

House Bill No. 897

An act relating to the Homosassa Special Water District in Citrus County; codifying, reenacting, amending, and repealing special acts related to the District; creating a District charter; creating an independent special district; providing a District boundary; providing powers, functions, and duties of the District; providing for amendment of the charter; providing for the District purpose; providing for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing District powers, functions, and duties; providing for a District governing board; providing for a chair and secretary-treasurer; providing for general obligation bonds; providing for revenue bonds; providing for refunding bonds; providing for levy of ad valorem taxes; providing for payment of bonds; providing for authority to levy and collect tax on real and personal property for administrative costs, expenditure generally; providing for construction costs; providing for special assessments for construction, reconstruction, repair, or maintenance of improvements; providing for exemption from taxes and assessments; 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 Homosassa Special Water District, ("District"). 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 and chapter 189, Florida Statutes, as the same may be amended from time to time. It is further the intent of this act to preserve all District authority.

Section 2. Chapters 24429 (1947), 25726 (1949), 59-1177, 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528, 79-440, 80-475, 80-476, 81-360, 82-279, 83-386, 84-410, 85-399, 86-456, 88-463, 88-484, 88-533, 89-436, 89-464, 89-499, 90-418, 90-419, 92-241, 92-337, and 96-525, Laws of Florida, relating to the Homosassa Special Water District, are codified, reenacted, and repealed as provided in this act.

Section 3. The charter of the Homosassa Special Water District is recreated and reenacted to read:

Section 1. Creation, jurisdiction, and purpose.—

(1) The District is hereby created and incorporated as an independent special district, pursuant to chapter 189, Florida Statutes, to be known as the Homosassa Special Water District, in Citrus County, which special district shall be a public body corporate and politic.

(2) District boundaries shall embrace and include the territory consisting of the following:

All of Sections 25, 26, 27, 28, 33, 34, 35 and 36 in Township 19 South, Range 16 East; all of Sections 15, 20, 21, 22, 27, 28, 29, 30, 31, 32 and 33 in Township 19 South, Range 17 East; all of Sections 2, 3, 4 and 11 in Township 20 South, Range 16 East; and all of Sections 4, 5, 6, 7, 8 and 9 in Township 20 South, Range 17 East; LESS AND EXCEPT that certain subdivision known as Spring Gardens as recorded in Plat Book 11, Page 98, Public Records of Citrus County, Florida; AND Block 169, Unit No. 4 of Homosassa, as recorded in Plat Book 1, Page 46, Public Records of Citrus County, Florida; AND that part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29, Township 19 South, Range 18 East, that lies South of the Southerly right-of-way line of Grover Cleveland Boulevard, LESS AND EXCEPT those portions described in the following deeds: Warranty Deed dated August 29th, 1977, filed August 30, 1977, and recorded in O.R. Book 474, page 285, public records of Citrus County, Florida; Warranty Deed dated April 27, 1979, filed May 1, 1979, and recorded in O.R. Book 536, page 862, public records of Citrus County, Florida; Warranty Deed dated June 16, 1980, filed December 3, 1980, and recorded in O.R. Book 567, page 1144, public records of Citrus County, Florida; AND all that part of Unit No. 2, of Homosassa, Florida, according to the map or plat thereof recorded in Plat Book 1, Page 44, public records of Citrus County, Florida, lying North and West of State Road 490 and South of the County Road known as Spring Cove Road, LESS AND EXCEPT the tract of land as described in Deed from River Gulf Co., Inc., to A.R. Walker and Martha L. Walker, his wife, dated July 3, 1967, and recorded in O.R. Book 217, Page 367, public records of Citrus County, Florida; AND a parcel of land described as: Begin at the S.W. corner of Unit No. 2 of Homosassa, as recorded in Plat Book 1, Page 44, public records of Citrus County, Florida, thence N 0°22'53" W along the West line of Unit No. 2 of Homosassa a distance of 599.89 ft. to the South right-of-way line of a County Road known as Spring Cove Road, thence N 88°08'19" E along the South right-of-way line of Spring Cove Road a distance of 626.83 ft. to the N.W. corner of lands described in O.R. Book 217, Page 367, public records of Citrus County, Florida, thence S 30°08'46" W along the West boundary of lands described in O.R. Book 217, Page 367, and a Southerly projection thereof a distance of 350 feet, thence N 88°08'46" E, a distance 200 feet to the Northwesterly right-of-way line of State Road 490, thence S 30°08'46" W along the Northwesterly right-of-way line of State Road 490 a distance of 488.90 feet to the South line of said Unit No. 2 of Homosassa, thence N 76°10'29" W along the South line of said Unit No. 2 of Homosassa a distance of 413.05 feet to the Point of Beginning; AND a parcel of land described as: Commence at the NW corner of the SW $\frac{1}{4}$ of Section 27, Township 19 South, Range 17 East, thence S 0°20'05" W along the West line of said SW $\frac{1}{4}$ a distance of 2.86 feet, thence N 89°09'10" E 207.66 feet, thence N 80°30'50" E 327.26 feet, thence N 54°04'10" E 351.97 feet, thence N 63°15' E 330.22 feet, thence N 88°37'10" E 896.99 feet to the Northwesterly right-of-way line of State Road 490, thence S 30°37'20" W along said right-of-way line a distance of 29.48 feet to the POINT OF BEGINNING, said point also being on the South right-of-way line of a proposed County Road, thence continue S

30°37'20" W along aforementioned Northwesterly right-of-way line of State Road 490, a distance of 200 feet, thence S 88°37'10" W parallel to the aforementioned South right-of-way line of a proposed County Road, a distance of 200 feet, thence N 30°37'20" E 200 feet to said South right-of-way line of a proposed County Road, thence N 88°37'10" E along said South right-of-way line a distance of 200 feet to the point of beginning; AND the South 60 feet of Sections 23 and 24 of Township 19 South, Range 17 East; AND the North 60 feet of Sections 25 and 26, Township 19 South, Range 17 East; AND the South 60 feet of Sections 19, 20 and 21, Township 19 South, Range 18 East, LESS AND EXCEPT that portion lying easterly of the East right-of-way line of State Road 491; AND the North 60 feet of Sections 28, 29 and 30, Township 19 South, Range 18 East, LESS AND EXCEPT that portion lying easterly of the East right-of-way line of State Road 491; AND Lots 1, 2 and 3 of Block E, of GROVER CLEVELAND ESTATES, according to a plat thereof as recorded in Plat Book 12, Page 2 of the Public Records of Citrus County, Florida; AND Lots 1, 2, 3, together with Lots 6 through 23, according to the subdivision of HALLS RIVER ESTATES, as recorded in Plat Book 3, Page 11, Public Records of Citrus County, Florida; AND Lot 1, Block A, HAZELTON HILLS, legally described as: Commence at the SW corner of NW ¼ of Section 25, Township 19 South, Range 17 East, thence S 89°44'45" East along the South line of said NW ¼ of the NW ¼ a distance of 320.59 feet, thence N 0°11'55" East 996.92 feet to the Point of Beginning, thence continue North 00°00'55" East 83.08 feet, thence S 89°44'45" East parallel to said South line a distance of 150 feet, thence S 00°00'55" West 83.08 feet, thence N 89°44'45" West parallel to South line a distance of 150 feet to the Point of Beginning; AND commence at the NW corner of Section 29, Township 19 South, Range 18 East, thence S 00°46'57" West along the West line of said Section 29, a distance of 31.68 feet to the South right-of-way line of a paved County Road, thence S 88°59'06" East along said South right-of-way line a distance of 521.49 feet to the Point of Beginning, thence continue S 88°59'06" East along said right-of-way line a distance of 487.14 feet, thence leaving said South right-of-way line S 04°43'30" West 537.91 feet, thence N 89°13'50" West 437.26 feet, thence N 00°35'20" West 538.87 feet to the Point of Beginning; AND commence at the NW corner of Section 29, Township 19 South, Range 18 East, thence S 00°46'57" West along the West line of said Section 29, a distance of 31.68 feet to the South right-of-way line of a County Road, thence along said right-of-way line South 88°59'06" East a distance of 521.49 feet, thence leaving said right-of-way line South 00°35'20" East 538.87 feet to the Point of Beginning, thence S 89°15'50" East 295.00 feet, thence S 00°46'57" West 731.95 feet to the South line of said NW ¼ of the NW ¼ of Section 29, thence S 89°26'13" West 295.00 feet, thence N 00°46'57" East 738.82 feet to the Point of Beginning; AND begin at the SW corner of the SE ¼ of the SE ¼ of Section 24, Township 19 South, Range 17 East, thence North along the West line of SE ¼ of SE ¼ 500 feet to the Point of Beginning, thence continue North along the West line for 209 feet, thence East 209 feet, thence South 209 feet, thence West 209 feet to the Point of Beginning, together with an easement 20 feet wide extending from the above parcel along the West line of SE ¼ of SE ¼ of the County Road known as Chicken Farm Road; AND Tract

45, HOMOSASSA HIGHLANDS, as recorded in Plat Book 7, Page 33, Public Records of Citrus County, Florida; AND a subdivision of that part of the SW ¼ of Section 26, Township 19 South, Range 17 East, lying North of U.S. Highway #19 and South and West of Green Acres Addition #6, Unit #3, as recorded in Plat Book 8, Pages 94 through 100, Public Records of Citrus County, Florida, being more particularly described as follows: Commence at the NW corner of the SW ¼ of Section 26, Township 19 South, Range 17 East, thence S 0°31'51" East along the West line of said Section 26 a distance of 587 feet to the Point of Beginning, said point being on the South right-of-way line of Chelsea Road, as shown on the plat of Green Acres Addition #6, Unit #3, Plat Book 8, Pages 94 through 100, thence East along said right-of-way line 937.53 feet to a point on the West right-of-way line of Morningside Drive as shown on said plat, thence South along said right-of-way line 1818.72 feet to a point on the North right-of-way line of Green Acres Boulevard as shown on said plat, thence N 89°41'25" West along said right-of-way line 645.32 feet, thence S 44°57'05" West along said right-of-way line 256 feet to the Northeasterly right-of-way line of U.S. Highway #19, said point being 146 feet from, measured at a right angle to the centerline of said U.S. Highway #19, thence N 45°02'55" West along said right-of-way line 132.46 feet to a point on the West line of said Section 26, thence N 0°31'51" West along said West line a distance of 1927.89 feet to the Point of Beginning, less and except Lots 3 to 17, inclusive; AND Blocks 40, 52, 53 and 62, of Unit #1 of Homosassa, as recorded in Plat Book 1, page 42 and 43, public records of Citrus County, Florida, together with Block 132 and 133, of Unit #3 of Homosassa, as recorded in Plat Book 1, Page 45, Public Records of Citrus County, Florida, and Block 166 and 167, of Unit #4 of Homosassa, as recorded in Plat Book 1, Page 46, Public Records of Citrus County, Florida, more particularly described as follows: Beginning at a point formed by the intersection of the southerly right-of-way of Grover Cleveland Blvd. with the westerly right-of-way of Indiana Ave., thence easterly along the southerly right-of-way of Grover Cleveland Blvd. a distance of 2810 feet to the centerline of Missouri Ave., thence southerly along the centerline of Missouri Ave. a distance of 570 feet to the northerly right-of-way of Fourth St., thence westerly along the northerly right-of-way of Fourth St., a distance of 1,060 feet to the easterly right-of-way of Grand Parkway East, thence northerly along said easterly right-of-way a distance of 325 feet to the northerly right-of-way of Fifth St., thence westerly along said northerly right-of-way of Fifth St. 1,750 feet to the westerly right-of-way of Indiana Ave., thence northerly along said westerly right-of-way 245 feet to the southerly right-of-way line of Grover Cleveland Blvd., and the point or place of beginning; AND begin at the intersection of the Easterly right-of-way line of Marion Avenue and the northerly right-of-way line of Grand Parkway South as shown on the Plat of Villa Sites Addition to Homosassa as recorded in Plat Book 1, Pages 53 and 54, inclusive, Public Records of Citrus County, Florida, thence N 89°58'20" West along the Northerly right-of-way of said Grand Parkway South a distance of 30 feet to the West line of Section 34, Township 19 South, Range 17 East, thence S 0°01'40" West along said line a distance of 150 feet, thence S 89°58'20" East a distance of 30 feet to the intersection of said Easterly right-of-way line and said

Southerly right-of-way line of Grand Parkway South, thence S 89°58'20" East along said South right-of-way of Grand Parkway South a distance of 990 ft., to the Southwesterly right-of-way line of Kenosha Avenue as shown on said Plat, thence S 44°58'20" East along said Southwesterly right-of-way line a distance of 197.97 feet, thence S 89°58'20" East a distance of 100 feet, thence N 45°01'40" East a distance of 28.28 feet, thence S 89°58'20" East a distance of 51.89 feet to a point on the East line of the NW ¼ of the NW ¼ of Section 34, Township 19 South, Range 17 East, as shown on said Plat, thence N 0°00'08" West along said East line a distance of 378.73 feet to the NE corner of said NW ¼ of the NW ¼, thence S 89°38'40" West along the North line of said NW ¼ of the NW ¼ a distance of 204.52 feet to the most Easterly corner of Lot 1, Block 1 of said Plat of Villa Sites Addition, thence S 45°01'40" West along the Southeasterly boundary of said Lot 1, a distance of 151.87 feet, to the aforementioned Northerly right-of-way line of Grand Parkway South, thence N 89°58'30" West along said right-of-way line a distance of 990 feet to the Point of Beginning.

(3) The powers, functions, and duties of the District regarding ad valorem taxation, 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 this act and in chapters 189 and 197, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(4) The District charter created by this act may be amended only by special act of the Legislature.

(5) The purpose of the District shall be to supply water within the District for public, domestic, industrial, and fire protection and to fix and collect rates and charges for the services and facilities furnished by the water supply and distribution system and to fix and collect charges for making connections with the system.

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

Section 2. District powers, functions, and duties.—

(1) In addition to any powers, functions, and duties set forth in this act, the District shall likewise exercise such powers, functions, and duties as may be set forth in chapter 189, Florida Statutes, as the same may be amended from time to time.

(2) The District is hereby authorized and empowered:

(a) To levy ad valorem taxes and non-ad valorem assessments, as provided by this act and chapter 197, Florida Statutes, on all taxable property within the territorial boundaries of the District.

(b) To utilize the method provided in chapter 197, Florida Statutes, as the same may be amended from time to time, for collecting non-ad valorem assessments, fees, or service charges.

(c) To sue and be sued.

(d) To make and enter into contracts and agreements necessary or incidental to the performance of the duties imposed and the execution of the powers granted under this act.

(e) To adopt and use a common seal and to alter same.

(f) To acquire by grant, loan, purchase, gift, or devise or by the exercise of the right of eminent domain all property, real or personal, or any estate or interest therein necessary, desirable, or convenient for the purposes of this act and to sell, convey, lease, rent, or assign all or any part thereof and to exercise all of its powers and authority with respect thereto. The exercise of eminent domain shall be as provided for by applicable general law.

(g) To appoint and employ a superintendent, an attorney, and such other agents and employees as the District deems advisable.

(h) To plan, develop, purchase or otherwise acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate a water supply and distribution system within the territorial limits of the District.

(i) To fix and collect rates and charges for the services and facilities furnished by its water supply and distribution system and to fix and collect charges for making connections to its system.

(j) To issue revenue bonds, pursuant to section 189.4085, Florida Statutes, as the same may be amended from time to time, and otherwise by this act and general law, to pay the cost of purchasing or otherwise acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping its water supply and distribution system.

(k) To issue refunding bonds, pursuant to section 189.4085, Florida Statutes, as the same may be amended from time to time, or otherwise by general law, to refund any bonds then outstanding which shall have been issued under the provisions of this act.

(l) To do all acts or things necessary or convenient to carry out the powers expressly granted in this act.

Section 3. District governing board.—

(1) The governing body of the District shall be a board of five Commissioners elected pursuant to chapter 189, Florida Statutes, by the electors of the District in a nonpartisan election held at the time and in the manner prescribed for holding general elections. Each member of the board shall be elected for a term of 4 years and shall serve until his or her successor assumes office, except that the Commissioner who will be elected in December of the year 2003 and the three Commissioners who will be elected in

December of the year 2005 will be elected for terms of 3 years in order to make District elections consistent with the Florida General Elections.

(2) The office of each Commissioner is designated as a seat on the board, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at the time he or she qualifies, the seat on the board for which he or she is qualifying. The name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the board.

(3) Each member of the board must be a registered elector of and reside within the District boundaries at the time he or she qualifies for election and continually throughout his or her term.

(4) In the event of a vacancy, due to any cause, on the Board of Commissioners, the vacancy shall be filled for the remainder of the term by special election within 30 days after the occurrence of the vacancy unless the vacancy occurs within 90 days after a regular election.

(5) The procedures for conducting District elections and for qualification of electors shall be pursuant to section 189.405, Florida Statutes, and general law, as the same may be amended from time to time. Commissioners shall assume their respective duties on the 1st Tuesday after the 1st Monday in January after the date of such election.

(6) Special elections may be held under the call of the Chair at any time as directed by the Commissioners. Once called by the Chair, the election will occur in all respects pursuant to the provisions of the Florida Election Code.

(7) Commissioners shall receive compensation up to the amount of \$200 per month. The compensation to be received from District funds shall be set by resolution of the Commissioners for performance of their duties but may not be increased to more than \$200 per month per Commissioner without the prior approval of a majority of the qualified electors of the District voting in a referendum called for such purpose. Commissioners shall be reimbursed by the District for any expenses incurred in the performance of their duties pursuant to chapter 112, Florida Statutes, as the same may be amended from time to time.

(8) Any Commissioner may resign voluntarily and also shall be deemed to have resigned by ceasing to be a resident and qualified elector within the District.

(9) The board shall hold meetings pursuant to sections 189.416 and 189.417, Florida Statutes, as the same may be amended from time to time.

(10) A majority of the members of the Board of Commissioners shall constitute a quorum for the transaction of the business of the District. The affirmative vote of a majority of the governing board members present and voting shall be necessary to transact business.

(11) The District shall prepare and submit reports, budgets, and audits as provided in sections 189.415 and 189.418, Florida Statutes, as the same may be amended from time to time.

Section 4. Chair, Secretary-Treasurer.—At the first meeting of the Commissioners, and annually thereafter, they shall organize and designate one of the Commissioners to act as Chair and appoint a resident of the District, who need not be a Commissioner, to act as Secretary-Treasurer. The Secretary-Treasurer shall be custodian of the official proceedings, records, and funds of the District and upon order of the Board of Commissioners shall furnish bond for the performance of the Secretary-Treasurer's duties and accounting for the funds of the District. Disbursement of funds of the District shall be made only upon orders authorized by the Board, signed by the Chair and countersigned by the Secretary-Treasurer.

Section 5. General obligation bonds.—

(1) The District is hereby authorized to issue by resolution general obligation bonds with an aggregate principal amount not exceeding \$450,000, payable from rates, rentals, fees, and charges provided for hereunder and, to the extent necessary, ad valorem taxes levied as hereinafter provided, for the purpose of paying the cost of purchasing or otherwise acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping its water supply and distribution system, provided, however, that any such bonds shall have been approved by the majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in the District shall have participated. Any such election shall be held and the result thereof determined and declared in the manner provided by the election code of 1951 and chapter 189, Florida Statutes, or as such may be amended from time to time.

(2) The bonds of each issue authorized pursuant to this act shall be dated, shall mature at such time not exceeding 50 years after their date or dates, and shall bear interest at such rate or rates not exceeding 5 ½ percent per annum. Such bonds may be made redeemable before maturity at the option of the District upon such terms and conditions as the District may fix prior to their issuance. The District shall determine the form of the bonds, including interest coupons to be attached thereto, and the manner of execution thereof and shall fix the denomination of the bonds and the place of payment of principal and interest. This payment place may be at any bank or trust company within or without the state. All bonds issued under the provisions of this act shall be general obligations of the District and shall have and are hereby declared to have all of the qualities and incidents of negotiable instruments under the negotiable instruments law of Florida. The District may sell such bonds in such manner, at such time or times, and for such price as it may determine to be in the best interests of the District and, in the resolution providing for the issuance of such bonds, provisions may be made for the custody and application of the proceeds therefrom as may be deemed necessary or advantageous for safeguarding such proceeds.

Section 6. Revenue bonds.—

(1) The District is hereby authorized to provide by resolution at one time, or from time to time, for the issuance of District revenue bonds for the purpose of paying all or a part of the cost of acquisition, construction, equipping, repairing, extending, maintaining, and reconstructing a water supply

and distribution system. The revenue bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding 6 percent per annum, shall mature at such time or times, not exceeding 40 years after their date or dates, as may be determined by the District, and may be made redeemable before maturity, at the option of the District, at such price or prices and under such terms and conditions as may be fixed by the District prior to the issuance of the revenue bonds. The District shall determine the form of the revenue bonds, including any interest coupons to be attached thereto, and the manner of execution of the revenue bonds and coupons, and shall fix the denomination or denominations of the revenue bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any revenue bonds or coupons shall cease to be such officer before the delivery of such revenue bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if that officer had remained in office until such delivery. All revenue bonds issued under the provisions of this section shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments laws of Florida. The revenue bonds may be issued in coupon or registered form, or both, as the District may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such revenue bonds shall not be subject to any limitations or conditions contained in any other law, and the District may sell such revenue bonds in such manner and for such price as it may determine to be in the best interest of the District, but no such sale shall be made at a net interest cost to the District in excess of 6 percent per annum, excluding, however, from such computations the amount of any premium to be paid on redemption of any revenue bonds prior to maturity. Prior to the preparation of definitive bonds, the District may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such revenue bonds have been executed and are available for delivery. The District may also provide for the replacement of any bonds that are mutilated, destroyed, or lost.

(2) Such revenue bonds may be payable from the revenues derived from the operation of the system or of any combination thereof and from any other funds legally available therefor, including the proceeds from any special assessments levied by the District. The revenue bonds shall be entitled to such priorities on such revenues as the District shall provide. The issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the District to levy ad valorem taxes for their payment and the District shall not convey or mortgage such facilities or any part thereof as security for payment of the revenue bonds.

(3) At the discretion of the District, each or any issue of such revenue bonds may be secured by a trust agreement by and between the District and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust agreement may pledge or assign the revenues to be received by the District. The

resolution providing for the issuance of revenue bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable, proper, and not in violation of law, including covenants setting forth District duties in relation to the acquisition, construction, improvement, maintenance, operation, repair, and insurance of the system and the custody, safeguarding, and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of Florida to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the District. Such resolution or such trust agreement may restrict the individual rights of action by bondholders as is customary in trust agreements securing bonds or debentures of corporations. In addition to the foregoing, such resolution or such trust agreement may contain such other provisions as the District may deem reasonable and proper for the security of the bondholders. Except as otherwise provided in this section, the District may provide, by resolution or by trust agreement, for the payment of the bond proceeds or revenues to such officer, board, or depository as determined by the District. The District may also provide the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust agreement may be treated as part of the cost of operation of the system affected by such trust agreement.

(4) A resolution or trust agreement providing for the issuance of the revenue bonds may also contain such limitations upon the issuance of additional revenue bonds as the District may deem proper, and such additional revenue bonds shall be issued under such restrictions or limitations as may be prescribed by such resolution or trust agreement.

(5) Revenue bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau, or agency of the state or county and without any other proceeding or the happening of any condition or thing other than those proceedings, conditions, or things which are specifically required by act.

(6) The proceeds of the revenue bonds shall be used solely for the payment of the cost of the project for which such revenue bonds were issued and shall be disbursed in the manner provided in the resolution or in the trust agreement authorizing the bond issuance. If the proceeds of the revenue bonds of any issue shall exceed the amount required for the purpose for which the same shall have been issued, the surplus shall be set aside and used only for paying the principal of and interest on such bonds.

(7) Any holder of revenue bonds issued under this act or any of the coupons appertaining thereto and the trustee under any trust agreement, except to the extent that the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of Florida or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds and may enforce and compel the performance of all duties required by this section or by such trust agreement or resolution to be performed by the District or by any officer thereof.

Section 7. Refunding bonds.—The District is hereby authorized to provide by resolution for the issuance of refunding revenue bonds for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act. The District is further authorized to provide by resolution for the issuance of bonds for the combined purpose of paying the cost of any acquisition, construction, repair, extensions, additions, equipping, and reconstruction of any system facilities and refunding revenue bonds of the District which were previously issued under the provisions of this act and which remain outstanding. The issuance of such obligations, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the District with respect to the same shall be governed by the foregoing provisions of this act.

Section 8. Levy of ad valorem taxes, payment of bonds.—The District is hereby authorized and required to levy annually a tax upon all taxable property within the District sufficient to pay the principal of and interest on all bonds issued under this act as the same shall respectively become due and payable and to create a sinking fund to pay the principal thereof at or before maturity; however, any yearly revenues received in excess of the amount required to pay the current expenses of administration, operation, maintenance, renewals, and replacements of said water supply and distribution system shall be applied to pay such interest and principal and only such portion or amount of the annual tax as would otherwise be required shall be actually so levied and collected. A certified copy of the resolution or resolutions making provisions for the levy of taxes as aforesaid shall be filed with both the Board of County Commissioners of Citrus County and the State Comptroller.

Section 9. Authority to levy and collect tax on real and personal property for administrative costs, expenditure generally.—As provided in this act, the District is hereby authorized each year to levy and collect an annual tax on all taxable real and personal property in the District at a rate not exceeding 3 mills per annum, the proceeds of which shall be used and applied to the payment of the cost of administration of the District or may be expended for preliminary expenses in connection with the acquisition of such water supply and distribution system and placing the same in operation and may further be expended for the maintenance, improvement, enhancement, repair, extension, enlargement, reconstruction, ownership, operation, management, and control of said water supply and distribution system.

Section 10. Construction contracts.—All work done by the District in the construction, reconstruction, repair, maintenance, improvement, or enlargement of such water supply and distribution system involving the expenditure of more than \$5,000 shall be done by contract entered into following advertisement for bids received on a stated date pursuant to notice for sealed bids published at least once each week for 2 consecutive weeks in a newspaper or journal of general circulation among contractors in the State of Florida, and all such contracts shall be secured by performance bonds in an amount not less than 80 percent of the contract price, furnished by a surety company or companies authorized to do business in the State of Florida.

Section 11. Special assessments for construction, reconstruction, repair, or maintenance of improvements.—

(1) The District may provide for the construction, reconstruction, repair, and/or maintenance of improvements to the system of a local nature and of special benefit to the properties served thereby. Such special assessments shall be levied upon the property to be benefited by such improvements at a rate of assessment based on the special benefit accruing to such property.

(2) Special assessments against property deemed to be benefited by improvements as provided for herein shall be assessed upon the property specially benefited by the improvement and proportioned by the benefits to be derived therefrom, said special benefits to be determined and prorated according to the front footage of the respective property specially benefited by said improvement or by such other method as the board may prescribe.

(3) When the District may determine to make any improvement authorized herein, and to defray the whole or any part of the expense thereof by special assessments, the District shall so declare by resolution, stating the nature of the proposed improvement, designating the areas to be so improved, the location of the improvements, and the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from other funds designated by the District; and said resolution shall designate the lands upon which the special assessment shall be levied and in describing said lands, it shall be sufficient to describe them as "all lots and lands adjoining and contiguous to or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plan hereinafter provided for." Such resolution shall also state the total estimated cost of the improvement. Such estimated cost may include the cost of construction or reconstruction, repair, and maintenance, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, repair, and maintenance, administrative expense, and such other expense as may be necessary or incident to the financing herein authorized.

(4) Upon adoption of the resolution provided for herein, the District shall cause the resolution to be published once a week for 2 consecutive weeks in a newspaper of general circulation published in Citrus County.

(5) Upon adoption of the resolution, the District shall cause to be made a preliminary assessment roll in accordance with the method of assessment provided for in the resolution. The assessment roll shall be completed as promptly as possible and shall show the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided.

(6) Upon completion of the preliminary assessment roll, the District shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons interested therein, may appear before the District and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. A written notice of such public hearing shall be given to such property owners 10 days prior to such hearing identifying the date, time, and place of such hearing. The notice shall include the amount of the assessment and shall be served by mail to each such property owner at the owner's last known address. The District shall ascertain the names and addresses of such property owners from the Property Appraiser or from such other source as the District deems reliable, proof of such mailing to be made by a District affidavit, and such proof shall be filed with the Secretary-Treasurer of the board, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. The District shall also provide notice of the time and place of such hearing by publications placed in a newspaper of general circulation in Citrus County at least two times, at least 1 week apart, provided that the last publication shall be at least 1 week prior to the date of the hearing. The notice shall describe the areas to be improved and shall advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the District offices and are open to public inspection. Such service of publication shall be verified by proof of publication and filed with the Secretary-Treasurer of the District.

(7) At the time and place named in the notice provided for above, the Board of Commissioners shall meet and hear testimony from affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on property. Following the testimony, the board shall make a final decision on whether to levy the special assessments. Thereafter, the board shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments based on equity and fairness. When so equalized and approved by resolution of the board, a final assessment roll shall be filed with the office of the Clerk of the Circuit Court of Citrus County, and such assessment shall stand confirmed and remain legal, valid, and binding first liens upon the property against which such assessments are made until paid. However, upon completion of the improvement, the District shall credit to each of the assessments the difference in the assessment as originally made, approved, and confirmed and the proportionate part of the actual cost of the improvement to be paid by special assessments as finally determined upon the completion of the improvement, but in no event shall the final assessments exceed the amount of benefits originally assessed. Promptly after such confirmation, the assessment shall be recorded by the Clerk of the Circuit Court in Citrus County. From the date of such recording, the assessments shall constitute liens upon the properties assessed, coequal with the lien of general county and district taxes, including ad valorem taxes, and shall be superior in rank and priority to all of the liens, titles, and claims. The assessment shall be collectible and shall be entitled to sale and forfeiture in the same manner and with the

same attorney's fee, interest, and penalties for default in payments as general county taxes. Collection may also be effected by foreclosure in a court of equity, according to the laws then existing for the foreclosure of mortgages, and it shall be lawful to join in any such bill or complaint for foreclosure on any one or more lots or parcels of land, by whomsoever owned, if assessed for the same improvement made under the provisions of this section. Failure to pay any installment of principal or interest of any assessment when due shall, without notice of other proceedings, cause all installments of principal remaining unpaid to be forthwith due and payable with interest due thereon at date of default.

(8) Citrus County, the District, and each school district, municipality, or other political subdivision owning property abutting upon the improvement for which special assessments are made shall possess the same power and be subject to the same duties and liabilities with respect to the assessments under this section affecting the real estate of such county, district, municipality, or political subdivision which private owners of real estate possess or are subject to hereunder. Such real estate shall be subject to the liens of assessments in all cases to the same extent as if it had, at the time the lien attached, been owned by a private owner.

(9) All such assessment liens shall be due and payable at the office of the Tax Collector of Citrus County 30 days after the date of the recording of the assessment roll. All assessment liens not paid within said period shall become payable in not more than 10 equal annual installments, the number to be determined by the District at the time of the confirmation and approval of the assessment roll with interest at not more than 10 percent per annum from the date due; but any assessment lien becoming so payable in installments may be paid in full at any time, together with interest accrued thereon to the last day of the calendar quarter in which such payment is made.

(10) After the equalization, approval, and confirmation of the special assessments levied for the proposed improvements, the District may utilize any method allowable by law for the funding of the special assessments. These methods may include third-party financing with any reputable lender, the issuance of special assessment bonds of the District for the payment of such portion of the cost assessed against the properties specifically benefited thereby and for the reimbursement of any fund of the District from which any part of such cost has previously been paid. The amount of such bonds authorized to be issued hereunder shall not exceed in the aggregate the total amount of the assessment liens pledged for their payment and shall mature at such time or times not later than 6 months after the last installment of the special assessment liens pledged to the payment thereof, as may be determined by the District.

(11) The bonds issued under this section shall be payable solely from the special assessments, the installments thereof, and interest and penalties thereof which have been pledged to their payment and shall not be deemed to constitute a general obligation of the District for the payment of which the full faith, credit, and taxing powers thereof are pledged. The issuance of such bonds shall not directly, indirectly, or contingently obligate the District to levy or pledge any form of ad valorem taxation.

(12) All collections of assessments contained in any one assessment roll and the interest and penalties thereon shall be deposited in a separate fund properly designated, and such fund shall be pledged to, and used solely for, the payment of the cost of the improvements or for the payment of the principal of and interest on any revenue bonds or special assessment bonds issued under this section for the construction of the improvements for which said assessments were made until all of said bonds and the interest thereon shall have been fully paid. If bonds are issued for more than one improvement, all assessments collected for all such improvements may by District resolution be placed in one fund, which shall be maintained, pledged, and applied for the payment of the principal of and interest on said bonds.

(13) If any special assessment made under the provisions of this act shall be either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the District shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the District shall have omitted to make such assessment when it might have done so, the District shall take necessary steps to cause a new assessment to be made for the whole or any part of any improvement or against any property benefited by any improvement, following the provisions of this act. In the event such second assessment shall be annulled, the board may obtain and make additional assessments until a valid assessment shall be levied.

(14) All assessments and charges made pursuant to this act may be pledged to the payment of the principal of and interest on any revenue bonds or special assessment bonds issued by the District.

(15) The District may make allowances and grant credit to property owners for improvements previously made by such property owners to the extent the District determines such existing improvements to be of value and utility as a part of the improvements for which such assessment is made and may prescribe a plan for fixing and determining such allowances and credits.

(16) In fixing and enforcing the assessments provided for herein, where any land has been surveyed, subdivided, or platted into small tracts designated as lots or blocks or otherwise, and the owner of the surveyed, subdivided, or platted land recognizes such survey, subdivision, or plat, the land embraced in such may be described by reference to such whether or not any plat thereof has been recorded.

(17) If the owner or owners of any lot or parcel of land assessed under the provisions of this section and all those having any interest therein by way of mortgage or other lien or leasehold rights or otherwise shall in writing request that such assessment be divided so that a part of the same shall be the assessment on and constitute a lien on one portion of such lot or parcel and the remainder shall be the assessment on and constitute a lien or liens against the remainder of such parcel or separate parts thereof, the District, in its discretion, shall have the power to divide such assessment in accordance with such request, and thereafter the separate parts of such assessment shall be the assessments and constitute separate liens upon the parts

of the lot or parcel, respectively, into which the same shall have been so divided. Any resolution making such division shall recite a finding of the District that such division is equitable and is based upon the benefits accruing to each portion as divided.

(18) No irregularity or illegality in connection with any of the proceedings herein authorized shall affect the validity of such proceedings, the special assessments levied thereunder, or any bonds or contracts issued or executed pursuant thereto unless such irregularity or illegality shall substantially affect the rights of the District, its inhabitants, or the owners of the properties assessed for such improvements.

(19) A copy of any assessment roll, certified as correct by the Tax Collector of Citrus County, shall be admitted as evidence and shall be prima facie proof of the amount of the assessment and the property upon which said assessment is levied.

(20) When any part of an improvement to be made hereunder lies in part within the limits of an incorporated city or town, the board shall nevertheless be authorized to make such improvement with respect to the part lying within such city or town and to provide for assessing the cost thereof as herein provided if the governing body of such city or town shall by resolution or ordinance consent to the adoption and confirmation of the resolution passed or to be passed by the board offering the improvement.

Section 12. Exemption from taxation and assessments.—Pursuant to sections 189.403 and 196.199, Florida Statutes, as the same may be amended from time to time, the District shall not be required to pay any taxes or assessments upon its assets or properties or upon the income therefrom.

Section 4. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of each other section and provision of this act.

Section 6. Chapters 24429 (1947), 25726 (1949), 59-1177, 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528, 79-440, 80-475, 80-476, 81-360, 82-279, 83-386, 84-410, 85-399, 86-456, 88-463, 88-484, 88-533, 89-436, 89-464, 89-499, 90-418, 90-419, 92-241, 92-337, and 96-525, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.