

## CHAPTER 2010-266

### Committee Substitute for House Bill No. 1487

An act relating to Spring Lake Improvement District, Highlands County; amending chapter 2005-342, Laws of Florida; deleting obsolete language and language inconsistent with or repetitive of general law; providing for minimum charter requirements; amending board, election, and term of office provisions; amending the compensation for board members to comply with general law; deleting obsolete district powers and providing additional district powers including mosquito control, fire and emergency services, and construction and maintenance of school facilities; providing for applicability of general laws; providing a ballot statement; requiring a referendum; providing an effective date.

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

Section 1. Subsections (1), (3), (12), (13), and (14) of section 1, section 4, subsections (1) and (9) of section 5, and present sections 6, 9, 10, 19, 20, 22, and 48 of section 3 of chapter 2005-342, Laws of Florida, are amended, and new sections 10, 11, and 12 are added to that section, to read:

Section 1. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following are the minimum requirements for the charter of the Spring Lake 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, and applicable general law except as herein otherwise provided.

(3) The district was created by the process contained in chapter 298, Florida Statutes, and its powers supplemented by special act.

~~(12) In accordance with this act and 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 this act and chapters 197 and 298, Florida Statutes, as they may be amended from time to time.~~

~~(12)(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 4. Applicability of ~~certain provisions~~ of chapter 298, Florida Statutes, to the Spring Lake Improvement District; inconsistent laws inapplicable.—The provisions of chapter 298, Florida Statutes, and all amendments thereto, now existing or hereafter enacted, are declared to be applicable to the Spring Lake Improvement District insofar as not

inconsistent with the provisions of this act or any subsequent special acts relating to the Spring Lake Improvement District. Notwithstanding the foregoing, the provisions of sections 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.19, 298.20, 298.23, 298.24, 298.25, 298.365, 298.366, 298.401, 298.41, 298.465, 298.48, 298.52, 298.54, 298.56, 298.57, 298.61, 298.70, 298.71, 298.72, 298.73, and 298.74, Florida Statutes, and amendments thereto, shall not be applicable to the Spring Lake Improvement District.

Section 5. Definitions.—Unless the context indicates otherwise, the following words as used in this act shall have the following meanings:

(1) “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.~~

(9) “Water management 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.

Section 6. Board; election; organization, terms of office, quorum; report and minutes.—

(1) ~~The board of the district shall be elected and shall exercise the powers granted to the district under this act and under chapter 298, Florida Statutes. The board shall consist of the number of members, and each member shall hold office for the term of years until his or her successor shall be chosen and shall qualify, as set forth in section 189.4051, Florida Statutes. All members of the board shall be landowners within the district.~~

(2) The district is governed by a five-member board of supervisors. The composition of the board, as well as the terms of office and qualification of supervisors, shall be determined pursuant to section 189.4051, Florida Statutes. All supervisors shall be landowners within the district.

(3) Those supervisors elected on a one-acre one-vote basis shall be elected at a meeting of the landowners to be held in the month of November of each year. All landowners’ meetings shall be held pursuant to sections 298.11 and 298.12, Florida Statutes. The remaining supervisors shall be elected pursuant to section 189.4051, Florida Statutes, and shall be district residents and registered voters.

(4) The terms of office for those supervisors elected on a one-acre one-vote basis shall begin with the next regularly scheduled board meeting following the election. The terms of office for all other supervisors shall begin with the next regularly scheduled board meeting after certification of the election by the Highlands County Supervisor of Elections. Before entering upon his or her official duties, all supervisors

~~(2) In the month of November of each year commencing November of 1992, there shall be held a meeting of the landowners of the district at a location within the district in Highlands County for the purpose of electing one supervisor for a term of 3 years. The president of the board at the time of the November 1992 election shall have his or her term extended until the November 1994 election. The secretary of the board at the time of the November 1992 election shall have his or her term extended until the November 1993 election. The remaining position of supervisor shall stand for election at the November 1992 meeting of landowners. Notice of said landowners meeting shall be published once a week for 2 consecutive weeks in a newspaper in Highlands County which is in general circulation within the district, the last said publication to be not less than 14 days nor 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. 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. Fractions of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. The person receiving the highest number of votes for the office of supervisor shall be declared elected as such supervisor. The owners and proxy holders of district acreage who are present at a duly noticed landowners meeting shall constitute a quorum for the purpose of holding such election or any election thereafter. The provisions of this section do not exempt the district from the election provisions of section 189.4051, Florida Statutes.~~

~~(3) Each supervisor before entering upon his or her official duties shall take and subscribe to an oath of office as prescribed in section 298.13, Florida Statutes.~~

~~(5)(4) 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 by appointment of a new supervisor or supervisors for the unexpired term of the supervisor who vacated his or her office.~~

~~(6)(5) As soon as practicable after each election, the board shall organize by choosing one of their number as president of the board and by electing a secretary, who need not be a member of the board.~~

~~(7)(6) A majority of the members of the board shall constitute a quorum.~~

~~(7) The board shall keep a permanent record book entitled "Record of Proceedings of Spring Lake Improvement District," in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, shall be recorded. Such record book shall at reasonable times be open to the inspection of any landowner, taxpayer, resident, or bondholder of the district, and such other persons as the board may determine to have a proper interest in the proceedings of the board. Such record book shall be kept at any office or other regular place of business maintained by the board in Highlands County.~~

(8) 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 7.9. Compensation of board.—Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$250 per month, provided such salary is approved by a super majority of the board \$100 per month. In addition, each supervisor shall receive reasonable traveling expenses for attending the place of meeting from his or her residence. Unless the board by resolution otherwise provides, such traveling expenses shall not be in excess of the amounts provided by law for state and county officials.

Section 8.10. Powers of the district.—The district shall have, and the board may exercise, any or all of the following powers:

(1) The district shall have the following powers:

~~(a) To contract and be contracted with; to sue and be sued by its in the name in any court of law or in equity, to make contracts, and of the district; to adopt and use a corporate seal and to alter the same at pleasure.;~~

~~(b) To acquire by purchase, gift, or condemnation devise, eminent domain, (except as limited herein), or otherwise, property, real and or personal, property, either or both any estate therein, within or without the district, and to convey and dispose be used for any 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 189 and 298, Florida Statutes.~~

~~(c) To finance, fund, construct, operate, and maintain canals, ditches, drains, levees, lakes, ponds, and other works for water management and control purposes.~~

~~(2) To adopt a water control plan; and to establish, construct, operate, and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways,~~

pumping stations, syphons, culverts, and storm sewers to drain and reclaim the lands within the district and to connect some or any of them with roads and bridges as in the judgment of the board is deemed advisable to provide access to such facilities.

~~(3) To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district and to acquire, maintain, and construct a suitable building to house the office and records of the district.~~

~~(4) To clean out, straighten, widen, open up, or change the courses and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream as within the judgment of the board is deemed advisable to drain and reclaim lands within the district; to~~

~~(d) To finance, fund, acquire, purchase, operate, and maintain pumps, plants, and pumping systems for water management and control drainage purposes; and~~

~~(e) To finance, fund, construct, operate, and maintain irrigation works, and machinery, and plants in connection with the purposes herein set forth.~~

~~(5) To regulate and set forth by appropriate resolution the drainage requirements and conditions to be met for plats to be entitled to record on any land within the district, including authority to require as a condition precedent for any platting that good and sufficient bond be posted to ensure proper drainage for the area to be platted.~~

~~(6) To borrow money and issue bonds, certificates, warrants, notes, or other evidences of indebtedness of the district as hereinafter provided.~~

~~(7) To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district; to acquire, construct, operate, maintain, use, sell convey, transfer, or otherwise provide for machines and equipment for any purpose authorized by this act or chapter 298, Florida Statutes; and to contract for the purchase, construction, operation, maintenance, use, sale, conveyance, and transfer of said machinery and equipment.~~

~~(8) To construct or enlarge, or cause to be constructed or enlarged, any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the district.~~

~~(9) To hold, control, and acquire by donation, purchase, or condemnation, any easement, reservation, or dedication in the district, for any of the purposes herein provided. To condemn as provided by chapters 73 and 74, Florida Statutes, or acquire, by purchase or grant for use in the district, any land or property within the district necessary for the purposes of this act.~~

~~(10) To access and impose an ad valorem tax, an annual drainage tax, and a maintenance tax as hereinafter provided.~~

~~(11) To impose and foreclose special assessment liens as hereinafter provided.~~

~~(12) To prohibit, regulate, and restrict by appropriate resolution all structures, materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or be a part of any facility owned or operated by the district.~~

~~(13) To administer and provide for the enforcement of all of the provisions herein, including the making, adopting, promulgating, amending, and repealing of all rules and regulations necessary or convenient for the carrying out of the duties, obligations, and powers conferred on the district created hereby.~~

~~(14) To cooperate with or contract with other drainage districts or other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district as stated in this act.~~

~~(15) To employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may from time to time determine necessary and to fix their compensation and duties.~~

~~(16) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of said district as stated in this act.~~

~~(f)(17) To finance, fund, 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 thereof; and to include as a component of roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban subdivision, homesites, and other beneficial developments as a result of the drainage operations of the district.~~

~~(18) To make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for drainage purposes within the boundaries of the district.~~

~~(19) 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 any of the purposes of this act.~~

~~(20) 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 to be necessary or desirable to prevent or alleviate land erosion. The powers granted to the district by this subsection shall be concurrent within the boundaries of the district with other public bodies, agencies, or authorities as may be authorized by law. The district is eligible to receive moneys, disbursements, and assistance from the state available to flood control or water management districts and the navigation districts or agencies.

(g)(21) To finance, fund, plan, establish own, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain, extend, and improve water systems and facilities for providing transportation throughout the district, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the district activities conducted within the district 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 outhouses, 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 byproducts 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. The plans for any water or sewer system shall be subject to the approval of the State Board of Health.

(h)(22) To own, finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parking facilities within the district boundaries.

(i) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational recreation, cultural, and educational uses including buildings and equipment for such uses, playgrounds, picnic grounds, camping facilities, and water recreation facilities within or without the district.

(j) To acquire, construct, finance, fund, operate, and maintain water plants and systems to produce, purify, and distribute water for consumption.

(k) To acquire, construct, finance, fund, operate, and maintain sewer systems for the collection, disposal, and reuse of waste and to prevent water pollution in the district.

(l) To levy non-ad valorem assessments; to prescribe, fix, establish, and collect rates, fees, rentals, fares, or other charges, and to revise the same from time to time, for the facilities and services furnished or to be furnished by the district; and to recover the cost of making connection to any district facility or system.

(m) To provide for the discontinuance of service and reasonable penalties, including attorney's fees, against any user or property for any such rates, fees, rentals, fares, or other charges that become delinquent and require collection. However, no charges or fees shall be established until after a public hearing of the board at the district at which all affected persons shall be given an opportunity to be heard.

(n) 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.

(o) To construct and maintain facilities for and take measures to control mosquitoes and other arthropods of public health importance.

(p) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(q) To borrow money and issue negotiable or other bonds of the district as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of the district therefore, bearing interest at an amount not to exceed the maximum interest allowable by law, in anticipation of the collection of taxes and assessments or revenues of the district; and to pledge or hypothecate such taxes, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same.

(r) To provide public safety, including, but not limited to, security, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such service within the district boundaries.

(s) To provide systems and facilities for fire prevention and control and emergency medical services, including the construction or purchase of fire stations, water mains and plugs, fire trucks, and other vehicles and equipment consistent with any adopted Highlands County ordinances, rules, or regulations.

(t) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, and maintain additional systems and facilities for



school buildings and related structures pursuant to this act and chapter 1013, Florida Statutes, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the district school board.

~~(23) 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.~~

~~(24) To build, install, maintain, and operate streetlights.~~

~~(u)(25) To require that all new and existing public and private utilities and services used for local distribution purposes, excluding primary feeders, be constructed underground; to construct, alter, and maintain said underground utilities; and, to the extent allowed by law, to regulate and restrict by appropriate resolution the location, type, construction, and maintenance by others of said underground utilities.~~

~~(v) To establish and create such departments, committees, boards, or other agencies, including a public relations committee, as from time to time the board of supervisors may deem necessary or desirable in the performance of this act 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.~~

~~(w)(26) To require every landowner within the district to maintain his or her respective property in a neat and attractive condition, free of high grass, weeds, underbrush, and refuse; to regulate and restrict by appropriate resolution the maintenance thereof; to mow and maintain said property on the landowner's failure to do so; and to impose, assess, collect, and place a lien upon such property for the cost and expense of mowing and maintenance by the district.~~

~~(x) 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 and through the board of supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may, from time to time, determine, and to fix their compensation and duties. However, in addition thereto, the district shall have all of the powers provided for in chapter 298, Florida Statutes. All powers and authority of the district shall extend and apply to the district as a whole and to each unit of development as, from time to time, may be designated by the board of supervisors.~~

~~(27) To exercise any and all other powers conferred upon drainage districts by chapter 298, Florida Statutes.~~

Section 10. Taxes; non-ad valorem assessments.—

(1) NON-AD VALOREM ASSESSMENTS.—Non-ad valorem assessments for the construction, operation, or maintenance of district facilities, services, and operations shall be assessed, levied, and collected pursuant to chapter 298, chapter 170, or chapter 197, Florida Statutes.

~~(2) Section 19. TAXES, ASSESSMENTS, AND COSTS; A LIEN ON LAND AGAINST WHICH ASSESSED, ETC.—Tax liens.—All taxes and assessments of the district provided for in this act or chapter 298, Florida Statutes, together with all penalties for default in the payment of the same, and all costs in collecting the same including reasonable attorney's fees fixed by the court and taxed as cost in the action brought to enforce payment, shall, from the date of January 1 for each year the property is liable to assessment thereof 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 as is provided in this act. 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 section 194.171, 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.~~

(3) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR, AND CLERK OF THE CIRCUIT COURT.—The Property Appraiser, Tax Collector, and Clerk of the Circuit Court of Highlands County shall be entitled to compensation for services performed in connection with taxes and assessments of the district as provided by general law.

(4) LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN 1 ACRE.—In levying and assessing all assessments, each tract or parcel of land less than 1 acre in area shall be assessed as a full acre, and each tract or parcel of land more than 1 acre in area which contains a fraction of an acre shall be assessed at the nearest whole number of acres, a fraction of one-half or more to be assessed as a full acre.

Section 11. When unpaid taxes and assessments delinquent; penalty.—All taxes and assessments provided for in this act shall be and become delinquent and bear penalties on the amount of the taxes in the same manner as county taxes.

Section 12. Enforcement of taxes and assessments.—The collection and enforcement of all taxes and assessments 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 the statutory provisions were expressly set forth in this act. All taxes and assessments shall be subject to the same discounts as county taxes.

Section ~~13.20~~. Issuance of revenue bonds, assessment bonds, and bond anticipation notes.—

(1) In addition to the other powers provided ~~the district, for in this act and not in limitation thereof, the district shall have the power, pursuant to this act, chapter 298, Florida Statutes, and applicable general law, 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 10 percent per annum, 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.~~

(2) Pursuant to chapter 298, Florida Statutes, this act, and applicable general law, the district shall have the power to issue assessment bonds and revenue bonds from time to time, without limitation as to amount, for the purpose of financing those systems and facilities provided for in section 8. 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 non-ad valorem 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.

(3) ~~Section 22. Issuance of bonds.—In the discretion of the board, Any issue of bonds may 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, stewardship, reconstructions, improvements, 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 ~~counseling~~ engineers in connection with such acquisition, construction, reconstruction, stewardship 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 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 party of the cost of operation of the project to which such trust agreement pertains.~~

(4) Bonds of each issue shall be dated; shall bear interest at such rate or rates, including variable rates, which interest may be tax exempt or taxable for federal income tax purposes; shall mature at such time or times from their date or dates; and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be determined by the board.

(5) The district shall have the power to issue bonds for the purpose of refunding any outstanding bonds of the district.

Section 16.48. Bids required.—No contract shall be let by the board for the construction or maintenance of any project authorized by this act, nor shall any goods, supplies, or materials be purchased except in compliance with the competitive bid or negotiations provisions of sections 255.20 and 287.055, Florida Statutes, chapter 298, Florida Statutes, other applicable general law, and the policies of the district board of supervisors when the amount thereof to be paid by said district shall exceed the amount provided in section 287.017, Florida Statutes, for category two, unless notice of bids shall be advertised once a week for 2 consecutive weeks in a newspaper published in Highlands County and in general circulation within the district, and in each case the bid of the lowest responsible bidder shall be accepted, unless all bids are rejected because the bids are too high. The board may require the bidders to furnish bond with 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.

Section 2. Sections 7, 8, 12, 13, 14, 15, 16, 17, 18, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 50, and 51 of section 3 of chapter 2005-342, Laws of Florida, are repealed.

Section 3. Referendum.—In conjunction with the general election of November 2010, the Supervisor of Elections of Highlands County shall conduct a referendum on the question of granting the Spring Lake Improvement District certain additional powers. The referendum question shall be posed as follows:

Shall the Spring Lake Improvement District be authorized to provide public safety and security services, fire rescue services with the approval of the county, and mosquito control services; to construct and maintain district transportation facilities and educational facilities with the approval of the county school board; to establish district departments, committees and boards; and to compensate its supervisors up to \$250 per month with supermajority approval of the board?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Section 4. This act shall take effect only upon its approval by a majority vote of those qualified electors of the district voting in a referendum conducted in accordance with the provisions of law relating to elections currently in force, except that this section and section 3 shall take effect upon this act becoming a law.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.