Development; Powers of Board of Supervisors to Designate Units of District and Adopt System of Progressive Drainage by Units; Plans of Reclamation and Financing Assessments for Each Unit; Amendment of Unit Plan.—

(1) The Board of Supervisors of the District shall have the power and is hereby authorized in its discretion to drain and reclaim and place under water control or more completely and intensively to drain and reclaim and place under water control the lands in the District by designated areas or parts of the District to be called "units." The units into which the District may be so divided shall be given appropriate numbers or names by the Board of Supervisors, so that the units may be readily identified and distinguished. The Board of Supervisors shall have the power to fix and determine the location, area and boundaries of lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this Act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire District has been or is being or shall be instituted or carried on under the provisions of this Act or under chapter 298, Florida Statutes, or both.

(2) If the Board of Supervisors shall determine that it is advisable to conduct the work of draining and reclaiming the lands in the District by units, as authorized by this section, the Board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. The entire District may also be designated as a unit for the proper allocation of such part of the plan of reclamation and drainage as benefits the entire District.

(3) As soon as practicable after the adoption of such resolution, the Board of Supervisors shall publish notice once a week for two (2) consecutive weeks in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties, briefly describing the units into which the District has been divided and the lands embraced in each unit, giving the name, number or other designation of such units, requiring all

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owners of lands in the District to show cause in writing before the Board of Supervisors at a time and place to be stated in such notice why such division of the District into such units should not be approved, and said system of development by units should not be adopted and given effect by the Board, and why the proceedings and powers authorized by this section should not be had, taken and exercised. At the time and place stated in said notice, the Board of Supervisors shall hear all objections or causes of objection (all of which shall be in writing) of any landowner in the District who may appear in person or by attorney, to the matters mentioned and referred to in such notice, and if no objections are made, or if objections are made and overruled by the Board, then the Board shall enter in its minutes its finding and order confirming the resolution, and may thereafter proceed with the development, drainage and reclama-tion of the District by units pursuant to such resolution and to the provisions of this Act. The failure to make objection as provided hereinabove shall constitute a waiver of such objec-tion, and if any objection shall be made and overruled or other-wise not sustained, confirmation of the resolution shall be the final adjudication of the issues presented unless a judicial pro-ceeding is initiated within ten (10) days after such ruling as provided hereinafter.

(4) The Board of Supervisors may, as a result of any ob-jections or of other matters brought forth at such hearing, modify or amend said resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution, and if such resolution is confirmed, modified or amended, may proceed thereafter in accordance with said reso-lution as confirmed, modified or amended. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the Board under this section, but the Board of Supervisors may at any time adopt other resolutions under this section and thereupon proceed on due notice in like manner as above provided. If the Board of Supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the District, or if any such landowner shall deem himself aggrieved by any action of the Board of Supervisors in respect to any objections so filed, such landowner may, within ten (10) days after the ruling of the Board, invoke the jurisdiction of the Circuit Court for the Ninth Circuit, and such suits shall be conducted like other

chancery suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus.

(5) When said resolutions creating said unit system shall be confirmed by the Board of Supervisors (or by the Circuit Court for the Ninth Circuit, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), the Board of Supervisors may adopt a plan or plans of reclamation for and in respect to any or all such units, and have the benefits and damages resulting therefrom assessed and apportioned (i) in like manner as is provided by chapter 298, Florida Statutes, in regard to plans of reclamation for and assessments of benefits and damages of the entire District, or (ii) in like manner as is provided for in section 40 of this Act for the assessments of benefits. The Board of Supervisors shall have the same powers in respect to each and all of such units as is vested in them with respect to the entire District. All the provisions of this Act shall apply to the drainage, reclamation and improvement of each, any and all of such units, and the enumeration of or reference to specific powers or duties of the Supervisors or any other officers or other matters in this Act, as hereinabove set forth, shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this Act where the entire District is mentioned or referred to. Unless the Board of Supervisors, by resolution otherwise provides, all assessments, levies, taxes, bonds and other obligations made, levied, assessed or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made or issued, and not upon the remaining units or lands in the District.

(6) The Board of Supervisors may at any time amend its said resolutions by changing the location and description of lands in any such unit or units, provided that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be

had and done in that regard as are provided in this section for the original creation of such unit or units.

(7) If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the Board of Supervisors finds the plan of reclamation of any such unit or units insufficient or inadequate for efficient development, the plan of reclamation may be amended or changed as provided in chapter 298, Florida Statutes, or as provided in this Act, and the unit or units may be amended or changed as provided in this section by changing the location and description of lands in any such unit or units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations (or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof). In the event of such amendment or change, all assessments, levies, taxes, bonds or other obligations made, levied, assessed, incurred or issued for or in respect to any such unit or units shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended plan of reclamation. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, taxes, bonds and other obligations in proportion to the benefits assessed for the amended plan of reclamation, the holders of bonds or other obligations heretofore issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such

bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended plan of reclamation. Conversely, in the event of the change of the boundaries of any unit whereby lands are detached therefrom, as provided for herein, said lands so detached shall be relieved and released from any further liability for the assessment, levy or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

Section 13. *Creation of Subdistricts.*—The Board of Supervisors shall provide for the furnishing of the services and facilities authorized by this Act throughout the District or in such part or parts thereof as the Board of Supervisors shall determine. For the purpose of furnishing such services and facilities to any part or parts of the District less than the entire area of the District, the Board of Supervisors shall have the power to divide the District into such subdistricts, units or zones as the Board may deem appropriate.

Section 14. *Exercise by District of its Powers Within Municipalities.*—The District shall have the power to exercise any of its rights, powers, privileges and authorities in any and all portions of the District lying within the boundaries of the City of Bay Lake, the City of Reedy Creek, and any other municipal corporation or other political subdivision, heretofore or hereafter created or organized, whose boundaries lie wholly or partly within the geographic limits of the District, to the same extent and in the same manner as in areas of the District not incorporated as part of a municipality or other political subdivision. With respect to any municipal corporation or other political subdivision whose boundaries lie partly within and partly without the geographic limits of the District, the District shall have the power to exercise its rights, powers, privileges and authorities only within the portion of such municipal corporation or other political subdivision lying within the boundaries of the District, except as otherwise provided in section 15 of this Act. In the event of a conflict between the provisions of this Act and the powers of the District herein provided for and the provisions of any charter or law, now or hereafter enacted or adopted, establishing or pertaining to any

municipal corporation or other political subdivision whose boundaries lie wholly or partly within the District, the provisions of this Act shall control in the portion of such municipal corporation or other political subdivision which lies within the geographic limits of the District, unless such other enactment specifically repeals or amends this Act.

Section 15. *Furnishing Facilities and Services Within the District Territory; Limitation on the Exercise of Powers Outside the District.*—

(1) The District shall have the power to construct, maintain and operate its projects within the geographic limits of the District, including any portions of the District located inside the boundaries of any incorporated municipality or other political subdivision, and to offer, supply and furnish the facilities and services provided for in this Act to, and to collect fees, rentals and other charges from, persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies within the geographic limits of the District, and for the use of the District itself.

(2) The District shall have the power to construct, maintain and operate its projects outside of the geographic limits of the District, and to offer, supply and furnish the facilities and services provided for in this Act to, and to collect fees, rentals and other charges from, persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies outside of the geographic limits of the District, provided, however, that the District shall not construct any project or offer, furnish or supply facilities and services outside of the territorial limits of the District except upon the consent, approval and certification of any regulatory agency or governing body of the State of Florida or of any municipality or other political subdivision thereof whose consent, approval or certification may be required by law, and provided further, that the District shall not engage in the business of furnishing telephone service or electrical power for sale to persons, firms or corporations outside of the territorial limits of the District.

Section 16. *Mandatory Use of Certain District Facilities and Services.*—The District may require all lands, buildings and premises, and all persons, firms and corporations, within the

District or within any zone or area within such District created for such purpose, to use the drainage and reclamation facilities, flood control facilities, water and sewer systems and waste collection and disposal systems of the District. Subject to such exceptions as may be provided by the resolutions, rules or by-laws of the Board of Supervisors, and subject to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders, no drainage and reclamation facilities, flood control facilities, water and sewer systems or waste collection and disposal systems shall be constructed or operated within the District unless the Board of Supervisors gives its consent thereto and approves the plans and specifications therefor. The violation of the foregoing user requirements shall be and constitute a misdemeanor and any person convicted in a court of competent jurisdiction of violating the same shall be subject to the penalties provided by section 775.07, Florida Statutes, and amendments thereto.

Section 17. *Maintenance of Projects across Rights-of-Way.*— The District shall have the power to construct and operate its projects in, along or under any streets, alleys, highways or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, railroad right-of-way, track, grade, fill or cut, provided, however, that just compensation shall be paid by the City for any private property taken or damaged by the exercise of such power.

Section 18. *Fees, Rentals, Tolls, Fares and Charges; Procedure for Adoption and Modification; Minimum Revenue Requirements.*—

(1) The District shall have the power to prescribe, fix, establish and collect rates, fees, rentals, tolls, fares or other charges (hereinafter sometimes referred to as "revenues"), and to revise the same from time to time, for the facilities and services furnished or to be furnished by the District, including but not limited to drainage facilities, water and sewer systems, waste collection and disposal systems, toll roads and bridges, transportation facilities and other public utilities, to recover the costs of making connection with any District facility or system, and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, tolls, fares or other charges that are delinquent.

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(2) No such rates, fees, rentals, tolls, fares or other charges for any of the facilities or services of the District, other than parking facilities and parking meters, shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, tolls, fares or other charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, tolls, fares and other charges shall have been published in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties at least once at least ten (10) days prior to such public hearing, which may be adjourned from time to time. After such hearing such schedule or schedules, either as initially proposed, or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, tolls, fares or charges as finally adopted shall be kept on file in an office designated by the Board of Supervisors and shall be open at all reasonable times to public inspection. The rates, fees, rentals, tolls, fares or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing. Any change or revision of rates, fees, rentals, tolls, fares or charges may be made in the same manner as the same were originally established, as hereinabove provided, except that if such changes or revisions are made substantially pro rata as to all classes of the type of service involved no notice or hearing shall be required.

(3) Such rates, fees, rentals, tolls, fares and charges shall be just and equitable and uniform for users of the same class, and where appropriate may be based or computed either upon the amount of service furnished or upon the number or average number of persons residing or working or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the Board of Supervisors on an equitable basis.

(4) The rates, fees, rentals, tolls, fares or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues or funds available or

pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated: (i) to provide for all expenses of operation and maintenance of such facility or service including reserves for such purpose (unless the Board of Supervisors shall determine that in order to carry out the purposes of this Act to provide novel and experimental facilities and services the requirements of this clause (i) are inappropriate with respect to any such facility or service), (ii) to pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose, and (iii) to provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this Act.

(5) The Board of Supervisors shall have the power to enter into contracts for the use of the projects of the District and with respect to the services and facilities furnished or to be furnished by the District, including but not limited to service agreements with landowners and others within or without the District providing for the drainage of land by the District or the furnishing of any of the other services and facilities of the District, for such consideration and on such other terms and conditions as the Board of Supervisors may approve. Such contracts and agreements shall not be subject to the provisions and limitations of subsections (2), (3) and (4) above, but (a) shall be subject to the limitations of section 15 of this Act, (b) shall not be entered into for a period longer than forty (40) years from the effective date thereof, and (c) shall be fair and reasonable in relation to the rates, fees, rentals, tolls, fares or other charges to be paid by other users of the facilities and services concerned. No hearing or notice thereof shall be required prior to the authorization or execution by the Board of Supervisors of any such contract or agreement, and the same shall not be subject to revision except in accordance with their terms. Such contracts or agreements, and revenues or service charges received or to be received by the District thereunder, may be pledged as security for any of the bonds of the District.

Section 19. *Recovery of Delinquent Charges.*—In the event that any of the rates, fees, rentals, charges or delinquent penalties shall not be paid as and when due and shall be in default for thirty (30) days or more, the unpaid balance thereof and

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Section 20. *Discontinuance of Service.*—In the event that the fees, rentals or other charges for the services and facilities of any project are not paid when due, the Board of Supervisors shall have the power to discontinue and shut off the same until such fees, rentals or other charges, including interest, penalties and charges for the shutting off and discontinuance and the restoration of such services and facilities, are fully paid, and for such purposes may enter on any lands, waters and premises of any person, firm, corporation or other body, public or private, within or without the District limits. Such delinquent fees, rentals or other charges, together with interest, penalties and charges for the shutting off and discontinuance and the restoration of such services and facilities, and reasonable attorney's fees and other expenses, may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment of such delinquent fees, rentals or other charges by any other lawful method of enforcement.

Section 21. *Agreements With Private Parties Concerning the Furnishing of Facilities and Services.*—The District shall have the power to enter into agreements with any person, firm or corporation for the furnishing by such person, firm or corporation of any facilities and services of the type provided for in this Act to the District, and for or on behalf of the District to persons, firms, corporations and other public or private bodies and agencies to whom the District is empowered under this Act to furnish facilities and services, and the District may by agreement join with any public or privately owned utility plant or system in furnishing any of the facilities or services of the District, provided, however, that any telephone company, as defined in section 364.02, Florida Statutes, and amendments thereto, and any privately owned or operated electric power company, so contracting with the District, shall be subject to the provisions and requirements of general law pertaining to certification and regulation of telephone and electric power companies, and provided further that the District shall not enter into any franchise or other agreement with any person, firm or corporation to provide either independently, jointly with, as agent of the District or otherwise telephone service in any area of the District as to which area such person, firm or

corporation does not hold a certificate of convenience and necessity from the Florida public service commission.

Section 22. *Within Act is Full Authority for the Establishment of District Projects and District Finances.*—

(1) The Board of Supervisors shall have exclusive jurisdiction and control over all of the projects of the District, including but not limited to all drainage and reclamation facilities, water and flood control facilities, water and sewer systems, public utilities and transportation facilities, and over the budget and finances of the District, including without limitation expenditures and appropriations, except to the extent otherwise provided in this Act and except to the extent that the Board of Supervisors may by agreement with any other public or private body authorize the same to exercise jurisdiction or control over any of the projects of the District. Subject to the limitations of and as may be otherwise required in this section and in section 15 of this Act, it shall not be necessary for the District to obtain any certificate of convenience or necessity, franchise, license, permit or other authorization from any bureau, board, commission or like instrumentality of the State or any political subdivision thereof in order to construct, reconstruct, acquire, extend, repair, improve, maintain or operate any project, and the rates, fees, rentals, fares, tolls or other charges to be fixed and collected with respect to the facilities and services of the District shall not be subject to supervision, regulation or the rate-setting power of any bureau, board, commission or other agency of the State or any political subdivision thereof. Nothing in this section or any other section of this Act shall be deemed to exempt any privately owned or operated telephone company, as defined in section 364.02, Florida Statutes, and amendments thereto, or any privately owned or operated electric power company, or any person, firm or corporation other than the District acting either independently, jointly with, as agent of the District or otherwise, from the provisions or requirements of any other law pertaining to the certification or regulation of telephone or electric power companies, persons, firms or corporations, or from the jurisdiction of the Florida public service commission or other regulatory agencies.

(2) Except as otherwise provided in this Act, the budget and finances of the District, including without limitation expendi-

tures and appropriations, and the exercise by the Board of Supervisors of the powers herein provided, shall not be subject to the requirements, limitations or other provisions of chapters 24746 or 26084, Florida Laws, or any other laws of the State now or hereafter enacted pertaining to or regulating the budgets or finances of taxing districts, and the budget and finances of the District shall not be subject to approval or revision by or otherwise come under the jurisdiction or authority of the Budget Commission for Orange County, the State Comptroller or any other bureau, board, commission or agency of the State or any political subdivision thereof.

Section 23. *Planning; Building Codes; Safety Regulations; Platting and Subdivisions; Zoning.*—

(1) *Legislative Finding and Declaration.*—The Legislature hereby finds and declares that the provisions of this section and the powers accorded to the Board of Supervisors under this section are essential to guide and accomplish the coordinated, balanced and harmonious development of the District in accordance with existing and future needs, to promote the health, safety, morals and general welfare of the District and its inhabitants and property owners, to establish, maintain and preserve aesthetic values and preserve and foster the development and display of the natural beauty and attractiveness of the District area and of roadsides within the District, to prevent overcrowding and congestion, to regulate traffic, to secure safety from fire, storm, panic and other dangers, to conserve and provide adequate light and air and to avoid undue concentration of population.

(2) *Exemption from County Zoning and Regulation, State-wide Zoning and Other Zoning Laws.*—Anything in chapters 59-1646, 59-1673, 61-2592, 63-1705, 63-1716, 63-1731, 65-791, 65-975, 65-1171, 65-1999, 65-2004, 65-2015, 65-868, Florida Laws, and any other laws of the State now or hereafter enacted to the contrary notwithstanding, the jurisdiction and powers of the Board of Supervisors with respect to the matters provided for in this section shall be exclusive of any and all codes, ordinances, requirements, plans or other regulations of the respective Boards of County Commissioners of Orange and Osceola Counties or of any other agency or authority of Orange or Osceola County with respect to zoning, building and con-

struction, planning with respect to the subdividing of land, regulation of building safety, regulation of escalators, elevators and other lifting or transportation devices, regulation of amusement and recreation parks and facilities, regulation of plumbing and electrical installations and other safety or sanitary codes, regulation of water supply wells and drainage well drilling, the approval and vacating of plats and subdivisions and the regulation of subdivisions. The District, and all land, properties and activities within the District, shall be exempt from any and all such codes, ordinances, requirements, plans and regulations, and any and all requirements for building and construction permits and licenses pertaining to the same, now or hereafter promulgated by the respective Boards of County Commissioners of Orange and Osceola County, provided, however, that nothing herein shall exempt any general contractor, electrical contractor, builder, owner-builder or specialty contractor from the provisions and requirements of Chapters 65-1171, 65-791, 65-868, Florida Laws, or of any other laws of the State, with respect to examination and licensing, or from any of the fees and bonds required of such contractors or builders by law. The Board of Supervisors may by appropriate rule or regulation provide that the District or such areas or parts thereof as the Board of Supervisors may designate from time to time, shall, for such time or times as the Board of Supervisors may determine, remain or become subject to such county zoning, building and safety codes and regulations, and regulations and controls with respect to subdivisions and plats and the vacating thereof, or any of them, as the Board of Supervisors of the District may determine. The jurisdiction and powers of the Board of Supervisors provided for herein shall also be exclusive of any law now or hereafter enacted providing for land use regulation, zoning or building codes by the State of Florida or any agency or authority of the State, and the provisions of any such law shall not be applicable within the territorial limits of the District. The Board of Supervisors may exercise the powers granted to it in this section within the city limits of any municipality now or hereafter organized or existing within the District, except if the governing body of such municipality has under the terms of its charter or under law like powers as provided for herein, in which event the authority of such municipal governing body with respect to the matters herein provided for shall be exclusive within such city limits.

(3) *Comprehensive Planning; Building and Safety Codes.*—
The Board of Supervisors shall have the power:

(a) To adopt, and from time to time review, amend, supplement or repeal, a comprehensive general plan for the physical development of the area within the District in accordance with the objectives and purposes of this Act.

(b) To adopt, and from time to time review, amend, supplement or repeal codes regulating building safety, elevators, escalators and similar devices, the prevention of fire hazards, plumbing and electrical installations, the operation of amusement and recreation parks and facilities, water supply wells and drainage wells, and such other safety or sanitary codes as the Board of Supervisors may determine to be necessary or desirable.

(c) To prohibit the construction, alteration, repair, removal or demolition, or the commencement of the construction, alteration, repair (excepting emergency repairs), removal or demolition, of any building or structure, including but not by way of limitation public utility poles, lines, pipes and facilities, without first obtaining a permit from the Board of Supervisors or such other officer or agency as the Board may designate, and to prescribe the procedure with respect to the obtaining of such permit.

(d) To provide for the manner in which such comprehensive general plans, codes, regulations and restrictions shall be determined, established and enforced, and from time to time amended, supplemented, changed or repealed, with or without notice and public hearing, as the Board of Supervisors may determine.

(4) *Recording of Plats.*—

(a) Whenever land in the District is platted into lots, blocks, parcels, tracts or other portions, however designated, for residential or commercial purposes, a plat thereof shall be recorded in the public records of Orange or Osceola Counties, as the case may be. No such plat shall be recorded either as an independent instrument or by attachment to another instrument entitled to record unless and until it shall first be approved by the Board of Supervisors. Any plat recorded in violation of this section shall be invalid and subject to expungement. The recording by

or presentation for recording to any clerk of any circuit court of any plat in violation of this section shall constitute a misdemeanor.

(b) The Board of Supervisors shall be authorized and empowered to prescribe, as prerequisites to the approval for record of any plat or plats of lands within the District, the width and location of roads, streets, alleys, thoroughfares and ditches and setback therefrom; to adopt, prescribe and promulgate rules and regulations to effectuate the provisions and purposes of this Act; to prescribe specifications and requirements for regulations relating to the construction of roads, streets, alleys and drainage facilities, minimum lot sizes, maximum block sizes, building lines, names of streets and roads, bridge construction, water supply, sewage disposal and other related matters involving lands to be platted; to prescribe information to be shown on plats, including without limitation parks, recreation areas and open spaces; to require the furnishing to the Board of Supervisors of a good and sufficient bond conditioned upon the completion of the drainage, sewage, streets, roads and alleys and other improvements shown on the plat within such time or times as may be required by the Board of Supervisors, and the said bond shall be approved by the Board of Supervisors.

(c) The Board of Supervisors is further granted the authority and discretion to waive the platting and recording of land into lots, roads, blocks, parcels, tracts or other portions, however designated, in any instance in which the Board determines that the dividing or subdividing of the land without a recorded plat shall not be injurious to the public health, safety, comfort, convenience, welfare and morals of the inhabitants of the District.

(5) *Vacating of Plats.*—

(a) Plats or integrated portions or parcels of land heretofore or hereafter platted within the District may be vacated upon the resolution of the Board of Supervisors upon such terms and conditions as the Board of Supervisors may prescribe by regulation. Such regulation may require, inter alia, the payment of all taxes and assessments and the redemption from all outstanding tax sales, and the dedication to the public of all roads, streets, alleys and other thoroughfares, however designated.

(b) Upon approval by the Board of Supervisors of the re-

ording of a plat or the vacating of a plat or portions thereof, the approval or consent to such recording or vacating shall not be required of any other body, authority or agency of Orange or Osceola County or any political subdivision thereof.

(6) *Subdivision of Lands.*—

(a) In addition to and not in limitation of any of the other powers of the Board of Supervisors under this Act, whenever land in the District is to be subdivided, the proposed plan for subdivision and use of the land shall be presented to the Board of Supervisors for its approval, in accordance with the standards and provisions of this Act and in accordance with any rules and regulations that may be adopted by the Board of Supervisors. The Board shall have the power to adopt subdivision regulations providing:

1. Requirements for general information concerning existing conditions and proposed developments as a prerequisite to the approval of subdivision plans or plats. This information may include without limitation data on existing covenants, land characteristics, community facilities, and utilities and information describing the subdivision proposal, including maps and reports presenting the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other open areas, proposed protective covenants and proposed utilities, drainage and street improvements.

2. For proper density of population and intensity of use and the lengths, widths and shapes of blocks and lots.

3. That streets in proposed subdivisions, including streets bordering on proposed subdivisions, shall be of specified widths and grades and so located as to accommodate prospective traffic to serve proposed subdivisions adequately, afford adequate light and air, facilitate fire protection and provide access for fire-fighting equipment to buildings.

4. That such streets be properly arranged, coordinated and integrated with existing or planned streets, roads or highways.

5. That adequate easements or rights-of-way shall be provided for drainage and all utilities.

6. That the layout and design of proposed subdivisions shall conform to a comprehensive plan adopted by the Board of Su-

pervisors for the area and to measures adopted to implement the comprehensive plan.

7. The dedication or reservation of land for streets.

8. The extent to which grounds which are to be used for public purposes other than streets shall be dedicated or reserved as a condition precedent to approval of any subdivision or plat.

9. That such parks, playgrounds, sites for public building or other areas designated for public use shall be of suitable size and location for their designated uses.

10. The conditions prerequisite to subdivision and development of lands subject to seasonal or periodic flooding.

11. The manner in which and the extent to which streets, sidewalks, water, sewer and other utility connections or mains, piping and any other necessary physical improvements shall be installed, and the specifications therefor, as conditions precedent to final approval of the subdivision plan.

12. The requirements of covenants as a prerequisite to subdivision plan approval.

13. That sufficient and suitable monuments shall be placed to enable the survey of the subdivision or any part thereof to be retraced.

14. The numbering and naming of streets and the providing of street signs.

(b) Subdivision regulations may further provide that the Board shall not approve any subdivision plan or plat unless it finds after full consideration of all pertinent data that the subdivision can be served adequately and economically with such normal public facilities and services as are suitable in the circumstances of the particular case.

(c) Subdivision regulations may further require as a prerequisite to the approval of a subdivision plan that:

1. All required improvements shall be installed in accord with the provisions of the subdivision regulations or amendments thereto, or

2. A surety bond be executed by a company authorized to do business in the State of Florida that is satisfactory to the Board

of Supervisors, payable to the District in sufficient amount to assure the completion of all required improvements, and providing for and securing to the public the actual construction and installation of such improvements within a period required by the Board and expressed in the bond. The Board is hereby granted the power to enforce such bonds by resort to legal and equitable remedies. As an alternative to the provision of a surety bond, such regulations may also provide for the deposit of cash in an escrow account whereby the Board or its agent is put in an assured position to provide the required improvements.

(7) *Variances and Waivers.*—

(a) Where the Board of Supervisors finds that extraordinary hardships may result from strict compliance with its regulations concerning subdivision and platting, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the comprehensive general plan or the regulations of the Board.

(b) The regulations of the Board may further provide that the standards and requirements set out in the regulations may be modified by the Board in the case of a plan and program for a new town which comes under the provisions of this Act, a complete community, or a neighborhood unit, which, in the judgment of the Board, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity with and achievement of the comprehensive plan of the Board of Supervisors. In granting any such modifications, the Board may require such reasonable conditions and safeguards as will secure substantially the objectives of the standards or requirements so modified.

(c) The Board of Supervisors may waive any or all of the requirements of this section of the Act and the rules and regulations adopted thereunder, if it is determined upon the plans and data submitted by the subdivider that compliance with this section is not required because said plan or plat shall not conflict with or nullify the intent and purpose of this Act. If a waiver is granted, compliance with this section shall not be required as long as the plan, plat and use of the land upon which

the waiver is granted shall not be altered, changed or modified by the subdivider or subsequent owner. In granting variances and modifications, the Board may require such conditions as will in its judgment secure substantially the objectives of the standards or requirements so varied or modified.

(8) *Zoning; Planning and Zoning Commission; Zoning Board of Adjustment.*—In addition to and not in limitation of the foregoing, the Board of Supervisors shall have the power to:

(a) Regulate, restrict and determine the location, height, number of stories, size, cubic contents, area and design, and the erection, construction, reconstruction, alteration and repair, of buildings and other structures for trade, industry, residence and other purposes, and the materials used in the construction thereof; the number, location, height, size, appearance and use of billboards and all other advertising signs, banners, handbills and devices; the percentage and portion of lots and land that may be occupied or built on; setback lines, the size of yards, courts and other open spaces; the density of population; the use of buildings, structures, land and water for trade, industries, residences, apartment houses and any and all other purposes; the location, size and plan of parks and recreational areas, schools, school sites, churches, cemeteries, burial places, commercial and industrial facilities, public and private utilities, traffic, parking facilities and drainage and water control facilities; and to appoint inspectors.

(b) Adopt regulations to prohibit or control the pollution of air and water, and require electrical power, telephone and other utility lines, cables, pipes and ducts to be placed underground.

(c) Divide the District into zones or districts of such number, shape and area as the Board of Supervisors may deem best suited to carry out the purposes of this section, and within and for each such district make regulations and restrictions as provided for in subsections (a) and (b) above. All such regulations shall be uniform throughout each district, but the regulations in one district may differ from those in another district.

(d) Provide for the manner in which zoning regulations and restrictions and the boundaries of zones and districts shall be determined, established and enforced, and from time to time amended, supplemented or repealed.

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(e) In appropriate cases, and subject to such principles, standards, rules, conditions and safeguards as may be provided by regulation, make special exceptions to the terms of the zoning regulations and restrictions in harmony with their general purpose and intent, and authorize variances from the strict application of the regulations and restrictions in such situations and subject to such limitations as may be provided by regulation.

(f) Establish a Planning and Zoning Commission, and prescribe the powers, duties and functions of such Planning and Zoning Commission, the requirements for membership on the commission, the term or terms of office of members of the commission, the rules and procedure to be followed in proceedings before or involving the commission and as to all other matters affecting the organization and functioning of the commission, and appoint the members thereof. The Board of Supervisors may by regulation authorize the Planning and Zoning Commission to discharge such of the administrative duties, powers and functions of the Board of Supervisors with respect to zoning as may be provided in such regulation.

(g) Hear and decide appeals from any order, requirement, decision or determination of the Planning and Zoning Commission or by any administrative official in connection with any zoning matter, hear and decide requests for special exceptions from the terms and provisions of any planning or zoning regulation or restriction, and grant variances from the terms of any planning or zoning regulation or restriction in appropriate cases. The Board of Supervisors may by regulation provide for a Zoning Board of Adjustment to discharge any or all of the foregoing administrative functions and duties, prescribe the requirements for membership on the Zoning Board of Adjustment, the term or terms of office, the rules and regulations for all proceedings before or involving such Zoning Board of Adjustment and as to all other matters affecting the organization and functioning of the Zoning Board of Adjustment, and appoint the members thereof.

(9) Any regulations adopted pursuant to the provisions of this section relating to safety, health, sanitation or building safety shall prescribe standards at least equivalent to the minimum standards in applicable statewide regulations protecting the general safety and welfare of the public.

Section 24. *Ad Valorem Taxes.*—The Board of Supervisors shall have the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the District to pay the principal of and interest on any general obligation bonds of the District, to provide for any sinking or other funds established in connection with any such bonds, and to finance and defray the cost of any of the projects or activities of the District authorized by the provisions of this Act or under law. The total amount of such ad valorem taxes levied in any year shall not be in excess of thirty (30) mills on the dollar per annum on the assessed value of the taxable property within the District. The ad valorem tax provided for herein shall be in addition to county and municipal ad valorem taxes provided for by law.

Section 25. *Maintenance Taxes.*—In addition to the ad valorem taxes authorized by section 24 of this Act, the Board of Supervisors is authorized to levy and assess a maintenance tax as provided for in section 298.54, Florida Statutes, and amendments thereto, in an amount not to exceed the maximum rate therein provided; and in addition thereto, a special ad valorem maintenance tax on all of the taxable real and tangible personal property in the District, at a rate not exceeding ten (10) mills on the dollar per annum, for the purpose of defraying any of the costs and expenses of the District, including but not limited to maintenance, repair and operation of the projects of the District, costs incurred in connection with the financing of District projects, and costs of administration.

Section 26. *Determining Property Values for Ad Valorem Tax Purposes.*—Ad valorem taxes of the District shall be based on the assessed valuation for county taxes of the real and personal property subject to such District ad valorem taxes.

Section 27. *Utility Tax.*—

(1) The District shall have the right, power and authority by resolution of the Board of Supervisors to impose, levy and collect on each and every purchase of electricity, metered or bottled gas (natural, liquified, petroleum gas or manufactured), water service, telephone service and telegraph service in its geographic limits, a tax (straight percentage, sliding scale, graduated or other basis) in an amount not to exceed ten (10) per cent of the payments received by the seller of such utility

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service from the purchaser for the purchase of such utility service, provided, however, that the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity or other forms of power shall not be deemed to be a utility service and purchases thereof under such circumstances shall not be taxable hereunder. In every case the tax shall be collected from the purchaser of such utility service and paid by such purchaser for the use of the District to the seller of such utility service at the time of the purchaser paying the charges therefor to the seller.

(2) It shall be the duty of every seller of such utility service, in acting as a tax collection medium or agency for the District, to collect from the purchaser, for the use of the District, any tax imposed and levied by resolution of the Board of Supervisors pursuant to this section, and to report and pay over to the Board of Supervisors or such other body or officer as the Board of Supervisors may designate all such taxes imposed, levied and collected in accordance with the accounting and other provisions of the resolution of the Board of Supervisors. Any such resolution may provide that federal, state, county and municipal governments and their commissions and agencies, other tax-supported bodies, public corporations, authorities, boards and commissions, and churches and other charitable organizations, shall be exempt from the payment of the taxes imposed and levied thereby. In the event any such resolution imposes such a tax on the purchase of one of the utility services described herein and a competitive utility service or services are purchased in the District, then such resolution shall impose a tax in like amount on the purchase of the competitive utility service or services whether privately or publicly owned or distributed; however, telephone service and telegraph service or other forms of communication shall not be required to be considered competitive services.

(3) Any tax levied pursuant to this section shall be separate and in addition to all other taxes, whether levied in the form of excise, license or privilege taxes.

(4) Any person, firm or corporation furnishing such utility service and required to collect any such tax who shall refuse to collect the tax or any portion thereof, shall be liable for and pay the tax himself.

(5) Each person, firm or corporation furnishing such utility service to users in the District may be required by resolution of the Board of Supervisors to keep accurate records of the number of such users, the amount of tax collected, and such other information as the Board of Supervisors may require, and to submit periodic reports of the same to the District or its agent for collection, together with remittance of the tax. The Board of Supervisors may prescribe the form of report and fix a date upon which the report and tax shall be due. Any such person, firm or corporation required to keep records, make reports, or remit taxes who shall neglect or refuse to do so shall be guilty of a misdemeanor.

(6) For the purpose of compensating the person, firm or corporation furnishing utility services hereunder for the keeping of records prescribed and proper accounting and remission, the Board of Supervisors is authorized to allow a credit in an amount set by the Board to be deducted from the amount of the tax submitted.

Section 28. *Determining Annual Installments of Drainage Taxes.*—The Board of Supervisors shall determine, order and levy the amount of the annual installments of the total taxes levied under section 298.36, Florida Statutes, and amendments thereto, which shall become due and be collected during each year.

Section 29. *Collection of Ad Valorem Taxes; Tax Discounts.*—

(1) The levy by the Board of Supervisors of the taxes authorized by or referred to in sections 24 and 25 of this Act shall be by resolution of the Board entered upon the minutes of the Board. Certified copies of such resolution executed in the name of the Board by its chairman, or such other officer as the Board may designate, under its corporate seal, shall be made and delivered to the respective Boards of County Commissioners of Orange and Osceola Counties not later than the 15th day of June of each year in which said taxes are levied. It shall be the duty of the respective County Commissioners of Orange and Osceola Counties to order and require the respective county tax assessors of said counties to assess, and the respective county tax collectors of said counties to collect, the amount of taxes so assessed or levied by the Board of Supervisors of the District

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upon the taxable property within said District not exempt by law, at the rate of taxation adopted by the Board of Supervisors of the District for such year, and to include in the warrant of the tax assessor and attach to or show the same on the assessment roll of taxes for such year. The said tax collectors shall collect such taxes so levied by the Board of Supervisors of the District in the same manner as other taxes are collected and shall pay the same over to the Board of Supervisors of the District within the time and in the manner prescribed by law for the payment by the tax collector of county taxes to the county depository. The respective county tax collectors shall include and state separately on the official county tax bill and receipt each year the amount of District taxes. For their services rendered hereunder the respective county tax assessors and collectors shall be compensated by the District as prescribed by section 298.401, Florida Statutes, and amendments thereto.

(2) In lieu of the procedures prescribed in subsection (1) above, the Board of Supervisors may by resolution direct that any or all of the taxes of the District shall be assessed and collected in such manner and by such officers or employees of the District as the Board of Supervisors may prescribe, require the maintenance and prescribe the form of a District tax book and of District tax bills and otherwise provide for the assessment and collection of District taxes.

(3) The ad valorem taxes referred to and provided for in section 24 of this Act and the maintenance and special ad valorem maintenance taxes referred to and provided for in section 25 of this Act shall be subject to the same discounts as county taxes. None of the other taxes referred to or provided for in this Act or chapter 298, Florida Statutes, shall be subject to discounts for early payment unless the Board of Supervisors so provides by resolution adopted at the time of the levying or assessment thereof. Except as otherwise provided in this Act, all taxes remaining unpaid after the first day in April of the year following that for which said taxes are levied shall be and become delinquent and bear a penalty of two (2) per cent a month on the amount of said taxes from date of delinquency until paid. In computing said penalty, each fractional part of a month shall be counted as a full month.

Section 30. *Tax Liens; Service Charge Liens.*—

(1) All taxes of the District provided for in this Act or chap-

ter 298, Florida Statutes, together with all penalties for default in payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as costs in the action brought to enforce payment, shall from January 1 for each year the property is liable to assessment and until paid constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the real and personal property against which such taxes shall be levied. A sale of any of the real property within the District for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent District taxes, or installments of District taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of sections 192.21 and 200.02, Florida Statutes, and amendments thereto, shall be applicable to District taxes with the same force and effect as if said provisions were expressly set forth in this Act.

(2) Charges and fees due or to become due under any service agreements entered into by the District pursuant to subsection 5 of section 18 of the Act shall constitute a lien of equal dignity with District taxes, as provided for in subsection 1 above, upon all the real and personal property to which such service agreements relate or by which the same are secured, and the provisions of subsection 1 above shall be applicable to such charges and fees.

Section 31. *Foreclosure of Liens.*—

(1) Any lien in favor of the District arising under chapter 298, Florida Statutes, or under this Act may be foreclosed by the District by bringing foreclosure proceedings in the name of the District in the Circuit Court for the Ninth Circuit in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto, and the provisions of said chapter shall be applicable to such proceedings with the same force and effect as if said provisions were expressly set forth in this Act. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the District as the Board of Supervisors may designate. Such foreclosure proceedings may be brought at any time after the ex-

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(2) As an alternative to the foregoing, the District may at any time foreclose any lien for delinquent taxes or installments thereof by a chancery action brought in the name of the District in the Circuit Court for the Ninth Circuit. The pleadings, process, practice and sales in such proceedings shall be the same as in actions for the foreclosure of mortgages upon real property. One or more parcels of land may be included in the same suit.

(3) In any foreclosure action filed by the District pursuant to this section, the District may join as a party defendant Orange County or Osceola County, as the case may be, for the purpose of determining the amount of their respective tax liens. When a county is so joined in such a foreclosure action, the judicial sale held in such action shall operate to satisfy all county tax liens to the date of such sale, and the net proceeds of such sale shall be applied first against delinquent State and county taxes and thereafter against delinquent District taxes on the property affected. The decree of the court in any such foreclosure action shall operate to quiet title to the property that is the subject of the action.

Section 32. *Payment of Taxes and Redemption of Tax Liens by the District; Sharing in Proceeds of Tax Sale under Section 194.21, Florida Statutes.*—

(1) The District has the right to (a) pay any delinquent state, county, district, municipal or other tax or assessment upon lands located wholly or partially within the boundaries of the District; and (b) redeem or purchase any tax sales certificate issued or sold on account of any state, county, district, municipal or other taxes or assessments upon lands located wholly or partially within the boundaries of the District.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the District, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the District of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes, upon all the real property against which said

taxes were levied. The lien of the District may be foreclosed in the manner provided in this Act.

(3) In any sale of land pursuant to section 194.21, Florida Statutes, and amendments thereto, the District may certify to the clerk of the circuit court of the county holding such sale, the amount of taxes due to the District upon the lands sought to be sold, and the District shall share in the disbursement of the sales proceeds in accordance with the provisions of this Act and under law.

Section 33. *General Obligation Bonds.*—

(1) The District shall have the power from time to time to issue general obligation bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of fifty (50) percent of the assessed value of the taxable property within the District as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the District is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the issuance thereof shall have been approved at an election of freeholders held in accordance with the requirements for such election as prescribed by the Constitution of the State of Florida, such election to be called and held in the manner provided in the Constitution and statutes of the State of Florida for freeholder elections. Such elections shall be called to be held in the District by the respective Boards of County Commissioners of Orange and Osceola Counties upon the request of the Board of Supervisors of the District. The expenses of calling and holding such referendum elections shall be borne by the District, and the District shall reimburse the Board of County Commissioners of Orange and Osceola Counties, as the case may be, for any expenses incurred by said Boards in calling or holding such elections. In the alternative, at the option of the Board of Supervisors, the Board of Supervisors may make such other provision for the registration of such qualified electors who are freeholders and the calling and holding of such elections as the Board may from time to time deem appropriate.

(2) The District may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds, and for any reserve or other funds provided therefor, and may unconditionally and irrevocably pledge itself to

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levy ad valorem taxes on all taxable property in the District, to the extent necessary for the payment thereof, subject, however, to the limitations on the total amount of ad valorem taxes that may be levied in any one year as specified in section 24 of this Act.

(3) If the Board of Supervisors shall determine to issue general obligation bonds for more than one different purpose, the approval of the issuance of the bonds for each and all such purposes may be submitted to the freeholders on one and the same ballot. The failure of the freeholders to approve the issuance of bonds for any one or more purposes shall not defeat the approval of bonds for any purpose which shall be approved by the freeholders.

Section 34. *Revenue Bonds.*—

(1) The District shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by or payable from the gross or net pledge of the revenues to be derived from any project or combination of projects, from the rates, fees, tolls, fares or other charges to be collected from the users of any project or projects, from any revenue-producing undertaking or activity of the District, or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the District, and the approval neither of the qualified electors nor of the qualified electors who are freeholders shall be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

(2) Any two or more projects may be combined and consolidated into a single project, and may thereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more such projects separately, or to finance two or more such projects, regardless whether or not such projects have been combined and consolidated into a single project. If the Board of Supervisors deems it advisable, the proceedings authorizing such revenue bonds may provide that the District may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the District, and that revenue bonds to be thereafter issued by the District shall be on parity with the revenue bonds then being issued, all on such

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terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent projects shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent projects. The District may pledge for the security of the revenue bonds a fixed amount, without regard to any fixed proportion of the gross revenues of any project.

Section 35. *Utility Service Tax Bonds.*—The District shall have the power to issue from time to time without limitation as to amount, bonds payable from the proceeds of any utility service taxes or funds of the District, or any combination of the same. Such bonds shall not constitute an indebtedness of the District and the approval neither of the qualified electors nor of the qualified electors who are freeholders shall be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

Section 36. *Issuance of Additional Bonds.*—If the proceeds of any bonds shall be less than the cost of completing the project in connection with which such bonds are issued, the Board of Supervisors may authorize the issuance of additional bonds, upon such terms and conditions as the Board of Supervisors may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

Section 37. *Refunding Bonds.*—The District shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the District that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within ten (10) years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the Board of Supervisors. Refunding bonds may be issued at any time when in the judgment of the Board of Supervisors such issuance will be advantageous to the District. No approval of the qualified electors who are freeholders residing in the District shall be required for the issuance of refunding bonds except in cases where such approval is required by the Constitution of the State of Florida. The Board of Supervisors may by resolution confer

fees, tolls, fares, service charges or other charges collected with respect to any of the projects of the District.

Section 39. *Lien of Pledges.*—All pledges of revenues, taxes and assessments made pursuant to the provisions of this Act shall be valid and binding from the time when such pledges are made. All such revenues, taxes and assessments so pledged and thereafter collected shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the District, irrespective of whether such parties have notice thereof.

Section 40. *Assessable Improvements; Levy and Payment of Special Assessments; Assessment Bonds and Certificates.*—The District may provide for the construction or reconstruction of assessable improvements, and for the levying of special assessments upon benefited property for the payment thereof, under the provisions of this section.

(1) The initial proceeding under this section shall be the passage by the Board of Supervisors of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points, routes or otherwise, and either giving a description of the improvements by their material, nature, character and size or giving two or more descriptions with the directions that the material, nature, character and size shall be subsequently determined in conformity with one of such descriptions. Assessable improvements need not be continuous and may be in more than one locality or street. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section.

(2) As soon as possible after the passage of such resolution the engineer for the District shall prepare in duplicate plans and specifications for each improvement ordered thereby and

an estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in this Act, the cost of relaying streets, sidewalks and other public facilities or conveniences necessarily torn up or damaged and the following items of incidental expenses:

- (a) Printing and publishing notices and proceedings;
- (b) Costs of abstracts of title; and

(c) Any other expense necessary or proper in conducting the proceedings and work provided for in this section, including the estimated amount of discount, if any, upon the sale of assessment bonds or any other obligations issued hereunder for which such special assessments are to be pledged. If the resolution shall provide alternative descriptions of material, nature, character and size, such estimate shall include an estimate of the cost of the improvement of each such description.

The engineer shall also prepare in duplicate a tentative apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the engineer in the preparation of such preliminary assessment roll. One of the duplicates of such plans, specifications and estimates and such tentative apportionment shall be filed with the Board of Supervisors and the other duplicate shall be retained by the engineer in his files, all thereof to remain open to public inspection.

(3) The Board of Supervisors upon the filing with it of such plans, specifications, estimates and tentative apportionment of cost shall publish once in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties a notice stating that at a meeting of the Board of Supervisors on a certain day and hour, not earlier than fifteen (15) days from such publication, the Board of Supervisors will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location

thereof, and shall also state that plans, specifications, estimates and tentative apportionment of cost thereof are on file with the Board of Supervisors. The Board of Supervisors shall keep a record in which shall be inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land or property, the name and post office address of such person, firm or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the Board of Supervisors to mail a copy of such notice to such person, firm or corporation at such address, at least ten (10) days before the time for the hearing as stated in such notice, but the failure of the Board of Supervisors to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(4) At the time named in such notice, or to which an adjournment may be taken by the Board of Supervisors, the Board of Supervisors shall receive any objections of interested persons and may then or thereafter repeal or confirm such resolution with such amendments, if any, as may be desired by the Board of Supervisors and which do not cause any additional property to be specially assessed.

(5) All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans or specifications or estimates, void or voidable in whole or in part, or that it exceeds the power of the Board of Supervisors, shall be made in writing in person or by attorney, and filed with the Board of Supervisors at or before the time or adjourned time of such hearing. Any objections against the making of any assessable improvements not so made shall be considered as waived, and if any objection shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issues presented unless proper steps shall be taken in the Circuit Court for the Ninth Circuit to secure relief within twenty (20) days.

(6) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited property for the pay-

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ment thereof shall have been confirmed, as hereinabove pro-
vided, or at any time thereafter, the Board of Supervisors may
issue assessment bonds payable out of such assessments when
collected. Said bonds shall mature not later than two (2) years
after the last installment in which said special assessments may
be paid, as provided in subsection (10), and shall bear interest
at not exceeding six (6) percent per annum. Such assessment
bonds shall be executed, shall have such provisions for redemp-
tion prior to maturity, shall be sold in the manner and be sub-
ject to all of the applicable provisions contained in this Act for
revenue bonds, except as the same are inconsistent with the
provisions of this section. The amount of such assessment bonds
for any assessable improvement, after the confirmation of the
initial resolution, shall not exceed seventy (70) percent of the
estimated amount of the cost of such assessable improvements
which are to be specially assessed against the land or property
to be specially benefited thereby, as shown in the estimates of
the engineer for the District referred to in subsection (2). The
amount of such assessment bonds for any assessable improve-
ment to be issued, after the confirmation of the preliminary as-
sessment roll provided for in subsection (9), including any as-
sessment bonds theretofore issued, shall not exceed the amount
of special assessments actually confirmed and levied by the
Board of Supervisors as provided in subsection (9).

Such assessment bonds shall be payable from the proceeds of
the special assessments levied for the assessable improvement
for which such assessment bonds are issued; provided, however,
that the District may pledge the full faith and credit of the
District for the payment of the principal of and interest on such
assessment bonds if the issuance of such assessment bonds shall
be approved in the manner provided by law.

(7) After the passage of the resolution authorizing the con-
struction or reconstruction of assessable improvements has been
confirmed as provided in subsection (4), the District may pro-
ceed with the construction or reconstruction work in accordance
with the provisions of section 66 of this Act. Promptly after
the completion of the work, the engineer for the District, who
is hereby designated as the official of the District to make pre-
liminary assessment of benefits from assessable improvements,
shall prepare a preliminary assessment roll and file the same

with the Board of Supervisors, which roll shall contain the following:

(a) A description of the lots and parcels of land or property within the District which will benefit from such assessable improvements and the amount of such benefits to each such lot or parcel of land or property, and the preliminary assessment. Such lots and parcels shall include the property of the county or counties and any school district or other political subdivision within the District. There shall also be given the name of the owner of record of each lot or parcel where practicable, and a statement of the method of assessment used by such engineer.

(b) The total cost of the improvement and the amount of incidental expense.

In making such preliminary assessments the engineer may use any method of determining the amount of special benefits accruing to each lot or parcel of land or property from such assessable improvements as shall be approved by the Board of Supervisors. Such special benefits may be based on an acreage assessment where benefits from such assessable improvements are equal or nearly equal for lands or property in a particular area, front footage, or any other factors which the Board of Supervisors deems fair and equitable as between the different lots or parcels of land or property benefited. It shall be the duty of the engineer in making such preliminary assessment roll to view all lots or parcels of land or property to be assessed, and to determine, for the preliminary assessment roll, the amount of benefit which each lot or parcel of land or property will receive from such assessable improvements, under the method or methods prescribed by the Board of Supervisors, or any combination thereof.

(8) The preliminary roll shall be advisory only and shall be subject to the action of the Board of Supervisors as hereinafter provided. Upon the filing with the Board of Supervisors of the preliminary assessment roll, the Board of Supervisors shall publish at least once in a newspaper or newspapers published or of general circulation within Orange and Osceola Counties, a notice stating that at a meeting of the Board of Supervisors to be held on a certain day and hour, not less than fifteen (15) days from the date of such publication, which meeting may be a regular, adjourned or special meeting, all interested persons may

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appear and file written objections to the confirmation of such roll. Such notice shall state the class of the assessable improvements and the location thereof by terminal points, route or otherwise. The Board of Supervisors shall also mail a copy of such notice to the persons, firms or corporations referred to in subsection (3) at least ten (10) days before the time for the meeting as stated in such notice, but the failure of the Board of Supervisors to mail any such notice shall not constitute a valid objection to holding such meeting or to any other action taken under the authority of this section.

(9) At the time and place stated in such notice the Board of Supervisors shall meet and receive the objections in writing of all interested persons as stated in such notice. The Board of Supervisors may adjourn the hearing from time to time. After the completion thereof the Board of Supervisors shall either annul or sustain or modify in whole or in part the preliminary assessment as indicated on such roll, either by confirming the preliminary assessment against any or all lots or parcels described therein or by cancelling, increasing or reducing the same, according to the special benefits which the Board of Supervisors decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll, or if the preliminary assessment shall not have been made against it, the Board may place on such roll an apportionment to such property. The Board of Supervisors shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within thirty (30) days in the Circuit Court for the Ninth Circuit to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the Board of Supervisors shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be reduced or abated by the court, unless the assessment upon the entire District be reduced or abated, or the amount by which such assessment is so reduced or abated, may by resolution of the Board of Supervisors be made chargeable against the District at large; or, at the discretion of the Board of Supervisors, a new assessment

roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

(10) Any assessment may be paid at the office of the Board of Supervisors within sixty (60) days after the confirmation thereof, without interest. Thereafter all assessments shall be payable at such times, over such period of years not exceeding twenty (20) years, and in such annual or other installments, with interest at such rate not exceeding eight (8) percent per annum on the principal amount of such assessments from the expiration of said sixty (60) days, as the Board of Supervisors shall determine by resolution. The Board of Supervisors may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of prepayment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

(11) All such special assessments shall be collected by the respective tax collectors for Orange and Osceola Counties, as the case may be, (in which event the last sentence of subsection(1) of section 29 shall be applicable), or by such other officer or agent as the Board may designate, at such time or times as the Board of Supervisors shall specify in the proceedings authorizing or confirming the special assessments, and if no other time is specified then at the same time as general county taxes are collected in Orange and Osceola Counties.

(12) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the District by proceedings in the Circuit Court for the Ninth Circuit to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State; provided that any such proceedings to foreclose shall embrace all install-

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ments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to subsection (9) and by subsection (10), and all costs including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities, and the proceedings shall be dismissed. It shall be the duty of the District to enforce the prompt collection of assessments by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this Act in the Circuit Court for the Ninth Circuit by mandamus or other appropriate proceedings or action. Not later than thirty (30) days after any installments are due and payable, it shall be the duty of the Board of Supervisors to direct the attorney or attorneys whom the Board of Supervisors shall then designate to institute action within two (2) months after such direction to enforce the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in a manner and under the conditions in and under which mortgages are foreclosed under the laws of the State. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interests of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the District, and the same shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the District may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the District may be sold or otherwise disposed of, the proceeds of such disposition to be placed in the fund provided by subsection (13) of this section, provided, however, that no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place shall have been published at least once in a newspaper or

newspapers published or of general circulation in Orange and Osceola Counties.

(13) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this law, or which have been pledged as additional security for any other bonds or obligations issued under this Act, shall be maintained in a special fund or funds and be used only for the payment of principal of or interest on such assessment bonds or other bonds or obligations.

(14) Orange and Osceola Counties and each school district and other political subdivision wholly or partly within the District shall possess the same power and be subject to the same duties and liabilities in respect of the special assessments under this section affecting the real estate of such county, school district or other political subdivision which private owners of real estate possess or are subject to hereunder, and such real estate of any such county, school district and political subdivision shall be subject to liens for said assessments in all cases where the same property would be subject to such liens had it at the time the lien attached been owned by a private owner.

(15) Subject to the terms of any bonds or other obligation payable from or secured by the assessments provided for herein, the Board of Supervisors may at any time and from time to time modify, in whole or in part, or revoke any plan or specification for any assessable improvement. In connection with the revision of any such plan or specification, benefits may be reassessed or additional assessments made in accordance with the provisions and procedures of this section 40. The Board of Supervisors may at any time approve and make effective technical changes and modifications of any plan for any improvement not affecting the determination of assessed benefits or the security of bond owners.

Section 41. Issuance of Certificates of Indebtedness Based on Assessments for Assessable Improvements; Assessment Bonds.—

(1) The Board of Supervisors may, after any assessments for assessable improvements are made, determined and confirmed as provided in section 40, issue certificates of indebtedness for the

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amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments or otherwise in accordance with the installments of the special assessments for which they are issued. The Board of Supervisors may determine the interest to be borne by such certificates at a rate no greater than six (6) percent per annum, and may sell such certificates at either private or public sale and determine the form, manner of execution and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The District may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding paragraph may be deposited; or, if such certificates of indebtedness have not been issued, the District may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in section 40, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The District is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebted-

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

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the Board of Supervisors, provided, however, that the maturities of such assessment bonds or other obligations shall not be more than two (2) years after the due date of the last instalment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear interest at not exceeding six (6) percent per annum, shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this Act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(5) All assessment bonds or other obligations issued under the provisions of this Act, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the State.

Section 42. *Issuance of Bond Anticipation Notes.*—In addition to the other powers provided for in this Act and not in limitation thereof, the District shall have the power, at any time and from time to time after the issuance of any bonds of the District shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal amount not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate or rates not in excess of six (6) percent per annum, mature at such time or times not later than five (5)

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having the powers of a trust company within or without the State. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the District and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the Board of Supervisors may approve, including without limitation covenants setting forth the duties of the District in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation and insurance of any projects, the fixing and revising of the rates, fees, tolls, fares and charges, and the custody, safeguarding and application of all moneys, and for the employment of counselling engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair or operation. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the District. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The Board of Supervisors may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

Section 45. *Sale of Bonds.*—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the Board of Supervisors may deem advisable but not in any event at less than ninety-five (95) percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the District of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchanged for any property, real, personal or mixed, including franchises, or services ren-

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dered by any contractor, engineer or other person, all at one
 time or in blocks from time to time, in such manner and upon
 such terms as the Board of Supervisors in its discretion shall
 determine. The price or prices for any bonds sold, exchanged or
 delivered may be (a) the money paid for the bonds, (b) the
 principal amount, plus accrued interest to the date of redemp-
 tion or exchange, of outstanding obligations exchanged for re-
 funding bonds, (c) in the case of special assessment or revenue
 bonds, the amount of any indebtedness to contractors or other
 persons paid with such bonds, or the fair value of any proper-
 ties exchanged for the bonds, as determined by the Board of
 Supervisors.

Section 46. *Authorization and Form of Bonds.*—Bonds may
 be authorized by resolution or resolutions of the Board of Super-
 visors which shall be adopted by a majority of all of the mem-
 bers thereof then in office. Such resolution or resolutions may
 be adopted at the same meeting at which they are introduced,
 and need not be published or posted. The Board of Supervisors
 may by resolution authorize the issuance of bonds, fix the ag-
 gregate amount of bonds to be issued, the purpose or purposes
 for which the moneys derived therefrom shall be expended, the
 rate or rates of interest, which shall not exceed six (6) percent
 per annum, the denomination of the bonds, whether or not the
 bonds are to be issued in one or more series, the date or dates
 thereof, the date or dates of maturity, which shall not exceed
 forty (40) years from their respective dates of issuance, the
 medium of payment, the place or places within or without the
 State where payment shall be made, registration privileges, re-
 demption terms and privileges (whether with or without pre-
 mium), the manner of execution, the form of the bonds includ-
 ing any interest coupons to be attached thereto, the manner of
 execution of bonds and coupons, and any and all other terms,
 covenants and conditions thereof, and the establishment of re-
 serve or other funds. Such authorizing resolution may further
 provide that such bonds may be executed manually or by en-
 graved, lithographed or facsimile signature, provided that where
 signatures are engraved, lithographed or facsimile no bond shall
 be valid unless countersigned by a registrar or other officer
 designated by appropriate resolution of the Board of Super-
 visors. The seal of the District may be affixed, lithographed, en-
 graved or otherwise reproduced in facsimile on such bonds. In
 case any officer whose signature or a facsimile of whose signa-

ture shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 47. *Increase in Maximum Allowable Interest on District Bonds.*—Anything in this Act or the laws of the State to the contrary notwithstanding, if at any time and from time to time the general laws of the State of Florida permit the counties, municipalities or political subdivisions of the State, or any of them, to issue general obligation, revenue, assessment or other bonds bearing interest in an amount or at a rate in excess of six (6) percent per annum, then the maximum allowable interest on any bonds of the District that may be issued during the effective period of such general law shall be the maximum amount or rate permitted under such general law.

Section 48. *Interim Certificates; Replacement Certificates.*—Pending the preparation of definitive bonds, the Board of Supervisors may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the Board of Supervisors may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Board of Supervisors may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.

Section 49. *Negotiability of Bonds.*—Any bond issued under this Act and any interim certificate, receipt or temporary bond shall, in the absence of an express recital on the face thereof that it is nonnegotiable, be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of the State of Florida.

Section 50. *Defeasance.*—The Board of Supervisors may make such provision with respect to the defeasance of the right, title and interest of the holders of any of the bonds and obligations of the District in any revenues, funds or other properties by which such bonds are secured as the Board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and the interest and premium, if any, due and payable

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upon the bonds or obligations then outstanding shall be paid, or sufficient moneys or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title and interest of the holders of the bonds in any revenues, funds or other properties by which such bonds are secured shall thereupon cease, determine and become void, and the Board of Supervisors may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the District as the Board of Supervisors shall determine.

Section 51. *Bonds as Legal Investment or Security.*—Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this Act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency, instrumentality, county, municipality or other political subdivision of the State, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal or other public funds, or by insurance companies as required or voluntary statutory deposits.

Section 52. *Agreements with the Florida Development Commission and Others.*—The Board of Supervisors shall have the power to retain and enter into agreements with fiscal agents, financial advisers, the Florida Development Commission, engineers and other consultants or advisers with respect to the issuance and sale of any bonds, and the cost and expense thereof may be treated as part of the cost and expense of such project. Upon request of the Board of Supervisors, the Florida Development Commission may provide such technical assistance or other services relating to bond issues as may be necessary or desirable under the circumstances.

Section 53. *Covenants.*—Any resolution authorizing the issuance of bonds may contain such covenants as the Board of

Supervisors may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the District and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, taxes and assessments, the obligations of the District with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the District, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the District, the maintenance of deposits to assure the payment of revenues by users of District facilities and services, the discontinuance of District services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

Section 54. *Validity of Bonds; Validation Proceedings.*—(1) Any bonds issued by the District shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defects in the proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the District may, but is not required to, publish a notice at least once in a newspaper or newspapers published or of general circulation in Orange and Osceola Counties, stating the date of adoption of the resolution authorizing such obligations, the amount, maximum rate of interest and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that any action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within twenty (20) days after the first publications of such notice, or the validity of such obligations, proceedings and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such twenty (20) day period then the validity of such obligations, proceedings

such covenants shall enforceable contracts regardless of the time elude, without limitation of the bond proceeds, uses, the pledging of actions of the District and the maintenance of additional bonds, trustees and receivers, obligations, restrictions or facilities, assets and property liens, the priority of of the District, the ment of revenues by he discontinuance of ayments, acceleration truments, the proces with the bondhold-deemed necessary or

in Proceedings.—(1) incontestable in the r value and shall not ffects in the proceed- : to the issuance of equired to, publish a ppapers published or ola Counties, stating rorizing such obliga- est and maturity of ral terms for which her stating that any y of such obligations ice thereof, or of any within twenty (20) otice, or the validity enants shall not be ever. If no such ac- n such twenty (20) gations, proceedings

and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings or covenants in any court whatsoever.

(2) The power of the District to issue bonds under the provisions of this Act may be determined and any of the bonds of the District may be validated and confirmed by circuit court decree, under the provisions of chapter 75, Florida Statutes, and laws amendatory thereof or supplementary thereto.

Section 55. *Within Act Furnishes Full Authority for Issuance of Bonds.*—This Act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the District provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts or things by the Board of Supervisors, or any board, officers, commission, department, agency or instrumentality of the District, other than those required by this Act, shall be required to issue any bonds or to do any act or perform anything under this Act, and the issuance or sale of bonds pursuant to the provisions of this Act need not comply with the requirements of any other law applicable to the issuance or sale of bonds, except as otherwise provided in this Act, and shall not require the consent or approval of the board of drainage commissioners of the State of Florida or of any other board, officers, commission, department, agency or instrumentality of the State of Florida or any political subdivision thereof. Except as otherwise provided herein, no proceedings or procedures of any character whatever shall be necessary or required for the issuance of bonds other than the adoption of an appropriate resolution by the Board of Supervisors as provided in this Act with respect to the issuance of the same. The powers conferred by this Act on the District with respect to the issuance and sale of bonds shall be in addition and supplemental to the powers conferred by any other law.

Section 56. *Pledge by the State of Florida to the Bond Holders of the District and to the Federal Government.*—The State of Florida pledges to the holders of any bonds issued under this Act that it will not limit or alter the rights of the District to own, acquire, construct, reconstruct, improve, maintain, operate or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, tolls, fares and other charges provided

for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders, and that it will not modify in any way the exemption from taxation provided in the Act, until all such bonds together with interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The State of Florida pledges to and agrees with the Federal Government that in the event the Federal Government or any agency or authority thereof shall construct or contribute any funds, materials or property for the construction, acquisition, extension, improvement, enlargement, maintenance, operation or furnishing of any of the projects of the District, or any part thereof, the State will not alter or limit the rights and powers of the District in any manner which would be inconsistent with the continued maintenance and operation of such project, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the District and the Federal Government, and the District shall continue to have and may exercise all powers herein granted so long as the Board of Supervisors may deem the same necessary or desirable for the carrying out of the purposes of this Act and the purposes of the Federal Government in the construction, acquisition, extension, improvement, enlargement, maintenance, operation or furnishing of any of the projects of the District, or any part thereof.

Section 57. *Agreements with Municipalities within the District for the Joint Discharge of Common Functions.*—The Board of Supervisors of the District and the governing bodies of any one or more municipalities located wholly or partly within the District, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties and functions of the Board of Supervisors and other officers, agents and employees of the District, and the respective governing bodies of one or more such municipalities, and their respective officers, agents and employees, to the end that there may be effective cooperation between and coordination of the efforts of such municipalities and the District in discharging their common functions, powers and duties and in rendering services to the respective residents and property owners of such municipalities and the District. The Board of Supervisors of the District and

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Section 58. *Cooperation Agreements with the State, Counties and Municipalities.*—

(1) The State of Florida and the counties, municipalities and other political subdivisions and public bodies and agencies thereof, or any of them, whether now existing or hereafter created, are authorized to aid and cooperate with the District in carrying out any of the purposes and projects of the District, to enter into cooperation agreements with the District, to provide in any such cooperation agreement for the making of loans, gifts, grants or contributions to the District and the granting and conveyance to the District of real or personal property of any kind or nature, or any interest therein, for the carrying out of the purposes and projects of the District, to covenant in any such cooperation agreement to pay all or any part of the costs of acquisition, construction, reconstruction, extension, improvement, operation and maintenance of any of the projects of the District, and to pay all or any part of the principal and interest on any bonds of the District and all or any part of the deposits required to be made into any reserve, renewal and replacement or other funds created and established by the indenture, resolution, deed of trust or other instrument securing such bonds.

(2) The State of Florida and the counties, municipalities and other political subdivisions and public bodies and agencies thereof, or any of them, whether now existing or hereafter created, and the District created by this Act, are further authorized to enter cooperative agreements to provide for the furnishing by the District to the State or any county, municipality or other political subdivision or public body or agency thereof of any of the facilities and services of the District, or by the State or any county, municipality or other political subdivision or public body or agency thereof to the District and to persons, firms or corporations within the District of facilities and services of the type that the District is authorized to furnish or undertake, or such other facilities and services as may be determined necessary or desirable by the Board of Supervisors for the carrying out of the purposes of this Act, all on such terms and conditions

as the Board of Supervisors may deem appropriate. Without limitation on the foregoing, such cooperation agreements may provide for the furnishing by any county, municipality or other political subdivision of fire and police protection for the District and persons and property within the District, and for the providing to the District of any services deemed necessary or desirable by the Board of Supervisors for the proper functioning of the District.

(3) Without limitation of the foregoing, the Board of Supervisors may undertake and finance any of the projects of the District, in whole or in part, jointly with the City of Bay Lake, the City of Reedy Creek, or any other municipality, now existing or hereafter created, or in any other manner combine the projects of the District with the projects of such municipality or municipalities, on such terms and conditions as the Board of Supervisors shall approve, and the provisions of this Act, including without limitation the provisions for the financing of District projects through bond issues, shall be applicable to such projects.

(4) Any agreement of the type authorized by this section may be made and entered into pursuant to this Act for such time or times, not exceeding forty (40) years, as shall be agreed by the parties thereto or for such longer time as any bonds of any of the contracting parties, including refunding bonds, remain outstanding and unpaid, and may contain such details, terms, provisions and conditions as shall be agreed upon by the parties thereto. Any such agreement may be made and entered into for the benefit of the holders of any bonds of the District as well as the parties thereto and in such event shall be enforceable in any court of competent jurisdiction by the holders of any such bonds or of the coupons appertaining thereto.

Section 59. *Contracts, Grants and Contributions.*—The District shall have the power to make and enter all contracts and agreements necessary or incidental to the performance of the functions of the District and the execution of its powers, and to contract with, and to accept and receive grants or loans of money, material or property from, any person, private or public corporation, the State of Florida or any agency or instrumentality thereof, any county, municipality or other political subdivision, or any agency, instrumentality or corporation of or created

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 or desirable to carry out the purposes of this Act, and in con-
 nection with any such contract, grant or loan to stipulate and
 agree to such covenants, terms and conditions as the Board of
 Supervisors shall deem appropriate.

Section 60. *Tax Exemption.*—As the exercise of the powers
 conferred by this Act to effect the purposes of this Act constitute
 the performance of essential public functions, and as the proj-
 ects of the District will constitute public property used for
 public purposes, all assets and properties of the District, and all
 bonds issued hereunder and interest paid thereon, and all fees,
 charges and other revenues derived by the District from the
 projects provided for by this Act shall be exempt from all taxes
 by the State or by any political subdivision, agency or instru-
 mentality thereof, provided, however, that nothing in this act
 shall be deemed to exempt from taxation any property, project,
 facility business activity or enterprise that cannot validly be
 undertaken as a public function by special taxing districts or
 other public bodies under the laws and Constitution of the State
 of Florida, and provided further, that nothing in this act shall
 be deemed to exempt any property, project, facility or business
 activity or enterprise of the District, or revenues derived there-
 from, which would be subject to taxation under the general laws
 of the State of Florida if such property, project or facility
 were owned or undertaken by a municipal corporation.

Section 61. *Suits Against the District.*—No suit or action
 shall be brought or maintained against the District for damages
 arising out of tort or breach of contract, including without
 limitation any claim arising upon account of an act causing a
 wrongful death, unless written notice of such claim is within
 ninety (90) days after receiving the alleged injury given
 to the Secretary of the Board of Supervisors, with detailed spe-
 cifications as to the time, place and manner of injury. No such
 suit or action shall be brought or maintained unless brought
 within twelve (12) months from the time of the injury or
 damages.

Section 62. *Action Taken on Consent of Landowners.*—Any
 action required under this Act or under chapter 298, Florida
 Statutes, to be taken on notice to the landowners of the District
 and on public hearing for the purpose of receiving and passing

on objections by landowners may be taken without such notice or hearing upon the written consent of all of the landowners affected by such action.

Section 63. *Posting of Notice in Lieu of Publication.*—In the event that at any time or from time to time no newspaper or newspapers shall be published or of general circulation in Orange or Osceola Counties, as the case may be, any notice required by this Act or under any other law to be published in such newspaper or newspapers may be published by posting such notice in at least ten (10) different public places within the District.

Section 64. *Changing Boundary Lines; Annexation and Exclusion of Lands; Creation of Municipalities Within the Territorial Limits of the District; Limitations on the Furnishing of Services Within Annexed Areas.*—

(1) The Board of Supervisors may at any time strike out or correct the description of any land within or claimed to be within the boundary lines of the District upon the consent in writing of the owners of all of the land that would be included or excluded from the boundary lines of the District or otherwise affected by the taking of such action, and of the owners of not less than a majority in acreage of all the lands within the District. The Board of Supervisors may enlarge the territorial limits of the District to include any lands not then within the District (a) upon the written consent of the owners of all of the land to be included in the District and of not less than a majority in acreage of all the land then within the District, or (b) by resolution of the Board of Supervisors approved at a special election called for such purpose, by vote of a majority of the freeholders residing within the area to be annexed and a majority of the freeholders residing within the District. The Board of Supervisors may contract the territorial limits of the District so as to exclude from the District any land then within the District (a) upon the written consent of the owners of all of the land to be so excluded and of the owners of not less than a majority in acreage of all the land then within the District, or (b) by resolution of the Board of Supervisors approved at a special election called for such purpose, by vote of a majority of the freeholders residing within the area to be excluded and a majority of the freeholders residing within the District, or (c) by resolution of the Board of Supervisors approved by the

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y time strike out or n or claimed to be upon the consent in it would be included e District or other- and of the owners of he lands within the large the territorial not then within the owners of all of the not less than a ma- the District, or (b) pproved at a special f a majority of the annexed and a ma- District. The Board l limits of the Dis- land then within the the owners of all of ers of not less than ithin the District, or isors approved at a r vote of a majority a to be excluded and thin the District, or sors approved by the

owners of not less than a majority in acreage of the land within the District.

(2) Land (including property situated thereon) added to the District in the manner hereinabove provided shall from the time of its inclusion within the District be subject to all of the taxes and assessments thereafter levied and assessed on other land or property of the District similarly situated. Land or property excluded from the District in the manner hereinabove provided shall from the date of such exclusion be exempt from taxes or assessments thereafter imposed by the District but shall not be exempt from any taxes or assessment theretofore levied and due with respect to such land or property, or from subsequent installments of taxes or assessments theretofore levied or assessed with respect thereto, and such taxes or assessments may be enforced and collected by or on behalf of the District in the same manner as if such land or property continued to be within the territorial limits of the District.

(3) The Board of Supervisors for and in behalf of the District shall have the right to file a petition in the Circuit Court for the Ninth Circuit, praying the court to amend its former decree incorporating the District by correcting the names of the landowners, by striking out any such names, by adding, striking out or correcting the description of any land within or alleged to be within the boundary lines of the District, or in any other manner amend its decree. Said petition may ask permission of the court to amend or change the plan of reclamation adopted with respect to the District, or to correct any errors, omissions or other mistakes that have been discovered in the plan of reclamation, or may ask that the boundary lines of the District be extended so as to include lands not described by, or included in, the petition and decree of the court incorporating the District. The proceedings on such petition shall be in accordance with the provisions of section 298.07, Florida Statutes, and amendments thereto, provided, however, that the court shall have no jurisdiction or power in any proceeding under section 298.07 to terminate the existence of the District or to limit or alter the rights, powers and authorities of the District provided in this Act.

(4) Any owner of land located within the geographic limits of the District may not later than sixty (60) days following the

effective date of this Act make written application to the Board of Supervisors of the District to have the land of such owner excluded from the boundaries of the District, and in the event of such written application made within such sixty-day period, the Board of Supervisors shall exclude the land of such owner from the District and revise the boundaries thereof accordingly. Any taxes theretofore levied on such excluded lands by the Board of Supervisors shall be of no further force and effect with respect to such lands and shall not constitute a lien on such lands, and any such tax theretofore collected with respect to such lands shall be refunded. No such application under this subsection shall be granted if made later than sixty (60) days after the effective date of this Act.

(5) Nothing in this section shall permit the annexation or exclusion of lands contrary to the terms, covenants or conditions of any of the bonds or obligations of the District, or in any manner that would impair the security of the holders of any bonds or other obligations of the District.

(6) No village, town, city or other municipal corporation having any of the powers or authorities of the District, or any like powers or authorities, shall hereafter be organized or established by any proceedings under the general laws of the State if upon such organization or establishment the territorial limits of such municipal corporation would lie wholly or partly within the territorial boundaries of the District, except upon the consent in writing given by a majority in acreage of the owners of the lands within the District proposed to be so incorporated within such municipality, and no land within the territorial boundaries of the District shall be annexed to or incorporated by any proceeding under any general or special law, now or hereafter enacted, into any village, town, city or other municipal corporation, now existing or hereafter created, except upon the consent in writing given by the owners of a majority in acreage of the lands within the District to be so annexed or incorporated.

(7) In the event that the territorial boundaries of the District, as set forth in section 1 of this Act, are revised so as to include within the District any areas not presently contained within the District, the District shall not engage in the business of furnishing telephone service in such annexed area unless the District (i) obtains from the Florida public service commission

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a certificate of convenience and necessity authorizing the Dis-
trict to offer telephone service in such annexed area, and (ii)
offers to purchase from any telephone company that is at the
time engaged in the business of furnishing telephone service
within such annexed area such portion of its plant and property
suitable and used for such business in connection therewith as
lies within the limits of such annexed area, in a manner con-
sistent with the provisions of section 172.09, Florida Statutes,
and amendments thereto, for determining the price thereof;

(8) In the event that the territorial boundaries of the Dis-
trict, as set forth in section 1 of this Act, are revised so as to
include within the District any areas not presently contained
within the District, the District shall not engage in the business
of furnishing electric power for sale in such annexed area, un-
less the District shall offer to purchase from any person, firm
or corporation that is at the time engaged in the business of
making, generating or distributing electricity for sale within
such annexed area such portion of its electric plant and property
suitable and used for such business in connection therewith as
lies within the limits of such annexed area, in a manner con-
sistent with the provisions of section 172.09, Florida Statutes,
and amendments thereto, for determining the price thereof.

Section 65. *Construction of District Projects.*—The Legisla-
ture hereby finds and declares that in order to accomplish the
purposes of this Act, and in view of the novel and experimental
nature of projects that the District is authorized to undertake,
it is essential that the Board of Supervisors have discretion
and authority with respect to the manner in which the con-
struction of the projects of the District, including, but not by
way of limitation, projects financed by District bonds, taxes or
assessments, shall be undertaken. The Board of Supervisors shall
have power and authority to acquire, construct, reconstruct, ex-
tend, repair, improve, maintain and operate any of the projects
of the District, and to that end to employ contractors, to pur-
chase machinery, to employ men to operate the same, and di-
rectly to have charge of and construct the projects of the Dis-
trict in such manner as the Board of Supervisors may deter-
mine. The District may undertake any construction work with
its own resources, without public advertisement for bids. The
Board of Supervisors in its discretion may, but shall not be re-
quired to, let contracts for the projects of the District, either as

a whole or in sections, with or without public advertising and the receiving of bids, all on such terms and conditions as the Board of Supervisors may deem appropriate. In the event the Board of Supervisors advertises and receives bids, the Board of Supervisors shall let the contract to the lowest responsible bidder, provided, however, that the Board of Supervisors may in its discretion reject any and all bids.

Section 66. *Interest of Board Members in Contracts.*—No member of the Board of Supervisors shall be deemed to have an interest in any contract of the District with any public or private corporation by reason of the fact that such supervisor is a director, officer, employee or non-controlling stockholder of such a corporation. Contracts of the District with any such public or private corporation shall not be invalid or unenforceable by reason of such interest, and no supervisor shall be disqualified from voting or otherwise acting upon such contract as a member of the Board of Supervisors by reason of such interest, provided that each member of the Board of Supervisors shall have submitted to the Board of Supervisors a statement of his interest in such corporation prior to the approval or authorization of the contract by the District. Such statement shall be maintained as part of the permanent record book of the District for as long as such contract continues in effect and for not less than one (1) year thereafter.

Section 67. *Enforcement and Penalties.*—

(1) The Board of Supervisors or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provision of this Act, including injunctive relief to enjoin or restrain any person violating the provisions of this Act, and any by-laws, resolutions, regulations, rules, codes and orders adopted under this Act, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, land or water is used, in violation of this Act, or of any code, order, resolution or other regulation made under authority conferred by this Act or under law, the Board of Supervisors and any person residing in the District may institute any

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appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or avoid such violation, to prevent the occupancy of such building, structure, land or water, and to prevent any illegal act, conduct, business or use in or about such premises, land or water.

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(2) Any person violating the provisions of this Act or who shall fail to abide by and obey any of the by-laws, resolutions, regulations, rules, codes and orders adopted under this Act shall be guilty of a misdemeanor. Each day that the violation shall continue shall constitute a separate violation.

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(3) It shall be unlawful and a misdemeanor for the owner of any land subject to this Act, or his agent, or other persons, to advocate, propose, suggest, use or exhibit a map, plat, survey or plan of subdivision or development of land except in conformity with this Act and the rules and regulations of the Board of Supervisors.

Section 68. *Investment of Funds.*—The Board of Supervisors may in its discretion invest funds of the District in (1) direct obligations of or obligations guaranteed by the United States of America or for the payment of the principal and interest of which the faith and credit of the United States is pledged; (2) bonds or notes issued by any of the following Federal agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Federal Land Banks; or the Federal National Mortgage Association (including debentures or participating certificates issued by such Association); (3) public housing bonds issued by public housing authorities and secured by a pledge of annual contributions under an annual contribution contract or contracts with the United States of America; (4) bonds or other interest-bearing obligations of any county, district, city or town located in the State of Florida for which the full faith and credit of such political subdivision is pledged; or (5) any investment authorized for insurers by sections 625.0105 through 625.0115, Florida Statutes, inclusive, and amendments thereto.

Section 69. *Fiscal Year of the District.*—The Board of Supervisors has the power to establish and from time to time re-determine the fiscal year of the District. Unless the Board of

Supervisors otherwise provides, the District shall be on a calendar fiscal year.

Section 70. *Severability of Provisions.*—If any section, clause, sentence or provision of this Act, or the application of such section, clause, sentence or provision to any person or bodies or under any circumstances shall be held to be inoperative, invalid or unconstitutional, the invalidity of such section, clause, sentence or provision shall not be deemed, held or taken to affect the validity or constitutionality of any of the remaining parts of this Act, or the application of any of the provisions of this Act to persons, bodies or in circumstances other than those as to which it or any part thereof shall have been held inoperative, invalid or unconstitutional, and it is intended that this Act shall be construed and applied as if any section, clause, sentence or provision held inoperative, invalid or unconstitutional had not been included in this Act.

Section 71. *Liberal Construction.*—The provisions of this Act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein.

Section 72. *Notice.*—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the Constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 73. *Effective Date.*—This Act shall take effect immediately upon becoming a law.

Approved by the Governor May 12, 1967.

Filed in Office Secretary of State May 12, 1967.

CHAPTER 67-765

House Bill No. 25

AN ACT designating and naming a certain highway in Dade County as Interama Boulevard; providing an effective date.

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