

1 An act relating to Marion County; creating the Uplands  
2 Stewardship District; providing a short title; providing  
3 legislative findings and intent; providing definitions;  
4 stating legislative policy regarding creation of the district;  
5 establishing compliance with minimum requirements for creation  
6 of an independent special district; providing for creation and  
7 establishment of the district; establishing the legal  
8 boundaries of the district; providing for the jurisdiction and  
9 charter of the district; providing for a board of supervisors;  
10 providing for election, membership, terms, meetings, and  
11 duties of board members; providing a method for transition of  
12 the board from landowner control to control by the resident  
13 electors of the district; providing for a district manager and  
14 district personnel; providing for a district treasurer,  
15 selection of a public depository, and district budgets and  
16 financial reports; providing the general and special powers of  
17 the district; providing for bonds; providing for borrowing;  
18 providing for future ad valorem taxation; providing for  
19 special assessments; providing for issuance of certificates of  
20 indebtedness; providing for tax liens; providing for  
21 competitive procurement; providing for fees and charges;

22 providing for termination, contraction, expansion, or merger  
23 of the district; providing for required notices to purchasers  
24 of residential units within the district; specifying district  
25 public property; providing severability; providing for a  
26 referendum; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. This act may be cited as the "Uplands  
31 Stewardship District Act."

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

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

35 (a) The extensive lands located wholly within Marion  
36 County and covered by this act contain many opportunities for  
37 thoughtful, comprehensive, responsible, and consistent  
38 development over a long period.

39 (b) There is a need to use a single special and  
40 limited purpose independent special district unit of local  
41 government for the Uplands Stewardship District lands located  
42 within Marion County and covered by this act to provide for a

43 more comprehensive community development approach, which will  
44 facilitate an integral relationship between regional  
45 transportation, land use and urban design to provide for a  
46 diverse mix of housing and regional employment and economic  
47 development opportunities, rather than fragmented development  
48 with underutilized infrastructure generally associated with  
49 urban sprawl.

50 (c) There is a considerably long period of time during  
51 which there is a significant burden on the initial landowners  
52 of the district lands to provide various systems, facilities,  
53 and services, such that there is a need for flexible  
54 management, sequencing, timing, and financing of the various  
55 systems, facilities, and services to be provided to these  
56 lands, taking into consideration absorption rates, commercial  
57 viability, and related factors.

58 (d) While chapter 190, Florida Statutes, provides an  
59 opportunity for previous community development services and  
60 facilities to be provided by the continued use of community  
61 development districts in a manner that furthers the public  
62 interest, given the size of the Uplands Stewardship District  
63 lands and the duration of development, continuing to utilize

multiple community development districts over these lands would result in an inefficient, duplicative, and needless proliferation of local special purpose governments, contrary to the public interest and the Legislature's findings in chapter 190, Florida Statutes. Instead, it is in the public interest that the long-range provision for, and management, financing, and long-term maintenance, upkeep, and operation of, services and facilities to be provided for ultimate development and conservation of the lands covered by this act be under one coordinated entity. The creation of a single district will assist in integrating the management of state resources and allow for greater and more coordinated stewardship of natural resources.

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

(f) The existence and use of such a special and limited purpose local government for the Uplands Stewardship District lands, subject to the Marion County comprehensive

85 plan, will provide for a comprehensive and complete community  
86 development approach to promote a sustainable and efficient  
87 land use pattern for the Uplands Stewardship District lands  
88 with long-term planning for conservation and development;  
89 provide opportunities for the mitigation of impacts and  
90 development of infrastructure in an orderly and timely manner;  
91 prevent the overburdening of the local general purpose  
92 government and the taxpayers; and provide an enhanced tax base  
93 and regional employment and economic development  
94 opportunities.

95 (g) The creation and establishment of the special  
96 district will encourage local government financial self-  
97 sufficiency in providing public facilities and in identifying  
98 and implementing physically sound, innovative, and cost-  
99 effective techniques to provide and finance public facilities  
100 while encouraging development, use, and coordination of  
101 capital improvement plans by all levels of government, in  
102 accordance with the goals of chapter 187, Florida Statutes.

103 (h) The creation and establishment of the special  
104 district is a legitimate supplemental and alternative method

105 available to manage, own, operate, construct, and finance  
106 capital infrastructure systems, facilities, and services.

107       (i) In order to be responsive to the critical timing  
108 required through the exercise of its special management  
109 functions, an independent special district requires financing  
110 of those functions, including bondable lienable and  
111 nonlienable revenue, with full and continuing public  
112 disclosure and accountability, funded by landowners, both  
113 present and future, and funded also by users of the systems,  
114 facilities, and services provided to the land area by the  
115 special district, without unduly burdening the taxpayers,  
116 citizens, and ratepayers of the state or Marion County.

117       (j) The special district created and established by  
118 this act shall not have or exercise any comprehensive  
119 planning, zoning, or development permitting power; the  
120 establishment of the special district shall not be considered  
121 a development order within the meaning of chapter 380, Florida  
122 Statutes; and all applicable planning and permitting laws,  
123 rules, regulations, and policies of Marion County control the  
124 development of the land to be serviced by the special  
125 district.

126           (k) The creation by this act of the Uplands  
127 Stewardship District is not inconsistent with the Marion  
128 County comprehensive plan.

129           (1) It is the legislative intent and purpose that no  
130 debt or obligation of the special district constitute a burden  
131 on Marion County.

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

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

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

142           (c) "Assessment bonds" means special obligations of  
143 the district which are payable solely from proceeds of the  
144 special assessments or benefit special assessments levied for  
145 assessable improvements, provided that, in lieu of issuing  
146 assessment bonds to fund the costs of assessable improvements,

147 the district may issue revenue bonds for such purposes payable  
148 from assessments.

149 (d) "Assessments" means those nonmillage district  
150 assessments which include special assessments, benefit special  
151 assessments, and maintenance special assessments and a  
152 nonmillage, non-ad valorem maintenance tax if authorized by  
153 general law.

154 (e) "Benefit special assessments" means district  
155 assessments imposed, levied, and collected pursuant to section  
156 6(12) (b) .

157 (f) "Board of supervisors" or "board" means the  
158 governing body of the district or, if such board has been  
159 abolished, the board, body, or commission assuming the  
160 principal functions thereof or to whom the powers given to the  
161 board by this act have been given by law.

162 (g) "Bond" includes "certificate," and the provisions  
163 that are applicable to bonds are equally applicable to  
164 certificates. The term also includes any general obligation  
165 bond, assessment bond, refunding bond, revenue bond, bond  
166 anticipation note, and other such obligation in the nature of  
167 a bond as is provided for in this act.



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

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

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

175 3. The cost of improvements.

176 4. Engineering, architectural, fiscal, and legal  
177 expenses and charges.

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

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

182 7. Financing charges.

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

185 9. Working capital.

186 10. Interest charges incurred or estimated to be  
187 incurred on money borrowed prior to and during construction  
188 and acquisition and for such reasonable period of time after

189 completion of construction or acquisition as the board may  
190 determine.

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

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

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

198 14. Administrative expenses.

199 15. Such other expenses as may be necessary or  
200 incidental to the acquisition, construction, or reconstruction  
201 of any project, or to the financing thereof, or to the  
202 development of any lands within the district.

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

207 17. Any other expense or payment permitted by this act  
208 or allowable by law.

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

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

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

(l) "General obligation bonds" means bonds which are secured by, or provide for their payment by, the pledge of the full faith and credit and taxing power of the district.

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

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

(o) "Land development regulations" means those regulations of the general-purpose local government, adopted under the Community Planning Act, codified as part II of chapter 163, Florida Statutes, to which the district is subject and as to which the district may not do anything that is inconsistent therewith. The term "land development regulations" does not include specific management,

231 engineering, operations, or capital improvement planning,  
232 needed in the daily management, implementation, and supplying  
233 by the district of systems, facilities, services, works,  
234 improvements, projects, or infrastructure, so long as they  
235 remain subject to and are not inconsistent with the applicable  
236 county codes.

237       (p) "Landowner" means the owner of a freehold estate  
238 as it appears on the deed record, including a trustee, a  
239 private corporation, and an owner of a condominium unit. The  
240 term "landowner" does not include a reversioner, remainderman,  
241 mortgagee, or any governmental entity which shall not be  
242 counted and need not be notified of proceedings under this  
243 act. The term "landowner" also means the owner of a ground  
244 lease from a governmental entity, which leasehold interest has  
245 a remaining term, excluding all renewal options, in excess of  
246 50 years.

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

249       (r) "Non-ad valorem assessment" means only those  
250 assessments which are not based upon millage and which can

251 become a lien against a homestead as permitted in s. 4,  
252 Article X of the State Constitution.

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

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

260 2. "Special powers," which means those powers  
261 enumerated by the district charter to implement its  
262 specialized systems, facilities, services, projects,  
263 improvements, and infrastructure and related functions in  
264 order to carry out its special and limited purposes.

265 3. Any other powers, authority, or functions set forth  
266 in this act.

267 (t) "Project" means any development, improvement,  
268 property, power, utility, facility, enterprise, service,  
269 system, works, or infrastructure now existing or hereafter  
270 undertaken or established under this act.

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

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

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

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

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

303           (z) "Sewer system" means any plant, system, facility,  
304 or property, and additions, extensions, and improvements  
305 thereto at any future time constructed or acquired as part  
306 thereof, useful or necessary or having the present capacity  
307 for future use in connection with the collection, treatment,  
308 purification, or disposal of sewage, including, but not  
309 limited to, industrial wastes resulting from any process of  
310 industry, manufacture, trade, or business or from the  
311 development of any natural resource. The term also includes

treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains, laterals, and other devices for the reception and collection of sewage from premises connected therewith; all real and personal property and any interest therein; and rights, easements, and franchises of any nature relating to any such system and necessary or convenient for operation thereof.

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

(bb) "Uplands Stewardship District" means the unit of special and limited purpose local government and political subdivision created and chartered by this act, and limited to the performance of those general and special powers authorized



333 by its charter under this act, the boundaries of which are set  
334 forth by the act, the governing board of which is created and  
335 authorized to operate with legal existence by this act, and  
336 the purpose of which is as set forth in this act.

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

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

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

346 (dd) "Water system" means any plant, system, facility,  
347 or property, and any addition, extension, or improvement  
348 thereto at any future time constructed or acquired as a part  
349 thereof, useful, necessary, or having the present capacity for  
350 future use in connection with the development of sources,  
351 treatment, purification, or distribution of water. The term  
352 also includes dams, reservoirs, storage tanks, mains, lines,  
353 valves, pumping stations, laterals, and pipes for the purpose

354 of carrying water to the premises connected with such system,  
355 and all rights, easements, and franchises of any nature  
356 relating to any such system and necessary or convenient for  
357 the operation thereof.

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

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

369 (b) The district, which is a local government and a  
370 political subdivision, is limited to its special purpose as  
371 expressed in this act, with the power to provide, plan,  
372 implement, construct, maintain, and finance as a local  
373 government management entity systems, facilities, services,  
374 improvements, infrastructure, and projects, and possessing

375 financing powers to fund its management power over the long  
376 term and with sustained levels of high quality.

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

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

392           (e) The special and single purpose Uplands Stewardship  
393 District shall not have the power of a general-purpose local  
394 government to adopt a comprehensive plan or related land

development regulation as those terms are defined in the  
Community Planning Act.

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

Section 3. Minimum charter requirements; creation and  
establishment; jurisdiction; construction; charter.—

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

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

(b) 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 are set forth in section 6.

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

415           (d) The methods for amending the charter of the  
416 district are set forth in section 2.

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

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

422           (g) The provisions applicable to financial disclosure,  
423 noticing, and reporting requirements generally are set forth  
424 in sections 5 and 6.

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

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

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

432           (k) Other than taxes levied for the payment of bonds  
433 and taxes levied for periods not longer than 2 years when  
434 authorized by vote of the electors of the district, the

provisions for the authority to levy ad valorem tax and the authorized millage rate are set forth in section 6.

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

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

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

(2) The Uplands Stewardship District is created and incorporated as a public body corporate and politic, an independent special and limited purpose local government, an independent special district, under s. 189.031, Florida Statutes, as amended from time to time, and as defined in this act and in s. 189.012(3), Florida Statutes, as amended from time to time, in and for portions of Marion County. Any amendments to chapter 190, Florida Statutes, after January 1, 2025 granting additional general powers, special powers, authorities, or projects to a community development district by amendment to its uniform charter, ss. 190.006-190.041, Florida Statutes, which are not inconsistent with this act,

456 shall constitute a general power, special power, authority, or  
457 function of the \_Uplands Stewardship District. All notices  
458 for the enactment by the Legislature of this special act have  
459 been provided pursuant to the State Constitution, the Laws of  
460 Florida, and the Rules of the Florida House of Representatives  
461 and of the Florida Senate. No referendum subsequent to the  
462 effective date of this act is required as a condition of  
463 establishing the district. Therefore, the district, as created  
464 by this act, is established on the property described in this  
465 act.

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

469           (4) The jurisdiction of the district, in the exercise  
470 of its general and special powers, and in the carrying out of  
471 its special and limited purposes, is both within the external  
472 boundaries of the legal description of this district and  
473 extraterritorially when limited to, and as authorized  
474 expressly elsewhere in, the charter of the district as created  
475 in this act or applicable general law. This special and  
476 limited purpose district is created as a public body corporate

and politic, and local government authority and power is limited by its charter, this act, and subject to other general laws, including chapter 189, Florida Statutes, except that an inconsistent provision in this act shall control and the district has jurisdiction to perform such acts and exercise such authorities, functions, and powers as shall be necessary, convenient, incidental, proper, or reasonable for the implementation of its special and limited purpose regarding the sound planning, provision, acquisition, development, operation, maintenance, and related financing of those public systems, facilities, services, improvements, projects, and infrastructure works as authorized herein, including those necessary and incidental thereto. The district shall only exercise any of its powers extraterritorially within Marion County after execution of an interlocal agreement between the district and Marion County consenting to the district's exercise of any of such powers within Marion County or an applicable development order or as part of other land development regulations issued by Marion County.

(5) The exclusive charter of the Uplands Stewardship District is this act and, except as otherwise provided in



subsection (2), may be amended only by special act of the  
Legislature.

Section 4. Legal description of the Uplands  
Stewardship District.—The metes and bounds legal description  
of the district, within which there are no parcels of property  
owned by those who do not wish their property to be included  
within the district, is as follows:

A PARCEL OF LAND LOCATED IN SECTIONS \_\_, \_\_, \_\_, \_\_, \_\_, \_\_,  
AND \_\_, TOWNSHIP \_\_ SOUTH, RANGE \_\_ EAST, MARION COUNTY,  
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
Being subject to any rights-of-way, restrictions and easements  
of record.

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

(1) The board of the district shall exercise the  
powers granted to the district pursuant to this act. The board  
shall consist of five members, each of whom shall hold office  
for a term of 4 years, as provided in this section, except as  
otherwise provided herein for initial board members, and until  
a successor is chosen and qualified. The members of the board

519 must be residents of the state and citizens of the United  
520 States.

521           (2) (a) Within 90 days after the effective date of this  
522 act, there shall be held a meeting of the landowners of the  
523 district for the purpose of electing five supervisors for the  
524 district. Notice of the landowners' meeting shall be published  
525 once a week for 2 consecutive weeks in a newspaper that is in  
526 general circulation in the area of the district, the last day  
527 of such publication to be not fewer than 14 days or more than  
528 28 days before the date of the election. The landowners, when  
529 assembled at such meeting, shall organize by electing a chair,  
530 who shall conduct the meeting. The chair may be any person  
531 present at the meeting. If the chair is a landowner or proxy  
532 holder of a landowner, he or she may nominate candidates and  
533 make and second motions. The landowners present at the  
534 meeting, in person or by proxy, shall constitute a quorum. At  
535 any landowners' meeting, 50 percent of the district acreage  
536 shall not be required to constitute a quorum, and each  
537 governing board member elected by landowners shall be elected  
538 by a majority of the acreage represented either by owner or  
539 proxy present and voting at said meeting.

(b) At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. The three candidates receiving the highest number of votes shall each be elected for terms expiring November 26, 2030, and the two candidates receiving the next highest number of votes shall each be elected for terms expiring November 28, 2028, with the term of office for each successful candidate commencing upon election. The members of the first board elected by landowners shall serve their respective terms;

561 however, the next election of board members shall be held on  
562 the first Tuesday after the first Monday in November, 2028.  
563 Thereafter, there shall be an election by landowners for the  
564 district every 2 years on the first Tuesday after the first  
565 Monday in November, which shall be noticed pursuant to  
566 paragraph (a). The second and subsequent landowners' election  
567 shall be announced at a public meeting of the board at least  
568 90 days before the date of the landowners' meeting and shall  
569 also be noticed pursuant to paragraph (a). Instructions on how  
570 all landowners may participate in the election, along with  
571 sample proxies, shall be provided during the board meeting  
572 that announces the landowners' meeting. Each supervisor  
573 elected in or after November 2028 shall serve a 4-year term.

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

578 2.a. Regardless of whether the district has proposed  
579 to levy ad valorem taxes, board members shall begin being  
580 elected by qualified electors of the district as the district  
581 becomes populated with qualified electors. The transition

shall occur such that the composition of the board, after the first general election following a trigger of the qualified elector population thresholds set forth below, shall be as follows:

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

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

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

(IV) Once 23,000 qualified electors reside within the district, four governing board members shall be persons who

603 are qualified electors of the district and who were elected by  
604 the qualified electors, and one governing board member shall  
605 be a person who was elected by the landowners.

606 (V) Once 25,000 qualified electors reside within the  
607 district, all five governing board members shall be persons  
608 who are qualified electors of the district and who were  
609 elected by the qualified electors.

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

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

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

625           d. All governing board members elected by qualified  
626 electors shall reside in the district.

627           e. Once the district qualifies to have any of its  
628 board members elected by the qualified electors of the  
629 district, the initial and all subsequent elections by the  
630 qualified electors of the district shall be held at the  
631 general election in November. The board shall adopt a  
632 resolution, if necessary, to implement this requirement. The  
633 transition process described herein is intended to be in lieu  
634 of the process set forth in s. 189.041, Florida Statutes.

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

640           (c) Candidates seeking election to office by qualified  
641 electors under this subsection shall conduct their campaigns  
642 in accordance with chapter 106, Florida Statutes, and shall

643 file qualifying papers and qualify for individual seats in  
644 accordance with s. 99.061, Florida Statutes.

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

651 (4) Members of the board, regardless of how elected,  
652 shall be public officers, shall be known as supervisors, and,  
653 upon entering into office, shall take and subscribe to the  
654 oath of office as prescribed by s. 876.05, Florida Statutes.  
655 Members of the board shall be subject to ethics and conflict  
656 of interest laws of the state that apply to all local public  
657 officers. They shall hold office for the terms for which they  
658 were elected or appointed and until their successors are  
659 chosen and qualified. If, during the term of office, a vacancy  
660 occurs, the remaining members of the board shall fill each  
661 vacancy by an appointment for the remainder of the unexpired  
662 term.



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

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

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

680           (8) The board shall keep a permanent record book  
681 entitled "Record of Proceedings of the Uplands\_ Stewardship  
682 District," in which shall be recorded minutes of all meetings,  
683 resolutions, proceedings, certificates, bonds given by all

employees, and any and all corporate acts. The record book and all other district records shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the board in a designated location in Marion County.

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

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

Section 6. Board of supervisors; general duties.—

(1) DISTRICT MANAGER AND EMPLOYEES.—The board shall employ and fix the compensation of a district manager, who shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant of

705 | this act, for maintaining and operating the equipment owned by  
706 | the district, and for performing such other duties as may be  
707 | prescribed by the board. It shall not be a conflict of  
708 | interest or constitute an abuse of public position under  
709 | chapter 112, Florida Statutes, for a board member, the  
710 | district manager, or another employee of the district to be a  
711 | stockholder, officer, or employee of a landowner or an  
712 | affiliate of a landowner. The district manager may hire or  
713 | otherwise employ and terminate the employment of such other  
714 | persons, including, without limitation, professional,  
715 | supervisory, and clerical employees, as may be necessary and  
716 | authorized by the board. The compensation and other conditions  
717 | of employment of the officers and employees of the district  
718 | shall be as provided by the board.

719 |       (2) TREASURER.—The board shall designate a person who  
720 | is a resident of the state as treasurer of the district, who  
721 | shall have charge of the funds of the district. Such funds  
722 | shall be disbursed only upon the order of or pursuant to a  
723 | resolution of the board by warrant or check countersigned by  
724 | the treasurer and by such other person as may be authorized by  
725 | the board. The board may give the treasurer such other or

726 additional powers and duties as the board may deem appropriate  
727 and may fix his or her compensation. The board may require the  
728 treasurer to give a bond in such amount, on such terms, and  
729 with such sureties as may be deemed satisfactory to the board  
730 to secure the performance by the treasurer of his or her  
731 powers and duties. The financial records of the board shall be  
732 audited by an independent certified public accountant in  
733 accordance with the requirements of general law.

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

742           (4) BUDGET; REPORTS AND REVIEWS.—

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

(b) On or before July 15 of each year, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be no less than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget

768 hearing, the board shall, by resolution, adopt the budget as  
769 finally approved by the board. The budget shall be adopted  
770 prior to October 1 of each year.

771 (c) At least 60 days prior to adoption, the board of  
772 supervisors of the district shall submit to the Board of  
773 County Commissioners of Marion County, for purposes of  
774 disclosure and information only, the proposed annual budget  
775 for the ensuing fiscal year, and the commission may submit  
776 written comments to the board of supervisors solely for the  
777 assistance and information of the board of supervisors of the  
778 district in adopting its annual district budget.

779 (d) The board of supervisors of the district shall  
780 submit annually a public facilities report to the Board of  
781 County Commissioners of Marion County pursuant to Florida  
782 Statutes. The commission may use and rely on the district's  
783 public facilities report in the preparation or revision of the  
784 Marion County comprehensive plan.

785 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC  
786 ACCESS.—The district shall take affirmative steps to provide  
787 for the full disclosure of information relating to the public  
788 financing and maintenance of improvements to real property

undertaken by the district. Such information shall be made available to all existing residents and all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy; and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement. The district shall file the disclosure documents required by this subsection and any amendments thereto in the property records of each county in which the district is located. By the end of the first full fiscal year of the district's creation, the district shall maintain an official Internet website in accordance with s. 189.069, Florida Statutes.

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

(a) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile

810 thereof; to acquire, by purchase, gift, devise, or otherwise,  
811 and to dispose of, real and personal property, or any estate  
812 therein; and to make and execute contracts and other  
813 instruments necessary or convenient to the exercise of its  
814 powers.

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

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

824           (d) To borrow money and accept gifts; to apply for and  
825 use grants or loans of money or other property from the United  
826 States, the state, a unit of local government, or any person  
827 for any district purposes and enter into agreements required  
828 in connection therewith; and to hold, use, and dispose of such  
829 moneys or property for any district purposes in accordance



830 with the terms of the gift, grant, loan, or agreement relating  
831 thereto.

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

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

845           (g) To hold, control, and acquire by donation,  
846 purchase, or condemnation, or dispose of, any public  
847 easements, dedications to public use, platted reservations for  
848 public purposes, or any reservations for those purposes  
849 authorized by this act and to make use of such easements,

dedications, or reservations for the purposes authorized by this act.

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

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

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

(k) To exercise all powers of eminent domain now or hereafter conferred on counties in this state provided, however, that such power of eminent domain may not be

871 exercised outside the territorial limits of the district  
872 unless the district receives prior approval by vote of a  
873 resolution of the governing body of the county if the taking  
874 will occur in an unincorporated area in that county, or the  
875 governing body of the city if the taking will occur in an  
876 incorporated area. The district shall not have the power to  
877 exercise eminent domain over municipal, county, state, or  
878 federal property. The powers hereinabove granted to the  
879 district shall be so construed to enable the district to  
880 fulfill the objects and purposes of the district as set forth  
881 in this act.

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

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

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

891           (o) To determine, order, levy, impose, collect, and  
892 enforce assessments pursuant to this act and chapter 170,  
893 Florida Statutes, as amended from time to time, pursuant to  
894 authority granted in s. 197.3631, Florida Statutes, or  
895 pursuant to other provisions of general law now or hereinafter  
896 enacted which provide or authorize a supplemental means to  
897 order, levy, impose, or collect special assessments. Such  
898 special assessments, in the discretion of the district, may be  
899 collected and enforced pursuant to ss. 197.3632 and 197.3635,  
900 Florida Statutes, and chapters 170 and 173, Florida Statutes,  
901 as they may be amended from time to time, or as provided by  
902 this act, or by other means authorized by general law now or  
903 hereinafter enacted. The district may levy such special  
904 assessments for the purposes enumerated in this act and to pay  
905 special assessments imposed by Marion County on lands within  
906 the district.

907           (p) To exercise such special powers and other express  
908 powers as may be authorized and granted by this act in the  
909 charter of the district, including powers as provided in any  
910 interlocal agreement entered into pursuant to chapter 163,  
911 Florida Statutes, or which shall be required or permitted to

912 be undertaken by the district pursuant to any development  
913 order, including any detailed specific area plan development  
914 order, or any interlocal service agreement with Marion County  
915 or other unit of government for fair-share capital  
916 construction funding for any certain capital facilities or  
917 systems required of a developer pursuant to any applicable  
918 development order or agreement.

919           (q) To exercise all of the powers necessary,  
920 convenient, incidental, or proper in connection with any other  
921 powers or duties or the special and limited purpose of the  
922 district authorized by this act.

923  
924 This subsection shall be construed liberally in order to carry  
925 out effectively the special and limited purpose of this act.

926           (7) SPECIAL POWERS.—The district shall have, and the  
927 board may exercise, the following special powers to implement  
928 its lawful and special purpose and to provide, pursuant to  
929 that purpose, systems, facilities, services, improvements,  
930 projects, works, and infrastructure, each of which constitutes  
931 a lawful public purpose when exercised pursuant to this  
932 charter, subject to, and not inconsistent with, general law

933 regarding utility providers' territorial and service  
934 agreements, the regulatory jurisdiction and permitting  
935 authority of all other applicable governmental bodies,  
936 agencies, and any special districts having authority with  
937 respect to any area included therein, and to plan, establish,  
938 acquire, construct or reconstruct, enlarge or extend, equip,  
939 operate, finance, fund, and maintain improvements, systems,  
940 facilities, services, works, projects, and infrastructure. Any  
941 or all of the following special powers are granted by this act  
942 in order to implement the special and limited purpose of the  
943 district but do not constitute obligations to undertake such  
944 improvements, systems, facilities, services, works, projects  
945 or infrastructure:

946       (a) To provide water management and control for the  
947 lands within the district, including irrigation systems and  
948 facilities, and to connect some or any of such facilities with  
949 roads and bridges. In the event that the board assumes the  
950 responsibility for providing water management and control for  
951 the district which is to be financed by benefit special  
952 assessments, the board shall adopt plans and assessments  
953 pursuant to law or may proceed to adopt water management and

control plans, assess for benefits, and apportion and levy special assessments, as follows:

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

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

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

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

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

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

993           (b) To provide utility systems, water supply, sewer,  
994 wastewater, and reclaimed water management, reclamation, and



995 reuse, or any combination thereof, and any irrigation systems,  
996 facilities, and services and to construct and operate water  
997 systems, sewer systems, irrigation systems, and reclaimed  
998 water systems such as connecting intercepting or outlet sewers  
999 and sewer mains and pipes and water mains, conduits, or  
1000 pipelines in, along, and under any street, alley, highway, or  
1001 other public place or ways, and to dispose of any water,  
1002 effluent, residue, or other byproducts of such water system,  
1003 sewer system, irrigation system or reclaimed water system and  
1004 to enter into interlocal agreements with public entities and  
1005 other agreements with public or private entities for the same.

1006 (c) To provide bridges, culverts, wildlife corridors,  
1007 or road crossings that may be needed across any drain, ditch,  
1008 canal, floodway, holding basin, excavation, public highway,  
1009 tract, grade, fill, or cut and roadways over levees and  
1010 embankments, and to construct any and all of such works and  
1011 improvements across, through, or over any public right-of-way,  
1012 highway, grade, fill, or cut.

1013 (d) To provide district or other roads equal to or  
1014 exceeding the specifications of the county in which such  
1015 district or other roads are located, and to provide street

lights. This special power includes, but is not limited to, roads, parkways, intersections, bridges, landscaping, hardscaping, irrigation, bicycle lanes, sidewalks, jogging paths, golf cart paths, multi-modal and multiuse pathways and trails, street lighting, traffic signals, regulatory or informational signage, road striping, underground conduit, underground cable or fiber or wire installed pursuant to an agreement with or tariff of a retail provider of services, and all other customary elements of a functioning modern road system in general or as tied to the conditions of development approval for the area within and without the district, and parking facilities that are freestanding or that may be related to any innovative strategic intermodal system of transportation pursuant to applicable federal, state, and local law and ordinance.

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

(f) To provide investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the

1037 supervision or direction of a competent governmental authority  
1038 unless the covered costs benefit any person who is a landowner  
1039 within the district and who caused or contributed to the  
1040 contamination.

1041           (g) To provide observation areas, mitigation areas,  
1042 wetland creation areas, and wildlife habitat, including the  
1043 maintenance of any plant or animal species, and any related  
1044 interest in real or personal property.

1045           (h) Using its general and special powers as set forth  
1046 in this act, to provide any other project within or without  
1047 the boundaries of the district when the project is the subject  
1048 of an agreement between the district and the Board of County  
1049 Commissioners of Marion County or with any other applicable  
1050 public or private entity, and is not inconsistent with the  
1051 effective local comprehensive plans.

1052           (i) To provide parks and facilities for indoor and  
1053 outdoor recreational, cultural, and educational uses.

1054           (j) To provide school buildings and related  
1055 structures, which may be leased, sold, or donated to the  
1056 school district, for use in the educational system when  
1057 authorized by the district school board.

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

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

(m) To enter into impact fee, mobility fee, or other similar credit agreements with Marion County or other governmental bodies or a landowner developer and to sell or

1078 assign such credits, on such terms as the district deems  
1079 appropriate as provided for in such credit agreements.

1080         (n) To provide buildings and structures for district  
1081 offices, maintenance facilities, meeting facilities, town  
1082 centers, stadiums, recreational facilities such as but not  
1083 limited to sports fields, aquatic facilities, sports courts,  
1084 or any other project authorized or granted by this act.

1085         (o) To establish and create, at noticed meetings, such  
1086 departments of the board of supervisors of the district, as  
1087 well as committees, task forces, boards, or commissions, or  
1088 other agencies under the supervision and control of the  
1089 district, as from time to time the members of the board may  
1090 deem necessary or desirable in the performance of the acts or  
1091 other things necessary to exercise the board's general or  
1092 special powers to implement an innovative project to carry out  
1093 the special and limited purpose of the district as provided in  
1094 this act and to delegate the exercise of its powers to such  
1095 departments, boards, task forces, committees, or other  
1096 agencies, and such administrative duties and other powers as  
1097 the board may deem necessary or desirable, but only if there  
1098 is a set of expressed limitations for accountability, notice,

1099 and periodic written reporting to the board that shall retain  
1100 the powers of the board.

1101 (p) To provide electrical, sustainable, or green  
1102 infrastructure improvements, facilities, and services,  
1103 including, but not limited to, recycling of natural resources,  
1104 reduction of energy demands, development and generation of  
1105 alternative or renewable energy sources and technologies,  
1106 mitigation of urban heat islands, sequestration, capping or  
1107 trading of carbon emissions or carbon emissions credits, LEED  
1108 or Florida Green Building Coalition certification, and  
1109 development of facilities and improvements for low-impact  
1110 development and to enter into joint ventures, public-private  
1111 partnerships, and other agreements and to grant such easements  
1112 as may be necessary to accomplish the foregoing. Nothing  
1113 herein shall authorize the district to provide electric  
1114 service to retail customers or otherwise act to impair  
1115 electric utility franchise agreements.

1116 (q) To provide for any facilities or improvements that  
1117 may otherwise be provided for by any county or municipality,  
1118 including, but not limited to, libraries, annexes,  
1119 substations, and other buildings to house public officials,

1120 staff, and employees provided that any such facilities or  
1121 improvements are not duplicative of facilities or improvements  
1122 provided by Marion County.

1123           (r) To contract for curbside waste collection and  
1124 disposal in a manner consistent with Marion County solid waste  
1125 facilities and services.

1126           (s) To provide for the construction and operation of  
1127 communications systems and related infrastructure for the  
1128 carriage and distribution of communications services, and to  
1129 enter into joint ventures, public-private partnerships, and  
1130 other agreements and to grant such easements as may be  
1131 necessary to accomplish the foregoing. The term  
1132 "communications systems" means all facilities, buildings,  
1133 equipment, items, and methods necessary or desirable in order  
1134 to provide communications services, including, without  
1135 limitation, fiber, wires, cables, conduits, electronic  
1136 equipment, switches, wireless cell sites, computers, modems,  
1137 antennas, satellite antennae sites, transmission facilities,  
1138 network facilities, and appurtenant devices necessary and  
1139 appropriate to support the provision of communications  
1140 services. The term "communications services" includes, without

1141 limitation, all forms of broadband services, wireless  
1142 communications services, and other communications or data  
1143 transmissions services which enable users to access the  
1144 Internet and internet-related services, such as but not limed  
1145 to, voice telephone or similar services provided by voiceover  
1146 Internet protocol, cable television, data transmission  
1147 services, electronic security monitoring services, and  
1148 multichannel video programming distribution services. Nothing  
1149 herein shall authorize the district to provide communications  
1150 services to retail customers or otherwise act to impair  
1151 existing service provider franchise agreements, though the  
1152 district may contract with such providers for resale purposes.

1153       (t) To provide health care facilities and to enter  
1154 into public-private partnerships and agreements as may be  
1155 necessary to accomplish the foregoing.

1156       (u) To coordinate, work with, and, as the board deems  
1157 appropriate, enter into interlocal agreements with public  
1158 entities and other agreements with any public or private  
1159 entity for the provision of an institution or institutions of  
1160 higher education.



1161           (v) To coordinate, work with, and as the board deems  
1162 appropriate, enter into public-private partnerships and  
1163 agreements as may be necessary or useful to effectuate the  
1164 purposes of this act.

1165 The enumeration of special powers herein shall not be deemed  
1166 exclusive or restrictive but shall be deemed to incorporate  
1167 all powers express or implied necessary or incidental to  
1168 carrying out such enumerated special powers, including also  
1169 the general powers provided by this special act charter to the  
1170 district to implement its purposes. Further, this subsection  
1171 shall be construed liberally in order to carry out effectively  
1172 the special and limited purpose of this district under this  
1173 act.

1174           (8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition  
1175 to the other powers provided for in this act, and not in  
1176 limitation thereof, the district shall have the power, at any  
1177 time and from time to time after the issuance of any bonds of  
1178 the district shall have been authorized, to borrow money for  
1179 the purposes for which such bonds are to be issued in  
1180 anticipation of the receipt of the proceeds of the sale of  
1181 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 not to exceed the maximum rate allowed by general law, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but, in such event, a like amount of the bonds authorized shall not be issued.

(9) BORROWING.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the

district, which loans shall bear interest as the board determines, not to exceed the maximum rate allowed by general law, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine, subject, however, to the provisions contained in any proceeding under which bonds were theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times and to bear such interest as the board may determine, not to exceed the maximum rate allowed by general law, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district or by covenanting to budget and appropriate from such funds. The approval of the electors residing in the district shall not be necessary except when required by the State Constitution.

(10) BONDS.—

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

1. The money paid for the bonds.

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

1244           3. In the case of special assessment or revenue bonds,  
1245 the amount of any indebtedness to contractors or other persons  
1246 paid with such bonds, or the fair value of any properties  
1247 exchanged for the bonds, as determined by the board.

1248           (b) Authorization and form of bonds.—Any general  
1249 obligation bonds, special assessment bonds, or revenue bonds  
1250 may be authorized by resolution or resolutions of the board  
1251 which shall be adopted by a majority of all the members  
1252 thereof then in office. Such resolution or resolutions may be  
1253 adopted at the same meeting at which they are introduced and  
1254 need not be published or posted. The board may, by resolution,  
1255 authorize the issuance of bonds and fix the aggregate amount  
1256 of bonds to be issued; the purpose or purposes for which the  
1257 moneys derived therefrom shall be expended, including, but not  
1258 limited to, payment of costs as defined in section 2(2)(i); the  
1259 rate or rates of interest, not to exceed the maximum rate  
1260 allowed by general law; the denomination of the bonds; whether  
1261 or not the bonds are to be issued in one or more series; the  
1262 date or dates of maturity, which shall not exceed 40 years  
1263 from their respective dates of issuance; the medium of  
1264 payment; the place or places within or without the state at

which payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(1)(f) and (g), Florida Statutes, regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such

bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

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

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

(e) Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which

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

(f) Issuance of additional bonds.—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may



1328 authorize the issuance of additional bonds, upon such terms  
1329 and conditions as the board may provide in the resolution  
1330 authorizing the issuance thereof, but only in compliance with  
1331 the resolution or other proceedings authorizing the issuance  
1332 of the original bonds.

1333           (g) Refunding bonds.—The district shall have the power  
1334 to issue bonds to provide for the retirement or refunding of  
1335 any bonds or obligations of the district that at the time of  
1336 such issuance are or subsequent thereto become due and  
1337 payable, or that at the time of issuance have been called or  
1338 are, or will be, subject to call for redemption within 10  
1339 years thereafter, or the surrender of which can be procured  
1340 from the holders thereof at prices satisfactory to the board.  
1341 Refunding bonds may be issued at any time that in the judgment  
1342 of the board such issuance will be advantageous to the  
1343 district. No approval of the qualified electors residing in  
1344 the district shall be required for the issuance of refunding  
1345 bonds except in cases in which such approval is required by  
1346 the State Constitution. The board may by resolution confer  
1347 upon the holders of such refunding bonds all rights, powers,  
1348 and remedies to which the holders would be entitled if they

continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect thereto.

(h) Revenue bonds.—

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

the district, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

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

(i) General obligation bonds.—

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

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

2. The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor

and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitation as to rate or amount.

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

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

a. Any assessments levied in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured, which assessments have been equalized

1432 and confirmed by resolution of the board pursuant to this act  
1433 or s. 170.08, Florida Statutes.

1434       b. Water revenues, sewer revenues, or water and sewer  
1435 revenues of the district to be derived from user fees in an  
1436 amount sufficient to pay the principal and interest on the  
1437 general obligation bonds so additionally secured.

1438       c. Any combination of assessments and revenues  
1439 described in sub-subparagraphs a. and b.

1440       (j) Bonds as legal investment or security.—

1441       1. Notwithstanding any provisions of any other law to  
1442 the contrary, all bonds issued under this act shall constitute  
1443 legal investments for savings banks, banks, trust companies,  
1444 insurance companies, executors, administrators, trustees,  
1445 guardians, and other fiduciaries and for any board, body,  
1446 agency, instrumentality, county, municipality, or other  
1447 political subdivision of the state and shall be and constitute  
1448 security which may be deposited by banks or trust companies as  
1449 security for deposits of state, county, municipal, or other  
1450 public funds or by insurance companies as required or  
1451 voluntary statutory deposits.

1452           2. Any bonds issued by the district shall be  
1453 incontestable in the hands of bona fide purchasers or holders  
1454 for value and shall not be invalid because of any irregularity  
1455 or defect in the proceedings for the issue and sale thereof.

1456           (k) Covenants.—Any resolution authorizing the issuance  
1457 of bonds may contain such covenants as the board may deem  
1458 advisable, and all such covenants shall constitute valid and  
1459 legally binding and enforceable contracts between the district  
1460 and the bondholders, regardless of the time of issuance  
1461 thereof.

1462 Such covenants may include, without limitation, covenants  
1463 concerning the disposition of the bond proceeds; the use and  
1464 disposition of project revenues; the pledging of revenues,  
1465 taxes, and assessments; the obligations of the district with  
1466 respect to the operation of the project and the maintenance of  
1467 adequate project revenues; the issuance of additional bonds;  
1468 the appointment, powers, and duties of trustees and receivers;  
1469 the acquisition of outstanding bonds and obligations;  
1470 restrictions on the establishing of competing projects or  
1471 facilities; restrictions on the sale or disposal of the assets  
1472 and property of the district; the priority of assessment

1473 liens; the priority of claims by bondholders on the taxing  
1474 power of the district; the maintenance of deposits to ensure  
1475 the payment of revenues by users of district facilities and  
1476 services; the discontinuance of district services by reason of  
1477 delinquent payments; acceleration upon default; the execution  
1478 of necessary instruments; the procedure for amending or  
1479 abrogating covenants with the bondholders; and such other  
1480 covenants as may be deemed necessary or desirable for the  
1481 security of the bondholders.

1482       (1) Validation proceedings.—The power of the district  
1483 to issue bonds under this act may be determined, and any of  
1484 the bonds of the district maturing over a period of more than  
1485 5 years shall be validated and confirmed, by court decree,  
1486 under chapter 75, Florida Statutes, and laws amendatory  
1487 thereof or supplementary thereto.

1488       (m) Tax exemption.—To the extent allowed by general  
1489 law, all bonds issued hereunder and interest paid thereon and  
1490 all fees, charges, and other revenues derived by the district  
1491 from the projects provided by this act are exempt from all  
1492 taxes by the state or by any political subdivision, agency, or  
1493 instrumentality thereof; however, any interest, income, or



profits on debt obligations issued hereunder are not exempt from the tax imposed by chapter 220, Florida Statutes.

Further, the district is not exempt from chapter 212, Florida Statutes.

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

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

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

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

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

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

(a) Ad valorem taxes.—At such time as all members of the board are qualified electors who are elected by qualified electors of the district, the board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable

1577 improvements; to pay the principal of, and interest on, any  
1578 general obligation bonds of the district; and to provide for  
1579 any sinking or other funds established in connection with any  
1580 such bonds. An ad valorem tax levied by the board for  
1581 operating purposes, exclusive of debt service on bonds, shall  
1582 not exceed 3 mills. The ad valorem tax provided for herein  
1583 shall be in addition to county and all other ad valorem taxes  
1584 provided for by law. Such tax shall be assessed, levied, and  
1585 collected in the same manner and at the same time as county  
1586 taxes. The levy of ad valorem taxes must be approved by  
1587 referendum as required by s. 9, Article VII of the State  
1588 Constitution.

1589       (b) Benefit special assessments.—The board annually  
1590 shall determine, order, and levy the annual installment of the  
1591 total benefit special assessments for bonds issued and related  
1592 expenses to finance assessable improvements. These assessments  
1593 may be due and collected during each year county taxes are due  
1594 and collected, in which case such annual installment and levy  
1595 shall be evidenced to and certified to the property appraiser  
1596 by the board not later than August 31 of each year. Such  
1597 assessment shall be entered by the property appraiser on the

1598 county tax rolls and shall be collected and enforced by the  
1599 tax collector in the same manner and at the same time as  
1600 county taxes, and the proceeds thereof shall be paid to the  
1601 district. However, this paragraph shall not prohibit the  
1602 district in its discretion from using the method prescribed in  
1603 s. 197.3632, Florida Statutes, or chapter 173, Florida  
1604 Statutes, as each may be amended from time to time, for  
1605 collecting and enforcing these assessments. Each annual  
1606 installment of benefit special assessments shall be a lien on  
1607 the property against which assessed until paid and shall be  
1608 enforceable in like manner as county taxes. The amount of the  
1609 assessment for the exercise of the district's powers under  
1610 subsections (6) and (7) shall be determined by the board based  
1611 upon a report of the district's engineer and assessed by the  
1612 board upon such lands, which may be part or all of the lands  
1613 within the district benefited by the improvement, apportioned  
1614 between benefited lands in proportion to the benefits received  
1615 by each tract of land. The board may, if it determines it is  
1616 in the best interests of the district, set forth in the  
1617 proceedings initially levying such benefit special assessments  
1618 or in subsequent proceedings a formula for the determination

of an amount, which when paid by a taxpayer with respect to any tax parcel, shall constitute a prepayment of all future annual installments of such benefit special assessments and that the payment of which amount with respect to such tax parcel shall relieve and discharge such tax parcel of the lien of such benefit special assessments and any subsequent annual installment thereof. The board may provide further that upon delinquency in the payment of any annual installment of benefit special assessments, the prepayment amount of all future annual installments of benefit special assessments as determined in the preceding sentence shall be and become immediately due and payable together with such delinquent annual installment.

(c) Non-ad valorem maintenance taxes.—If and when authorized by general law, to maintain and to preserve the physical facilities and services constituting the works, improvements, or infrastructure owned by the district pursuant to this act, to repair and restore any one or more of them, when needed, and to defray the current expenses of the district, including any sum which may be required to pay state and county ad valorem taxes on any lands which may have been

purchased and which are held by the district under this act,  
the board of supervisors may, upon the completion of said  
systems, facilities, services, works, improvements, or  
infrastructure, in whole or in part, as may be certified to  
the board by the engineer of the board, levy annually a non-ad  
valorem and nonmillage tax upon each tract or parcel of land  
within the district, to be known as a "maintenance tax." This  
non-ad valorem maintenance tax shall be apportioned upon the  
basis of the net assessments of benefits assessed as accruing  
from the original construction and shall be evidenced to and  
certified by the board of supervisors of the district not  
later than June 1 of each year to the Marion County tax  
collector and shall be extended on the tax rolls and collected  
by the tax collector on the merged collection roll of the tax  
collector in the same manner and at the same time as county ad  
valorem taxes, and the proceeds therefrom shall be paid to the  
district. This non-ad valorem maintenance tax shall be a lien  
until paid on the property against which assessed and  
enforceable in like manner and of the same dignity as county  
ad valorem taxes.



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

1681 between the benefited lands in proportion to the benefits  
1682 received by each tract of land.

1683 (e) Special assessments.—The board may levy and impose  
1684 any special assessments pursuant to this subsection.

1685 (f) Enforcement of taxes.—The collection and  
1686 enforcement of all taxes levied by the district shall be at  
1687 the same time and in like manner as county taxes, and the  
1688 provisions of the laws of Florida relating to the sale of  
1689 lands for unpaid and delinquent county taxes; the issuance,  
1690 sale, and delivery of tax certificates for such unpaid and  
1691 delinquent county taxes; the redemption thereof; the issuance  
1692 to individuals of tax deeds based thereon; and all other  
1693 procedures in connection therewith shall be applicable to the  
1694 district to the same extent as if such statutory provisions  
1695 were expressly set forth herein. All taxes shall be subject to  
1696 the same discounts as county taxes.

1697 (g) When unpaid tax is delinquent; penalty.—All taxes  
1698 provided for in this act shall become delinquent and bear  
1699 penalties on the amount of such taxes in the same manner as  
1700 county taxes.

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

(i) Assessments constitute liens; collection.—Any and all assessments, including special assessments, benefit special assessments, and maintenance special assessments authorized by this section, and including special assessments as defined by section 2(2)(aa) and granted and authorized by this subsection, and including maintenance taxes if authorized by general law, shall constitute a lien on the property against which assessed from the date of levy and imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes. These assessments may be collected, at the district's discretion, under authority of s. 197.3631, Florida Statutes, as amended from time to time, by the tax collector pursuant to ss. 197.3632 and 197.3635, Florida Statutes, as amended from time to time, or in accordance with other collection measures provided by law. In

addition to, and not in limitation of, any powers otherwise set forth herein or in general law, these assessments may also be enforced pursuant to chapter 173, Florida Statutes, as amended from time to time.

(j) Land owned by governmental entity.—Except as otherwise provided by law, no levy of ad valorem taxes or non-ad valorem assessments under this act or chapter 170 or chapter 197, Florida Statutes, as each may be amended from time to time, or otherwise, by a board of the district, on property of a governmental entity that is subject to a ground lease as described in s. 190.003(14), Florida Statutes, shall constitute a lien or encumbrance on the underlying fee interest of such governmental entity.

(13) SPECIAL ASSESSMENTS.—

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

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

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

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

1764 issued to finance such systems, facilities, and services which  
1765 give rise to unique, special, and peculiar benefits to  
1766 property of the same or similar characteristics under the  
1767 special assessment methodology so long as such fixed  
1768 proportion does not exceed the unique, special, and peculiar  
1769 benefits enjoyed by such property from such systems,  
1770 facilities, and services.

1771         b. The engineer's cost report shall identify the  
1772 nature of the proposed systems, facilities, and services,  
1773 their location, a cost breakdown plus a total estimated cost,  
1774 including cost of construction or reconstruction, labor, and  
1775 materials, lands, property, rights, easements, franchises, or  
1776 systems, facilities, and services to be acquired, cost of  
1777 plans and specifications, surveys of estimates of costs and  
1778 revenues, costs of engineering, legal, and other professional  
1779 consultation services, and other expenses or costs necessary  
1780 or incidental to determining the feasibility or practicability  
1781 of such construction, reconstruction, or acquisition,  
1782 administrative expenses, relationship to the authority and  
1783 power of the district in its charter, and such other expenses

1784 or costs as may be necessary or incidental to the financing to  
1785 be authorized by the board of supervisors.

1786 c. The preliminary special assessment roll will be in  
1787 accordance with the assessment methodology as may be adopted  
1788 by the board of supervisors; the special assessment roll shall  
1789 be completed as promptly as possible and shall show the  
1790 acreage, lots, lands, or plats assessed and the amount of the  
1791 fairly and reasonably apportioned assessment based on special  
1792 and peculiar benefit to the property, lot, parcel, or acreage  
1793 of land; and, if the special assessment against such lot,  
1794 parcel, acreage, or portion of land is to be paid in  
1795 installments, the number of annual installments in which the  
1796 special assessment is divided shall be entered into and shown  
1797 upon the special assessment roll.

1798 2. The board of supervisors of the district may  
1799 determine and declare by an initial special assessment  
1800 resolution to levy and assess the special assessments with  
1801 respect to assessable improvements stating the nature of the  
1802 systems, facilities, and services, improvements, projects, or  
1803 infrastructure constituting such assessable improvements, the  
1804 information in the engineer's cost report, the information in

the special assessment methodology as determined by the board at the noticed meeting and referencing and incorporating as part of the resolution the engineer's cost report, the preliminary special assessment methodology, and the preliminary special assessment roll as referenced exhibits to the resolution by reference. If the board determines to declare and levy the special assessments by the initial special assessment resolution, the board shall also adopt and declare a notice resolution which shall provide and cause the initial special assessment resolution to be published once a week for a period of 2 weeks in newspapers of general circulation published in Marion County and said board shall by the same resolution fix a time and place at which the owner or owners of the property to be assessed or any other persons interested therein may appear before said board and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Thirty days' notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the special



1826 assessment and shall be served by mailing a copy to each  
1827 assessed property owner at his or her last known address, the  
1828 names and addresses of such property owners to be obtained  
1829 from the record of the property appraiser of the county  
1830 political subdivision in which the land is located or from  
1831 such other sources as the district manager or engineer deems  
1832 reliable, and proof of such mailing shall be made by the  
1833 affidavit of the district manager or by the engineer, said  
1834 proof to be filed with the district manager, provided that  
1835 failure to mail said notice or notices shall not invalidate  
1836 any of the proceedings hereunder. It is provided further that  
1837 the last publication shall be at least 1 week prior to the  
1838 date of the hearing on the final special assessment  
1839 resolution. Said notice shall describe the general areas to be  
1840 improved and advise all persons interested that the  
1841 description of each property to be assessed and the amount to  
1842 be assessed to each piece, parcel, lot, or acre of property  
1843 may be ascertained at the office of the district manager. Such  
1844 service by publication shall be verified by the affidavit of  
1845 the publisher and filed with the district manager. Moreover,  
1846 the initial special assessment resolution with its attached,

referenced, and incorporated engineer's cost report,  
preliminary special assessment methodology, and preliminary  
special assessment roll, along with the notice resolution,  
shall be available for public inspection at the office of the  
district manager and the office of the engineer or any other  
office designated by the board of supervisors in the notice  
resolution. Notwithstanding the foregoing, the landowners of  
all of the property which is proposed to be assessed may give  
the district written notice of waiver of any notice and  
publication provided for in this subparagraph and such notice  
and publication shall not be required, provided, however, that  
any meeting of the board of supervisors to consider such  
resolution shall be a publicly noticed meeting.

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

1868 questions from the members of the board or any professional  
1869 advisors to the district of the preparers of the engineer's  
1870 cost report, the special assessment methodology, and the  
1871 special assessment roll, the board of supervisors shall make a  
1872 final decision on whether to levy and assess the particular  
1873 special assessments. Thereafter, the board of supervisors  
1874 shall meet as an equalizing board to hear and to consider any  
1875 and all complaints as to the particular special assessments  
1876 and shall adjust and equalize the special assessments to  
1877 ensure proper assessment based on the benefit conferred on the  
1878 property.

1879           4. When so equalized and approved by resolution or  
1880 ordinance by the board of supervisors, to be called the final  
1881 special assessment resolution, a final special assessment roll  
1882 shall be filed with the clerk of the board and such special  
1883 assessment shall stand confirmed and remain legal, valid, and  
1884 binding first liens on the property against which such special  
1885 assessments are made until paid, equal in dignity to the first  
1886 liens of ad valorem taxation of county and municipal  
1887 governments and school boards. However, upon completion of the  
1888 systems, facilities, services, projects, improvements, works,

or infrastructure, the district shall credit to each of the assessments the difference in the special assessment as originally made, approved, levied, assessed, and confirmed and the proportionate part of the actual cost of the improvement to be paid by the particular special assessments as finally determined upon the completion of the improvement; but in no event shall the final special assessment exceed the amount of the special and peculiar benefits as apportioned fairly and reasonably to the property from the system, facility, or service being provided as originally assessed. Promptly after such confirmation, the special assessment shall be recorded by the clerk of the district in the minutes of the proceedings of the district, and the record of the lien in this set of minutes shall constitute prima facie evidence of its validity. The board of supervisors, in its sole discretion, may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing cost, such as capitalized interest, funded reserves, and bond discounts included in the estimated cost of the project, upon payment in full of any special assessments during such period prior to the time such

1910 financing costs are incurred as may be specified by the board  
1911 of supervisors in such resolution.

1912           5. District special assessments may be made payable in  
1913 installments over no more than 40 years from the date of the  
1914 payment of the first installment thereof and may bear interest  
1915 at fixed or variable rates.

1916           (b) Notwithstanding any provision of this act or  
1917 chapter 170, Florida Statutes, that portion of s. 170.09,  
1918 Florida Statutes, that provides that special assessments may  
1919 be paid without interest at any time within 30 days after the  
1920 improvement is completed and a resolution accepting the same  
1921 has been adopted by the governing authority shall not be  
1922 applicable to any district special assessments, whether  
1923 imposed, levied, and collected pursuant to this act or other  
1924 provisions of Florida law, including, but not limited to,  
1925 chapter 170, Florida Statutes.

1926           (c) In addition, the district is authorized expressly  
1927 in the exercise of its rulemaking power to adopt a rule or  
1928 rules which provide for notice, levy, imposition,  
1929 equalization, and collection of assessments.

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

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

1951 certificates may be pledged for the payment of principal of  
1952 and interest on any revenue bonds or general obligation bonds  
1953 issued to finance in whole or in part such assessable  
1954 improvement, or, if not so pledged, may be used to pay the  
1955 cost or part of the cost of such assessable improvements.

1956           (b) The district may also issue assessment bonds,  
1957 revenue bonds, or other obligations payable from a special  
1958 fund into which such certificates of indebtedness referred to  
1959 in paragraph (a) may be deposited or, if such certificates of  
1960 indebtedness have not been issued, the district may assign to  
1961 such special fund for the benefit of the holders of such  
1962 assessment bonds or other obligations, or to a trustee for  
1963 such bondholders, the assessment liens provided for in this  
1964 act unless such certificates of indebtedness or assessment  
1965 liens have been theretofore pledged for any bonds or other  
1966 obligations authorized hereunder. In the event of the creation  
1967 of such special fund and the issuance of such assessment bonds  
1968 or other obligations, the proceeds of such certificates of  
1969 indebtedness or assessment liens deposited therein shall be  
1970 used only for the payment of the assessment bonds or other  
1971 obligations issued as provided in this section. The district

is authorized to covenant with the holders of such assessment bonds, revenue bonds, or other obligations that it will diligently and faithfully enforce and collect all the special assessments, and interest and penalties thereon, for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

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



the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

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

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

(15) TAX LIENS.—All taxes of the district provided for in this act, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to

assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. In addition to, and not in limitation of, the preceding sentence, for purposes of s.197.552, Florida Statutes, the lien of all special assessments levied by the district shall constitute a lien of record held by a municipal or county governmental unit. The provisions of ss. 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.

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

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

2034           1. Pay any delinquent state, county, district,  
2035 municipal, or other tax or assessment upon lands located  
2036 wholly or partially within the boundaries of the district.

2037           2. Redeem or purchase any tax sales certificates  
2038 issued or sold on account of any state, county, district,  
2039 municipal, or other taxes or assessments upon lands located  
2040 wholly or partially within the boundaries of the district.

2041           (b) Delinquent taxes paid, or tax sales certificates  
2042 redeemed or purchased, by the district, together with all  
2043 penalties for the default in payment of the same and all costs  
2044 in collecting the same and a reasonable attorney fee, shall  
2045 constitute a lien in favor of the district of equal dignity  
2046 with the liens of state and county taxes and other taxes of  
2047 equal dignity with state and county taxes upon all the real  
2048 property against which the taxes were levied. The lien of the  
2049 district may be foreclosed in the manner provided in this act.

2050           (c) In any sale of land pursuant to s. 197.542,  
2051 Florida Statutes, as may be amended from time to time, the  
2052 district may certify to the clerk of the circuit court of the  
2053 county holding such sale the amount of taxes due to the  
2054 district upon the lands sought to be sold, and the district

shall share in the disbursement of the sales proceeds in  
accordance with this act and under the laws of the state.

(17) FORECLOSURE OF LIENS.—Any lien in favor of the  
district arising under this act may be foreclosed by the  
district by foreclosure proceedings in the name of the  
district in a court of competent jurisdiction as provided by  
general law in like manner as is provided in chapter 170 or  
chapter 173, Florida Statutes, and amendments thereto and the  
provisions of those chapters shall be applicable to such  
proceedings with the same force and effect as if those  
provisions were expressly set forth in this act. Any act  
required or authorized to be done by or on behalf of a  
municipality in foreclosure proceedings under chapter 170 or  
chapter 173, Florida Statutes, may be performed by such  
officer or agent of the district as the board of supervisors  
may designate. Such foreclosure proceedings may be brought at  
any time after the expiration of 1 year from the date any tax,  
or installment thereof, becomes delinquent; however, no lien  
shall be foreclosed against any political subdivision or  
agency of the state. Other legal remedies shall remain  
available.

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

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

(a) No contract shall be let by the board for any goods, supplies, or materials to be purchased when the amount thereof to be paid by the district shall exceed the amount provided in s. 287.017, Florida Statutes, as amended from time to time, for category four, unless notice of bids shall be advertised once in a newspaper in general circulation in Marion County. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of s. 255.20, Florida Statutes, as amended from time to time, and other applicable general law.

In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high or the board determines it is in the best interests of the district to reject all bids. The board

may require the bidders to furnish bond with a responsible surety to be approved by the board. Nothing in this subsection shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.

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

(c) Contracts for maintenance services for any district facility or project shall be subject to competitive bidding requirements when the amount thereof to be paid by the district exceeds the amount provided in s. 287.017, Florida Statutes, as amended from time to time, for category four. The district shall adopt rules, policies, or procedures establishing competitive bidding procedures for maintenance services. Contracts for other services shall not be subject to competitive bidding unless the district adopts a rule, policy, or procedure applying competitive bidding procedures to said

2118 contracts. Nothing herein shall preclude the use of requests  
2119 for proposal instead of invitations to bid as determined by  
2120 the district to be in its best interest.

2121 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR  
2122 ADOPTION AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

2123 (a) The district is authorized to prescribe, fix,  
2124 establish, and collect rates, fees, rentals, or other charges,  
2125 hereinafter sometimes referred to as "revenues," and to revise  
2126 the same from time to time, for the systems, facilities, and  
2127 services furnished by the district, including, but not limited  
2128 to, recreational facilities, water management and control  
2129 facilities, and water and sewer systems; to recover the costs  
2130 of making connection with any district service, facility, or  
2131 system; and to provide for reasonable penalties against any  
2132 user or property for any such rates, fees, rentals, or other  
2133 charges that are delinquent.

2134 (b) No such rates, fees, rentals, or other charges for  
2135 any of the facilities or services of the district shall be  
2136 fixed until after a public hearing at which all the users of  
2137 the proposed facility or services or owners, tenants, or  
2138 occupants served or to be served thereby and all other

interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper of general circulation in Marion County at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.



2159 (c) Such rates, fees, rentals, and other charges shall  
2160 be just and equitable and uniform for users of the same class,  
2161 and when appropriate may be based or computed either upon the  
2162 amount of service furnished, upon the average number of  
2163 persons residing or working in or otherwise occupying the  
2164 premises served, or upon any other factor affecting the use of  
2165 the facilities furnished, or upon any combination of the  
2166 foregoing factors, as may be determined by the board on an  
2167 equitable basis.

2168 (d) The rates, fees, rentals, or other charges  
2169 prescribed shall be such as will produce revenues, together  
2170 with any other assessments, taxes, revenues, or funds  
2171 available or pledged for such purpose, at least sufficient to  
2172 provide for the items hereinafter listed, but not necessarily  
2173 in the order stated:

2174 1. To provide for all expenses of operation and  
2175 maintenance of such facility or service.

2176 2. To pay when due all bonds and interest thereon for  
2177 the payment of which such revenues are, or shall have been,  
2178 pledged or encumbered, including reserves for such purpose.

2179           3. To provide for any other funds which may be  
2180 required under the resolution or resolutions authorizing the  
2181 issuance of bonds pursuant to this act.

2182           (e) The board shall have the power to enter into  
2183 contracts for the use of the projects of the district and with  
2184 respect to the services, systems, and facilities furnished or  
2185 to be furnished by the district.

2186           (21) RECOVERY OF DELINQUENT CHARGES.—In the event that  
2187 any rates, fees, rentals, charges, or delinquent penalties are  
2188 not paid when due and are in default for 60 days or more, the  
2189 unpaid balance thereof and all interest accrued thereon,  
2190 together with reasonable attorney fees and costs, may be  
2191 recovered by the district in a civil action.

2192           (22) DISCONTINUANCE OF SERVICE.—In the event the fees,  
2193 rentals, or other charges for district services or facilities  
2194 are not paid when due, the board shall have the power, under  
2195 such reasonable rules and regulations as the board may adopt,  
2196 to discontinue and shut off such services until such fees,  
2197 rentals, or other charges, including interest, penalties, and  
2198 charges for the shutting off and discontinuance and the  
2199 restoration of such services, are fully paid; and, for such

2200 purposes, the board may enter on any lands, waters, or  
2201 premises of any person, firm, corporation, or body, public or  
2202 private, within the district limits. Such delinquent fees,  
2203 rentals, or other charges, together with interest, penalties,  
2204 and charges for the shutting off and discontinuance and the  
2205 restoration of such services and facilities and reasonable  
2206 attorney fees and other expenses, may be recovered by the  
2207 district, which may also enforce payment of such delinquent  
2208 fees, rentals, or other charges by any other lawful method of  
2209 enforcement.

2210           (23) ENFORCEMENT AND PENALTIES.—The board or any  
2211 aggrieved person may have recourse to such remedies in law and  
2212 at equity as may be necessary to ensure compliance with this  
2213 act, including injunctive relief to enjoin or restrain any  
2214 person violating this act or any bylaws, resolutions,  
2215 regulations, rules, codes, or orders adopted under this act.  
2216 In case any building or structure is erected, constructed,  
2217 reconstructed, altered, repaired, converted, or maintained, or  
2218 any building, structure, land, or water is used, in violation  
2219 of this act or of any code, order, resolution, or other  
2220 regulation made under authority conferred by this act or under

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

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

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

remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

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

(a) The board of supervisors of the district may ask the Legislature to repeal or amend this act to expand or to contract the boundaries of the district or otherwise cause the merger or termination of the district and the district's consent may be evidenced by a resolution or other official written statement of the district.

(b) The district shall remain in existence until:

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

2. The district has become inactive pursuant to s. 189.062, Florida Statutes.

(27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS. The district may merge with one or more community development districts situated wholly within its boundaries. The district shall be the surviving entity of the merger. Any mergers shall commence upon each such community development district

2263 filing a written request for merger with the district. A copy  
2264 of the written request shall also be filed with Marion County.  
2265 The district, subject to the direction of its board of  
2266 supervisors, shall enter into a merger agreement which shall  
2267 provide for the proper allocation of debt, the manner in which  
2268 such debt shall be retired, the transition of the community  
2269 development district board, and the transfer of all financial  
2270 obligations and operating and maintenance responsibilities to  
2271 the district. The execution of the merger agreement by the  
2272 district and each community development district constitutes  
2273 consent of the landowners within each district. The district  
2274 and each community development district requesting merger  
2275 shall hold a public hearing within its boundaries to provide  
2276 information about and take public comment on the proposed  
2277 merger in the merger agreement. The public hearing shall be  
2278 held within 45 days of the initial consideration and approval  
2279 of the merger agreement by all parties thereto. Notice of the  
2280 public hearing shall be published at least 14 days before the  
2281 hearing in a newspaper of general circulation in Marion  
2282 County. At the conclusion of the public hearing each district  
2283 shall consider a resolution either approving or disapproving

the proposed merger. If the district and each community development district which is a party to the merger agreement adopt a resolution approving the proposed merger, the resolutions and the executed merger agreement shall be filed with Marion County. Upon receipt of the resolutions approving the merger and the merger agreement, Marion County shall adopt a non-emergency ordinance dissolving each community development district pursuant to s. 190.046(10), Florida Statutes.

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

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

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

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

(31) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility, service, works, improvement, project, or other infrastructure owned by the district, or funded by federal tax



2326 exempt bonding issued by the district, is public; and the  
2327 district by rule may regulate, and may impose reasonable  
2328 charges or fees for, the use thereof, but not to the extent  
2329 that such regulation or imposition of such charges or fees  
2330 constitutes denial of reasonable access.

2331           Section 7. If any provision of this act is determined  
2332 unconstitutional or otherwise determined invalid by a court of  
2333 law, all the rest and remainder of the act shall remain in  
2334 full force and effect as the law of this state.

2335           Section 8. This act shall take effect upon becoming a  
2336 law, except that the provisions of this act which authorize  
2337 the levy of ad valorem taxation shall take effect only upon  
2338 express approval by a majority vote of those qualified  
2339 electors of the Uplands Stewardship District, as required by  
2340 Section 9 of Article VII of the State Constitution, voting in  
2341 a referendum election held in the manner prescribed by general  
2342 law for holding general elections and at such time as all  
2343 members of the board are qualified electors who are elected by  
2344 qualified electors of the district as provided in this act.