

A bill to be entitled

An act relating to Spring Lake Improvement District, Highlands County; amending chapter 2005-342, Laws of Florida; amending board, election, and term of office provisions; deleting provisions relating to eminent domain; providing a limitation on the amount of bonds the district can issue; providing the authority to conduct mosquito control; and providing an effective date.

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

Section 1. Sections 6 and 10 of section 3 of chapter 2005-342, Laws of Florida, are amended to read:

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

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

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

(3) Those supervisors elected on a one-acre one-vote basis shall be elected at a meeting of the landowners to be held in the month of November of each year. All landowners' meetings shall be held pursuant to sections 298.11 and 298.12, Florida

Statutes. The remaining supervisors shall be elected pursuant to section 189.4051, Florida Statutes, and shall be district residents and registered voters.

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

~~(2) In the month of November of each year commencing November of 1992, there shall be held a meeting of the landowners of the district at a location within the district in Highlands County for the purpose of electing one supervisor for a term of 3 years. The president of the board at the time of the November 1992 election shall have his or her term extended until the November 1994 election. The secretary of the board at the time of the November 1992 election shall have his or her term extended until the November 1993 election. The remaining position of supervisor shall stand for election at the November 1992 meeting of landowners. Notice of said landowners meeting shall be published once a week for 2 consecutive weeks in a newspaper in Highlands County which is in general circulation within the district, the last said publication to be not less than 14 days nor more than 28 days before the date of the election. The landowners when assembled at such meeting shall organize by electing a chair who shall conduct the meeting. At such meeting each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district, for each person to be elected. A landowner may vote in person or by proxy in writing. Fractions of an acre shall be treated as 1 acre, entitling the landowner to one vote with~~

~~respect thereto. The person receiving the highest number of votes for the office of supervisor shall be declared elected as such supervisor. The owners and proxy holders of district acreage who are present at a duly noticed landowners meeting shall constitute a quorum for the purpose of holding such election or any election thereafter. The provisions of this section do not exempt the district from the election provisions of section 189.4051, Florida Statutes.~~

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

~~(5)~~(4) All supervisors shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any supervisor the remaining ~~supervisor or supervisors~~ constituting a quorum of at least three ~~(even though less than a quorum)~~ may fill such vacancy by appointment of a new supervisor ~~or supervisors~~ for the unexpired term of the supervisor who vacated his or her office.

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

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

~~(7) The board shall keep a permanent record book entitled "Record of Proceedings of Spring Lake Improvement District," in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, shall be recorded. Such record book shall at reasonable times be open to the inspection of any landowner, taxpayer, resident, or bondholder of the district, and such~~

~~other persons as the board may determine to have a proper interest in the proceedings of the board. Such record book shall be kept at any office or other regular place of business maintained by the board in Highlands County.~~

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

Section 10. Powers of the district.—The district shall have, and the board may exercise, any or all of the following powers:

(1) To contract and be contracted with; to sue and be sued in the name of the district; to adopt and use a seal; to acquire by purchase, gift, devise, eminent domain, (except as limited herein), or otherwise, property, real or personal, or any estate therein, within the district, to be used for any of the purposes of this act.

(2) To adopt a water control plan; and to establish, construct, operate, and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, culverts, and storm sewers to drain and reclaim the lands within the district and to connect some or any of them with roads and bridges as in the judgment of the board is deemed advisable to provide access to such facilities.

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

(4) To clean out, straighten, widen, open up, or change the courses and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream as within the judgment of the board is deemed advisable to drain and reclaim lands within the district; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes; and to construct, operate, and maintain irrigation works and machinery in connection with the purposes herein set forth.

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

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

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

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

highway, grade, fill, or cut in or out of the district.

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

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

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

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

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

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

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

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

(17) To construct, improve, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban subdivision, homesites, and other beneficial developments as a result of the drainage operations of the district.

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

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

(20) To regulate the supply and level of water within the district; to divert waters from one area, lake, pond, river, stream, basin, or drainage or water flood control facility to any other area, lake, pond, river, stream, basin, or drainage and water flood control facility; to regulate control and restrict the development and use of natural or artificial streams or bodies of water, lakes, or ponds; and to take all measures determined by the board to be necessary or desirable to prevent or alleviate land erosion. The powers granted to the district by this subsection shall be concurrent within the boundaries of the district with other public bodies, agencies, or authorities as may be authorized by law. The district is eligible to receive moneys, disbursements, and assistance from the state available to flood control or water management

districts and the navigation districts or agencies.

(21) To own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve water systems and sewer systems or combined water and sewer systems; to regulate the use of sewers and the supply of water within the district and to prohibit or regulate the use and maintenance of outhouses, privies, septic tanks, or other sanitary structures or appliances within the district; to prescribe methods of pretreatment of wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such wastes when not sufficiently pretreated as may be prescribed, and to prescribe penalties for the refusal of any person or corporation to so pretreat such wastes; to sell or otherwise dispose of the effluent, sludge, or other byproducts as a result of sewage treatment; and to construct and operate connecting, intercepting, or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, or under any street, alleys, highways, or other public places or ways within or without the district, when deemed necessary or desirable by the board. The plans for any water or sewer system shall be subject to the approval of the State Board of Health.

(22) To own, acquire, construct, operate, and maintain parks and facilities for indoor and outdoor recreation, cultural, and educational uses including buildings and equipment for such uses, playgrounds, picnic grounds, camping facilities, and water recreation facilities within or without the district.

(23) To issue general obligation bonds, revenue bonds, assessment bonds, or any other bonds or obligations authorized by the provisions of this act or any other law, or any combination of the foregoing, to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, maintenance, or operation of any project or

combination of projects, to provide for any facility, service, or other activity of the district and to provide for the retirement or refunding of any bonds or obligations of the district, or for any combination of the foregoing purposes. However, the aggregate principal amount of bonds outstanding at any one time shall not exceed 15 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 any new bond issue. If the District wishes to issue bonds in excess of this amount, the amount of the excess bond issuance shall be approved by a majority vote of landowners voting on a one acre one vote basis in a referendum.

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

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

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

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

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

Section 2. This act shall take effect upon becoming law.