

## Senate Bill No. 2564

An act relating to Indian Trail Improvement District, Palm Beach County; providing for codification of special laws relating to the Indian Trail Improvement District, a special tax district of the state; providing legislative intent; codifying, reenacting, and amending chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, 99-473, Laws of Florida; providing for minimum charter requirements; amending the boundaries of the district to include additional lands; providing for supervisor qualifications, terms of office, election procedures, and compensation; providing for a referendum; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, 99-473, Laws of Florida, relating to the Indian Trail Improvement District; providing for liberal construction; providing for severability; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Indian Trail Improvement District, an independent special district and public corporation of the state. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy taxes or non-ad valorem assessments against all assessable property in the district.

Section 2. Chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473, Laws of Florida, are codified, reenacted, amended, and repealed as provided in this act.

Section 3. The Indian Trail Improvement District is re-created, and the charter for the District is re-created and reenacted to read:

Section 1. In accordance with section 189.404(3), Florida Statutes, the following are the minimum requirements for the charter of the Indian Trail Improvement District:

(1) The district is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time, except as otherwise provided in this act.

(2) The powers, functions, and duties of the district regarding non-ad valorem assessments, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments,

and contractual agreements shall be as set forth in chapters 189, 197, and 298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(3) The district was created by chapter 57-646, Laws of Florida.

(4) The district's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 57-646, Laws of Florida, and the subsequent amendatory special acts of the Legislature, the district is governed by a board of supervisors. The membership and organization of the board shall be as set forth in this act, as it may be amended from time to time.

(6) The compensation of board members shall be governed by this act, as it may be amended from time to time.

(7) The administrative duties of the board shall be as set forth in this act, as it may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, this act, and applicable general laws, as they may be amended from time to time.

(11) The district may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(12) In accordance with chapter 298, Florida Statutes, the district may continue to levy upon all of the real taxable property in the district a special tax each year as maintenance tax.

(13) The method for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, as they may be amended from time to time.

(14) The district's planning requirements shall be as set forth in chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

Section 2. District created and boundaries thereof.—For the purpose of reclaiming and draining the lands hereinafter described and protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within

the district available and habitable for settlement and agriculture, for the public convenience, welfare, utility, and benefit, and for the other purposes stated in this act, a water control district is created and established in Palm Beach County, to be known as the Indian Trail Improvement District, a water control district, the territorial boundaries of which shall include the following land:

TOWNSHIP 41 SOUTH, RANGE 41 EAST

That part of Sections 18, 19, and 20, lying South of the southerly right-of-way of the Seaboard Coast Line Railroad, all being in Township 41 South, Range 41 East.

The West ½ of Section 29, all of Sections 30 and 31, and the West ½ of Section 32, Township 41 South, Range 41 East.

TOWNSHIP 42 SOUTH, RANGE 39 EAST

The south one-half (S ½) of Sections 13, 14, and 15; all of Sections 21, 22, 23, 24, 25, 26, 27, and 28; the north one-half (N ½) of Section 29; and all that part of Section 36 lying north and east of the north easterly right-of-way line of levee L-8, a project in the plan of water control of the Central and Southern Florida Flood Control District.

TOWNSHIP 42 SOUTH, RANGE 40 EAST

The south one-half (S ½) of Sections 13, 14, 15, 16, 17, and 18 and all of Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

TOWNSHIP 42 SOUTH, RANGE 41 EAST

The West ½ of Section 14, lying South of the right-of-way for North Lake Boulevard, the same being a part of Stonewal Estates Plat One as recorded in Plat Book 47, pages 12 thru 17 inclusive, all in Palm Beach County, Florida; the West one-half (W ½) of Section 23; and all of Sections 26, 31, 33, 34, and 35.

The West ½ of Section 17 and all of Sections 18, 19, 20, 21, 22, 27, 28, 29, 30, and 32.

The West 80 feet of Sections 6 and 7 and the South 80 feet of the North 280 feet of the West 1,700 feet of Section 6.

TOWNSHIP 43 SOUTH, RANGE 39 EAST

All of Sections 1, 2, 11, 12, 13, 14, 23, and 24 and all that part of Sections 25, 26, and 36 lying north and east of the northeasterly right-of-way line of levee L-12, a project in the plan of water control of the Central and Southern Florida Flood Control District.

TOWNSHIP 43 SOUTH, RANGE 40 EAST

All of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, and 26; that part of Section 3 lying Northerly and Westerly of the Southeasterly right-of-way line of the "M" Canal; the west three-quarters (W ¾) of Sections 13, 24, and 25; all that part of Section 35 lying north of the northerly right-of-way line of State Road 80; all that part of the West

three-quarters (W  $\frac{3}{4}$ ) of Section 36 lying north of the northerly right-of-way line of State Road 80; and all that part of the West one-half (W  $\frac{1}{2}$ ) of Section 31 lying north and east of the northerly and easterly right of way lines of State Road 80 and Levee L-12 a project in the plan of water control of the Central and Southern Florida Flood Control District.

TOWNSHIP 43 SOUTH, RANGE 41 EAST

All of sections 1, 2, 3, 4, 9, 10, 11, 14, 15, 23, and 26; the east one-half (E  $\frac{1}{2}$ ) and the east one-half of the southwest one-quarter (E  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ) of Section 22; the west one-quarter (W  $\frac{1}{4}$ ) of Section 24; the northwest one-quarter (NW  $\frac{1}{4}$ ) of Section 25; the east three-quarters (E  $\frac{3}{4}$ ) of Section 27; all that part of the east one-half of the west one-half (E  $\frac{1}{2}$  of W  $\frac{1}{2}$ ) of Section 34 lying north of the northerly right-of-way line of State Road 80; and all that part of the west one-half (W  $\frac{1}{2}$ ) of Section 35 lying north of the northerly right-of-way line of State Road 80.

PARCEL 1

A parcel of land lying in the South 587.82 feet of Section 15, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 15.

Bounded on the West by the right-of-way for Coconut Boulevard as recorded in Official Records Book 5778, Page 1279, Public Records, Palm Beach County, Florida.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 131, Public Records, Palm Beach County, Florida.

Bounded on the East by the right-of-way for 120th Avenue North as recorded in Official Records Book 1229, Page 135, Public Records, Palm Beach County, Florida.

Containing: 35.15 acres, more or less.

PARCEL 2

A parcel of land lying in the South 587.82 feet of Section 15, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 15.

Bounded on the West by the right-of-way as recorded in Official Records Book 1229, Page 135, Public Records, Palm Beach County, Florida.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 131, Public Records, Palm Beach County, Florida.

Bounded on the East by the right-of-way for Coconut Boulevard as recorded in Official Records Book 5778, Page 1279, Public Records, Palm Beach County, Florida.

Containing: 30.71 acres, more or less.

PARCEL 3

A parcel of land lying in the South 587.82 feet of Section 16, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 16.

Bounded on the West by the right-of-way for 140th Avenue North as recorded in Official Records Book 1229, Page 183, Public Records, Palm Beach County, Florida.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 125, Public Records, Palm Beach County, Florida.

Bounded on the East by the East line of the West one-half of Section 16.

Containing: 35.31 acres, more or less.

PARCEL 4

A parcel of land lying in the South 587.82 feet of Section 17, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 17.

Bounded on the West by the West line of the East one-half of Section 17.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 125, Public Records, Palm Beach County, Florida.

Bounded on the East by the right-of-way for 140th Avenue North as recorded in Official Records Book 1229, Page 133, Public Records, Palm Beach County, Florida.

Containing: 35.73 acres, more or less.

Section 3. Provisions of chapter 298, Florida Statutes, made applicable.—The Indian Trail Improvement District shall be a public corporation of this state. The provisions of the general drainage and water control laws of Florida applicable to water control districts which are embodied in chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act, are declared to be applicable to Indian Trail Improvement District. Indian Trail Improvement District shall have all of the powers and authority mentioned in or conferred by chapter 298, Florida Statutes, and acts amendatory thereof, except as otherwise provided in this act.

Section 4. Provisions of chapter 153, Florida Statutes, made applicable.—The provisions of the County Water System and Sanitary Sewer Financing Law which are embodied in chapter 153, Florida Statutes, and all the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act, are declared to be applicable to Indian Trail Improvement District. Indian Trail Improvement District shall have all of the powers and authority mentioned in or conferred by chapter 153, Florida

Statutes, and acts amendatory thereof. Where referred to in chapter 153, Florida Statutes, “county” or “counties” shall mean this district; “county commission” or “commission” shall mean the board of supervisors of this district; “engineer” shall mean the engineer for this district; “county tax assessor” shall mean the county tax collector or the treasurer of the district, whoever is collecting the taxes of the district in the discretion of the board of supervisors; and all other words or terms in chapter 153, Florida Statutes, shall be construed so as to refer and be applicable to this district.

Section 5. Powers of the district.—

(1) The district shall have the power to sue and be sued by its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal and to alter the same at pleasure; to acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act and chapters 298 and 153, Florida Statutes; to construct, operate, and maintain canals, ditches, drains, levees, and other works for drainage and water control purposes; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage and water control purposes; to construct, operate, and maintain irrigation works, machinery, and plants; to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of the district or the supervisors; and, in furtherance of the purposes and intent of this act and chapter 298, Florida Statutes, to construct, improve, pave, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the drainage and reclamation operations of the district; included as a component of roads in a water control plan parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system; however, as it relates to traffic signals, the district must obtain authorization from the appropriate state or local government prior to expending funds; to construct, operate, and maintain gas mains and facilities for the distribution of natural gas and to purchase natural gas for distribution in the district; to construct and maintain recreation areas and facilities, including the authority to provide for the construction, operation, and maintenance of such recreation areas and facilities; provide recreation and playground equipment; employ supervisory personnel; organize and sponsor community and athletic teams and events; provide liability insurance to cover such projects; lease recreation areas and facilities to nonprofit community corporations or groups; and provide any other programs and elements of recreation areas and facilities, including trails, the enumeration of the same not being exclusive; to borrow money and issue negotiable or other bonds of the district as provided in this act; to borrow money, from time to time, and issue negotiable or other notes of the district therefor, bearing interest at the rate as provided by law, in anticipation of the collection of taxes, levies, and assessments or revenues of the district, and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate,

and dispose of the same; and to exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties of the district stated in this act. The powers and duties of the district shall be exercised by its board of supervisors, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors from time to time determines, and to fix their compensation and duties.

(2) There shall be adopted by resolution such policies, guidelines, and procedures which will thereby authorize the district, at its discretion, to elect to use either a public bid negotiation process for the letting of contracts and purchase orders for works and improvements of the district, including procurement of personal property, commodities, and services, when the cost of such works and improvements, personal property, commodities, and services does not exceed the CATEGORY TWO amount set forth in section 287.017, Florida Statutes.

Section 6. Board of supervisors; organization; terms of office; election; vacancy.—

(1) Organization.—

(a) The business affairs of the district shall be conducted and administered by a five-member board of supervisors elected by the electors of the district.

(b) The office of each member of the board is designated as being a seat on the board, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does not designate a geographical subdistrict. Each candidate for a seat on the board shall designate, at the time the candidate qualifies, the seat on the board for which the candidate is qualifying. The name of each candidate who qualifies for election to a seat on the board shall be included on the ballot in a way that clearly indicates the seat for which the candidate is a candidate.

(c) To qualify for office:

1. Each candidate for the office of district supervisor must be a qualified elector of the district; and

2. At the time of qualification, each candidate for a board of supervisors seat shall reside within the boundaries of an activated unit of the district and, if elected, shall maintain such residency throughout the term of office.

(2) Terms of office.—

(a) In the first election following the effective date of this act, seats 1, 3, and 5 shall be designated for 4-year terms and seats 2 and 4 shall be designated for 2-year terms. Thereafter, the terms of all supervisors shall be for 4 years.

(b) Each supervisor shall remain in office until the successor is elected and assumes the duties of the position.

(c) The term of every supervisor who is holding office on the effective date of this act shall be extended from September 2002 until November 2002 to coincide with the first election held pursuant to this section.

(3) Elections.—

(a) Electors.—Any person who is a resident of an activated unit of development of the district who has qualified as an elector of this state and who registers in the manner prescribed by law is an elector of the district.

(b) Nonpartisan elections.—All elections for the district supervisors shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(c) Qualification.—Any person who wishes to become a candidate for a district supervisor's seat shall qualify with the county supervisor of elections in accordance with the provisions of the Florida Election Code and this act.

(d) Schedule for elections and primaries.—The regular nonpartisan district election shall be held on the first Tuesday after the first Monday in November of each even-numbered year, beginning in November 2002. If there are more than two candidates who qualify for any office, a primary election shall be held at the same time as the first primary election.

(e) Schedule for other elections.—An election to fill the remainder of an unexpired term shall be held as provided in this subsection.

(f) Determination of election of office.—If only one candidate qualifies for an office, that candidate shall be deemed to be elected. If two candidates qualify for an office, the names of those candidates shall be placed on the ballot at the general election. If more than two candidates qualify for an office, the names of those candidates shall be placed on the ballot at the first primary election. If no candidate receives a majority of the votes cast for an office in the primary election, the two candidates receiving the highest vote for such office shall be placed on the ballot at the general election, provided that:

1. In any contest in which there is a tie for second place, the name of the candidate placing first and the names of the candidates tying for second shall be placed upon the general election ballot.

2. The candidate receiving the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(g) Elected or reelected supervisors shall be inducted into office at the first regularly scheduled meeting following certification of the election.

(4) Filling of vacancies.—

(a) If any board member fails to attend three consecutive meetings without cause and without prior approval of the chair, that member shall be deemed to have committed neglect of duty and may be subject to the provisions of chapter 112, Florida Statutes.

(b) If any vacancy occurs in the office of any district supervisor and the remainder of the unexpired term is less than or equal to 2 years and 81 days, the remaining supervisors shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 2 years and 81 days, the remaining supervisors shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled district election.

(c) Any person appointed to fill a vacant seat on the board of supervisors shall be required to meet the qualifications of the seat to which that person is appointed.

Section 7. Compensation of supervisors.—Each supervisor shall be paid for his or her services in accordance with chapter 298, Florida Statutes, and shall be paid 10 cents per mile for each mile actually traveled in going to and from his or her place of residence to the place of meeting.

Section 8. Meeting of landowners; public hearings.—

(1) The board of supervisors may to call special meetings of the landowners at any time to receive reports of the board of supervisors or consider and act upon any matter upon which the board of supervisors requests advice. Notice of all meetings of the landowners shall be given by the board of supervisors by causing publication thereof to be made for 2 consecutive weeks before such meeting in some newspaper published in Palm Beach County. The meetings of the landowners shall be held in some public place in the county, and the place, day, and hour of holding such meetings shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting.

(2) Before adopting the annual budget, authorizing a special assessment, or making a material expenditure, as defined in this act, the board of supervisors shall hold a public hearing upon due public notice, at which time the landowners in the district shall have an opportunity to be heard. At such hearings, the board of supervisors shall hear comments from those landowners who will be directly affected by the issue that is the subject of the public hearing. For purposes of this section, “material expenditure” means an expenditure for a line item in the budget which exceeds, on a cumulative basis, the amount of such line item by 10 percent during each fiscal year. However, an expenditure that does not exceed \$1,000, cumulatively, shall not be a material expenditure. For purposes of this act, due public notice shall mean publication of notice of the time, place, and purpose of the scheduled meeting or hearing for 2 consecutive weeks in some newspaper of general circulation published in Palm Beach County. The board of supervisors need not hold a public hearing before making a material expenditure if the board, in its best judgment, determines that an emergency exists.

Section 9. Installment and maintenance taxes levied and apportioned and the collection thereof.—Taxes shall be levied and apportioned as provided for in chapter 298, Florida Statutes, and amendments thereto.

Section 10. Enforcement of taxes and discounts; when unpaid taxes delinquent; penalty.—

(1) 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 the Florida Statutes 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 and the delinquent and unpaid taxes of the district to the same extent as if such statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes. All discounts allowed shall be a charge against the maintenance tax only.

(2) All taxes levied by the district shall be and become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

Section 11. Taxes and costs; lien on land against which taxes levied; taxes levied a lien of equal dignity with other taxes.—All drainage taxes levied by the district, together with all penalties for default in payment of the same and all costs in collecting the same, shall constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which such taxes are levied. A sale of any of the lands within the district for county or other taxes shall not operate to relieve or release the lands so sold from the lien for subsequent installments of district taxes, which lien may be enforced against such lands as though no such sale thereof had been made.

Section 12. Uniform acreage tax for payment of expenses.—Pursuant to section 298.349, Florida Statutes, the district may levy upon each and every acre of land within a newly created unit of development within such Indian Trail Improvement District a uniform initial assessment of \$50 per acre for the year in which the unit of development is created to be used by the district, through its board of supervisors, for the purpose of paying expenses incurred or to be incurred in making surveys of the lands in the district, assessing district administrator benefits and damages and other expenses necessarily incurred, as estimated or determined by the board of supervisors, before the board of supervisors collects or receives funds under the subsequent provisions of this act. Such assessment shall be a lien upon the lands in the district from the date of the creation of the new unit of development and shall be collected in the same manner as the annual installment of taxes. If it appears to the board of supervisors to be necessary to obtain funds to pay any expenses incurred or to be incurred in organizing the district, making surveys, preparing the water control plan, or other expenses of the conduct and operation of such district before a sufficient sum can be obtained by the collection of the acreage tax levied by this section, the board of supervisors may borrow a sufficient sum of money for any of such purposes at a rate of interest as provided by general law, may issue negotiable notes or bonds therefor signed by the members of the board of supervisors, and may pledge any and all assessments of the acreage tax levied under

the provisions of this section for the repayment thereof. The board of supervisors may issue to any person or persons performing work or services or furnishing anything of value in the organization of the district or making surveys of the same and assessing benefits or damages or preparing the water control plan and other expenses necessarily incurred before the receipt of funds arising from assessments or benefits, negotiable evidence of debt bearing interest at the rate as provided by general law.

Section 13. Bonds may be issued; sale and disposition of proceeds; interest; levy to pay bonds; bonds and duties of Treasurer, etc.—

(1) The board of supervisors may, if in its judgment it seems best, issue bonds not to exceed 90 percent of the total amount of the taxes levied under the provisions of section 298.36, Florida Statutes, in denominations of not less than \$100, bearing interest from date at a rate not to exceed the rate as provided by general law, payable annually or semiannually, to mature at annual intervals within 40 years commencing after a period of not later than 10 years, to be determined by the board of supervisors, both principal and interest payable at some convenient place designated by the board of supervisors to be named in such bonds, which bonds shall be signed by the president of the board of supervisors, attested with the seal of the district and by the signature of the secretary of the board. All of the bonds shall be executed and delivered to the treasurer of the district, who shall sell the same in such quantities and at such dates as the board of supervisors deems necessary to meet the payments for the works and improvements in the district. Such bonds shall not be sold for less than 90 cents on the dollar, with accrued interest, shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the aforesaid taxes. A sufficient amount of the drainage tax shall be appropriated by the board of supervisors for the purpose of paying the principal and interest of the bonds, and the same shall, when collected, be preserved in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate as provided by general law or until sufficient funds have been deposited at the place of payment, and such interest shall be appropriated by the board of supervisors out of the penalties and interest collected on delinquent taxes or other available funds of the district. However, it may, in the discretion of the board, be provided that at any time, after such date as shall be fixed by the board, the bonds may be redeemed before maturity at the option of the board, or their successors in office, by being made callable prior to maturity at such times and upon such prices and terms and other conditions as the board shall determine. If any bond so issued subject to redemption before maturity shall not be presented when called for redemption, it shall cease to bear interest from and after the date so fixed for redemption.

(2) The board of supervisors of the district may issue refunding bonds to take up any outstanding bonds and any interest accrued thereon when, in the judgment of the board, it is in the best interest of the district so to do. The board is authorized and empowered to issue refunding bonds to take up and refund all bonds of the district outstanding that are subject to call and prior redemption, and all interest accrued to the date of such call or prior redemption, and all bonds of the district that are not subject to call or

redemption, together with all accrued interest thereon, where the surrender of the bonds can be procured from the holders thereof at prices satisfactory to the board or can be exchanged for such outstanding bonds with the consent of the holder thereof. Such refunding bonds may be issued at any time when in the judgment of the board it will be to the interest of the district financially or economically to secure a lower rate of interest on the bonds or by extending the time of maturity of the bonds, or for any other reason in the judgment of the board advantageous to the district. Such refunding bonds may mature at any time or times in the discretion of the board, not later, however, than 40 years from the date of issuance of said refunding bonds. Such refunding bonds shall bear a date of issue and such other details as the board determines and may in the discretion of the board be made callable prior to maturity at such times and upon such prices and terms and other conditions as the board determines. All the other applicable provisions of this act not inconsistent therewith shall apply fully to such refunding bonds and the holders thereof shall have all the rights, remedies, and security of the outstanding bonds refunded, except as may be provided otherwise in the resolution of the board authorizing the issuance of such refunding bonds. Any funds available in the sinking fund for the payment of the principal and interest of outstanding bonds may be retained in the fund to be used for the payment of principal and interest of the refunding bonds, in the discretion of the board of supervisors. Any expenses incurred in buying any or all bonds authorized under the provisions of this section and the interest thereon and a reasonable compensation for paying same shall be paid out of the funds in the hands of the treasurer and collected for the purpose of meeting the expenses of administration. It shall be the duty of the board of supervisors in making the annual tax levy to take into account the maturing bonds and interest on all bonds and expenses and to make a provision in advance for the payment of same.

(3) In case the proceeds of the original tax levy made under the provisions of section 298.36, Florida Statutes, are not sufficient to pay the principal and interest of all bonds issued, the board of supervisors shall make such additional levy or levies upon the benefits assessed as are necessary for this purpose, and under no circumstances shall any tax levies be made that will in any manner or to any extent impair the security of the bonds or the fund available for the payment of the principal and interest of the same. The treasurer shall, at the time of the receipt by him or her of such bonds, execute and deliver to the president of the board of the district a bond with good and sufficient surety to be approved by the board, conditioned that he or she shall account for and pay over as required by law and as ordered by the board of supervisors any and all moneys received by him or her on the sale of such bonds, or any of them, and that he or she shall only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he or she shall return to the board of supervisors and duly cancel any and all bonds not sold when ordered by the board to do so. Such bonds when so returned shall remain in the custody of the president of the board of supervisors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested to do so. The treasurer shall promptly report all sales of bonds to the board of supervisors. The board shall at reasonable time thereafter prepare and issue warrants in substantially the form provided in

section 298.17, Florida Statutes, for the payment of maturing bonds so sold and the interest payments coming due on all bonds sold. Each of such warrants shall specify what bonds and accruing interest it is to pay, and the treasurer shall place sufficient funds at the place of payment to pay the maturing bonds and coupons when due, together with necessary compensation for paying same. The successor in office of any such treasurer shall not be entitled to such bonds or the proceeds thereof until he or she has complied with all of the foregoing provisions applicable to his or her predecessor in office. The aforesaid bond of the treasurer may, if the board so directs, be furnished by a surety or bonding company, which may be approved by the board of supervisors, provided that, if it is deemed more expedient to the board of supervisors as to money derived from the sale of bonds issued, the board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and disburse such moneys upon the order of the board as the work progresses, until such fund is exhausted or transferred to the treasurer by order of the board of supervisors. The funds derived from the sale of the bonds or any of them shall be used for the purpose of paying the cost of the drainage works and improvements, and such costs, fees, expenses, and salaries as may be authorized by law, and used for no other purpose.

Section 14. Full authority for issue and sale of bonds authorized.—

(1) This act shall, without reference to any other act of the Legislature, be full authority for the issuance and sale of the bonds authorized in this act, which bonds shall have all the qualities of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers or holders thereof. No proceedings in respect to the issuance of any such bonds shall be necessary, except such as are required by this act. The provisions of this act shall constitute an irrevocable contract among the board of supervisors and the Indian Trail Improvement District and the holders of any bonds and the coupons thereof issued pursuant to the provisions hereof. Any holder of any of such bonds or coupons may either in law or in equity by suit, action, or mandamus enforce and compel the performance of the duties required by this act of any of the officers or persons mentioned in this act in relation to the bonds, or to the correct enforcement and application of the taxes for the payment thereof.

(2) After the several bonds and coupons are paid and retired as provided in this act, they shall be returned to the treasurer, and they shall be canceled and an appropriate record thereof made in a book to be kept for that purpose, which record of paid and canceled bonds shall be kept at the office of the treasurer and shall be open for inspection of any bondholder at any time.

Section 15. Eminent domain.—The board of supervisors is authorized and empowered to exercise the right of eminent domain and may condemn for the use of the district any and all lands, easements, rights of way, riparian rights, and property rights of every description, in or out of the district, required for the public purposes and powers of the board as granted in this act, and may enter upon, take, and use such lands as it may deem necessary for such purposes.

Section 16. Unit development; powers of supervisors to designate units of district and adopt system of progressive drainage by units; water control plans and financing assessments, etc., for each unit.—

(1) The Board of Supervisors of Indian Trail Improvement District may drain and reclaim or more completely and intensively drain and reclaim 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 such 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 and 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, is being, or shall be instituted or carried on under the provisions of this act. If the board of supervisors determines that it is advisable to conduct the work of draining and reclaiming the lands in the district by units, as authorized by this section, it shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct such work accordingly, and shall at the same time and manner fix the number, location, and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. As soon as practicable after the adoption and recording of such resolution, the board of supervisors shall publish notice once a week for 2 consecutive weeks in a newspaper published in Palm Beach County, 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 owners of lands in such 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 the 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 the 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 to the matters mentioned and referred to in such notice, and if no objections are made, or if such objections, if made, are overruled by such board, then the board shall enter in its minutes its finding and order confirming said resolution, and may thereafter proceed with the development, drainage, and reclamation of the district by units pursuant to such resolution and to the provisions of this act. If, however, the board of supervisors finds as a result of such objections, or any of them, or the hearing thereon, that the division of the district into such units as aforesaid should not be approved, that such system of development by units should not be adopted and given effect, that the proceedings and powers authorized by this section should not be had, taken, or exercised, or that any other matter or thing embraced in such resolution would not be in the best interest of the landowners of the district or would be unjust or unfair to any landowner therein or otherwise inconsistent with fair and equal protection and enforcement of the rights of every landowner in the district, then such board of supervisors

shall not proceed further under such resolution, but such board of supervisors may, as a result of such hearing, modify or amend such resolution so as to meet such objections so made, and thereupon the board may confirm such resolution as so modified or amended and may thereafter proceed accordingly. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the board under this section; but, at any time not less than 1 year after the date of the hearing upon any such resolution, the board of supervisors may adopt other resolutions under this section and thereupon proceed on due notice in like manner as above. If the board of supervisors overrules or refuses to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner deems himself or herself aggrieved by any action of the board of supervisors in respect to any objections so filed, such landowner may, within 10 days after the ruling of the board, file a bill of complaint in a court of competent jurisdiction against the district praying an injunction or other appropriate relief against the action or any part of such action proposed by such resolution or resolutions of such board, and such suits shall be conducted like other suits, except that such suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus. Upon the hearing of such cause the court may hear the objections and receive the evidence thereon of all parties to such cause and approve or disapprove such resolutions and action of the board in whole or in part, and render such decree in such cause as right and justice require. When such resolutions creating such unit system are confirmed by the board of supervisors or by the court if such proposed action is challenged by a landowner by the judicial proceedings hereinabove authorized, the board of supervisors may adopt a plan or plans of water control for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned by the district engineer and the engineer's report considered and confirmed, all in like manner as is provided by law in regard to water control plans for and assessments for benefits and damages of the entire district. With respect to the water control plan, notices, engineer's report, and notice and confirmation thereof, the levy of assessments and taxes, including maintenance taxes, and the issuance of bonds and all other proceedings as to each and all of such units, such board shall follow and comply with the same procedure as is provided by law with respect to the entire district; and such board of supervisors has the same powers in respect to each and all of such units as is vested in it with respect to the entire district. All the provisions of this act 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. 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. The board of supervisors

may at any time amend its resolutions by changing the location and description of lands in any such unit or units; and provided, further, 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 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. However, no lands against which benefits have been assessed may be detached from any such unit after the confirmation of the engineer's report of benefits in such unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon the lands within such unit or units.

(2) If, after the confirmation of the engineer's report of benefits in such 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 water control plan for any such unit or units insufficient or inadequate for efficient development, the water control plan may be amended or changed as provided in chapter 298, Florida Statutes, 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, by detaching lands therefrom, or by adding lands thereto. In such event all assessments, levies, taxes, bonds, and other obligations made, levied, assessed, incurred, or issued for or in respect to any such unit or units may be allocated and apportioned to the amended unit or units in proportion to the benefits assessed by the engineer's report for the amended water control plan and such report shall specifically provide for such allocation and apportionment. However, a change or amendment to a designated unit is not authorized if it has the effect of impairing a debt or other obligation of the unit or district.

#### Section 17. Amendment of water control plan.—

(1) The Board of Supervisors of Indian Trail Improvement District may amend a previously approved water control plan by resolution, provided that the district engineer certifies that all land benefited by the improvements provided for in the original plan receives the same or greater benefits as previously assessed and that the estimated cost of implementing the plan, as amended, does not exceed the total benefits assessed in the manner provided by law, until such time as chapter 298, Florida Statutes, is amended to provide a process for implementing section 298.225(8), Florida Statutes.

(2) Indian Trail Improvement District may accept for maintenance additional facilities which are within its boundaries and which are donated to the district at no cost and may supplement a previously adopted water control plan to include such facilities.

Section 18. Ratification of prior acts.—All acts and proceedings of the circuit court taken by, for, and on behalf of the district since the creation thereof; all of the acts and proceedings of the board of supervisors, the commissioners, and all other officers and agents of the district, and of the

county, acting for and on behalf of the district; and any and all tax levies and assessments which have been made by the board of supervisors for and on behalf of the district, are each and every one of them, and each and every part thereof, ratified, validated, and confirmed.

Section 4. Chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473, Laws of Florida, are repealed.

Section 5. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 6. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 7. Except as otherwise provided in this act, in the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 8. A landowner referendum shall be called by the board of supervisors within 60 days after the effective date of this act on the question of whether the board of supervisors will be elected by qualified electors, as provided by section 6 of the charter contained in section 3 of this act. Notwithstanding section 298.12, Florida Statutes, all district landowners whose lands are not exempt from district assessments and may be assessed for benefits are entitled to vote in the referendum held pursuant to this section. The referendum shall be held on a one-acre/one-vote basis. If the landowners approve the election procedure described in section 6 of the charter contained in section 3 of this act by a majority vote of the acreage cast, then such section shall take effect immediately. A landowners referendum shall also be called at the same time on the question of whether the governing board shall be a 5-member or 7-member board. Provided the election procedures of section 6 of the charter contained in section 3 of this act are approved and the landowners approve a 7-member board by a majority vote of the acreage cast, then section 6 of the charter contained in section 3 of this act shall be amended to provide a 7-member board with member 6 first term of office 4 years and member 7 first term of office 2 years. If the landowners do not approve the election procedure described in section 6 of the charter contained in section 3 of this act by a majority vote of the acreage cast, then such section shall be replaced by the following:

Section 6. Board of supervisors; election; organization; meetings; powers; duties; terms of office.—

(1) The governing body of the Indian Trail Improvement District shall be the board of supervisors. The board shall have seven members who shall hold office for terms of 3 years each and shall serve until their successors shall be duly elected and qualified. Current members of the board shall continue to serve until successors are elected.

(2) Every 3rd year during the month of September, beginning September 2003, all supervisors shall be elected, as provided in this section, by the landowners of the subdistricts identified in subsection (4). All vacancies or expirations on such board shall be filled as required by this act. The Supervisors of the Indian Trail Improvement District shall be residents of the subdistrict from which elected and owners of lands or property within such subdistrict. In case of a vacancy in the office of any supervisor, the remaining supervisors may fill such vacancy until the next election, when his or her successor shall be elected by the landowners of the subdistrict which elected the supervisor.

(3) As soon as practicable after their election, the board of supervisors of the district shall organize by choosing one of their members as president of such board of supervisors and by electing some suitable person secretary, who may or may not be a member of the board. The secretary shall be required to execute a bond for the faithful performance of his or her duties in such penal amount as the board may determine. The board of supervisors shall adopt a seal which shall be the seal of the district. 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.

(4) With the assistance of the district engineer and attorney, the board shall designate seven subdistricts as nearly equal in population as practicable, no later than June 30, 2002. Redistricting of the seven subdistricts shall occur every 10 years thereafter by the end of June.

(5) The subdistricts shall be designated as subdistricts 1, 2, 3, 4, 5, 6, and 7, respectively. Beginning with the 2003 elections, a candidate for a subdistrict seat shall be a resident of the subdistrict for which he or she runs.

(6) All candidates shall qualify with the Secretary of Indian Trail Improvement District by July 30 of the year in which they run and must declare the subdistrict number for which they qualify.

(7) All assessed acreage within the Indian Trail Improvement District may be voted in any election. Each acre and any fraction thereof shall count as one vote. Only assessed acres within a subdistrict may be cast for a supervisor candidate within a designated district. The candidate receiving the most votes of the acreage cast for each subdistrict is elected. If only one candidate qualifies for a seat, that candidate shall be deemed to have received the most votes and be elected.

(8) The board shall adopt official qualifications, proxy and ballot forms, and such other policy as required to conduct elections. The board shall also appoint an independent certified public accountant who shall count all ballots and certify results of each election.

Section 9. Except as otherwise specifically provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor April 29, 2002.

Filed in Office Secretary of State April 29, 2002.