

## CHAPTER 2012-264

### Committee Substitute for House Bill No. 1495

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; repealing chapter 2010-266, Laws of Florida; removing language proposing changes to the district charter which did not take effect for failure of adoption at a referendum; requiring a referendum and providing a ballot statement; providing for repeal of the act if the referendum fails; providing an effective date.

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

Section 1. Section 6 and subsections (1), (9), and (23) of section 10 of section 3 of chapter 2005-342, Laws of Florida, are amended, present subsection (27) of section 10 of section 3 is renumbered as subsection (28), and a new subsection (27) is added to section 10 of section 3 of that chapter, 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 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 after 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.~~

~~(8)(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.

(9)(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.

(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.~~

(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 may 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 must be approved by a majority vote of landowners voting on a one-acre/one-vote basis in a referendum.

(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. Chapter 2010-266, Laws of Florida, is repealed.

Section 3. By July 1, 2012, the Spring Lake Improvement District shall conduct a referendum of landowners voting on a one-acre/one-vote basis on the question of granting the Spring Lake Improvement District the power to provide mosquito control services. The referendum question shall be posed as follows:

Shall the Spring Lake Improvement District be authorized to provide mosquito control services?

.....Yes

.....No

Section 4. This act shall take effect upon becoming a law; however, if the referendum required in section 3 fails to receive approval from a majority of landowners voting on a one-acre/one-vote basis, this act shall stand repealed on December 31, 2012.

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.