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CS/HB 1495

2012 Legislature

1
2 An act relating to Spring Lake Improvement District,
3 Highlands County; amending chapter 2005-342, Laws of
4 Florida; amending board, election, and term of office
5 provisions; deleting provisions relating to eminent
6 domain; providing a limitation on the amount of bonds
7 the district can issue; providing the authority to
8 conduct mosquito control; repealing chapter 2010-266,
9 Laws of Florida; removing language proposing changes
10 to the district charter which did not take effect for
11 failure of adoption at a referendum; requiring a
12 referendum and providing a ballot statement; providing
13 for repeal of the act if the referendum fails;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 6 and subsections (1), (9), and (23) of
19 section 10 of section 3 of chapter 2005-342, Laws of Florida,
20 are amended, present subsection (27) of section 10 of section 3
21 is renumbered as subsection (28), and a new subsection (27) is
22 added to section 10 of section 3 of that chapter, to read:

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

25 (1) The board of the district shall be elected and shall
26 exercise the powers granted to the district under this act and
27 under chapter 298, Florida Statutes. ~~The board shall consist of~~
28 ~~the number of members, and each member shall hold office for the~~

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29 ~~term of years until his or her successor shall be chosen and~~
30 ~~shall qualify, as set forth in section 189.4051, Florida~~
31 ~~Statutes. All members of the board shall be landowners within~~
32 ~~the district.~~

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

38 (3) Those supervisors elected on a one-acre/one-vote basis
39 shall be elected at a meeting of the landowners to be held in
40 November of each year. All landowners' meetings shall be held
41 pursuant to sections 298.11 and 298.12, Florida Statutes. The
42 remaining supervisors shall be elected pursuant to section
43 189.4051, Florida Statutes, and shall be district residents and
44 registered voters.

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

52 ~~(2) In the month of November of each year commencing~~
53 ~~November of 1992, there shall be held a meeting of the~~
54 ~~landowners of the district at a location within the district in~~
55 ~~Highlands County for the purpose of electing one supervisor for~~
56 ~~a term of 3 years. The president of the board at the time of the~~

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57 ~~November 1992 election shall have his or her term extended until~~
58 ~~the November 1994 election. The secretary of the board at the~~
59 ~~time of the November 1992 election shall have his or her term~~
60 ~~extended until the November 1993 election. The remaining~~
61 ~~position of supervisor shall stand for election at the November~~
62 ~~1992 meeting of landowners. Notice of said landowners meeting~~
63 ~~shall be published once a week for 2 consecutive weeks in a~~
64 ~~newspaper in Highlands County which is in general circulation~~
65 ~~within the district, the last said publication to be not less~~
66 ~~than 14 days nor more than 28 days before the date of the~~
67 ~~election. The landowners when assembled at such meeting shall~~
68 ~~organize by electing a chair who shall conduct the meeting. At~~
69 ~~such meeting each landowner shall be entitled to cast one vote~~
70 ~~per acre of land owned by him or her and located within the~~
71 ~~district, for each person to be elected. A landowner may vote in~~
72 ~~person or by proxy in writing. Fractions of an acre shall be~~
73 ~~treated as 1 acre, entitling the landowner to one vote with~~
74 ~~respect thereto. The person receiving the highest number of~~
75 ~~votes for the office of supervisor shall be declared elected as~~
76 ~~such supervisor. The owners and proxy holders of district~~
77 ~~acreage who are present at a duly noticed landowners meeting~~
78 ~~shall constitute a quorum for the purpose of holding such~~
79 ~~election or any election thereafter. The provisions of this~~
80 ~~section do not exempt the district from the election provisions~~
81 ~~of section 189.4051, Florida Statutes.~~

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

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85 (5)~~(4)~~ All supervisors shall hold office for the terms for
86 which they are elected or appointed and until their successors
87 shall be chosen and qualify. In case of a vacancy in the office
88 of any supervisor the remaining ~~supervisor or~~ supervisors
89 constituting a quorum of at least three ~~(even though less than a~~
90 ~~quorum)~~ may fill such vacancy by appointment of a new supervisor
91 ~~or supervisors~~ for the unexpired term of the supervisor who
92 vacated his or her office.

93 (6)~~(5)~~ As soon as practicable after each election, the
94 board shall organize by choosing one of their number as
95 president of the board and by electing a secretary, who need not
96 be a member of the board.

97 (7)~~(6)~~ A majority of the members of the board shall
98 constitute a quorum.

99 (8)~~(7)~~ The board shall keep a permanent record book
100 entitled "Record of Proceedings of Spring Lake Improvement
101 District," in which the minutes of all meetings, resolutions,
102 proceedings, certificates, bonds given by all employees, and any
103 and all corporate acts, shall be recorded. Such record book
104 shall at reasonable times be open to the inspection of any
105 landowner, taxpayer, resident, or bondholder of the district,
106 and such other persons as the board may determine to have a
107 proper interest in the proceedings of the board. Such record
108 book shall be kept at any office or other regular place of
109 business maintained by the board in Highlands County.

110 (9)~~(8)~~ Whenever any election shall be authorized or
111 required by this act to be held by the landowners at any
112 particular or stated time or day, and if for any reason such

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113 election is not held at such time or on such day, then in such
114 event the power or duty to hold such election shall not cease or
115 lapse, but such election shall be held thereafter when
116 practicable, and in accordance with the procedures provided by
117 this act.

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

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

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

134 (23) To issue general obligation bonds, revenue bonds,
135 assessment bonds, or any other bonds or obligations authorized
136 by the provisions of this act or any other law, or any
137 combination of the foregoing, to pay all or part of the cost of
138 the acquisition, construction, reconstruction, extension,
139 repair, improvement, maintenance, or operation of any project or
140 combination of projects, to provide for any facility, service,

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141 or other activity of the district and to provide for the
 142 retirement or refunding of any bonds or obligations of the
 143 district, or for any combination of the foregoing purposes.
 144 However, the aggregate principal amount of bonds outstanding at
 145 any one time may not exceed 15 percent of the assessed value of
 146 the taxable property within the district as shown on the
 147 pertinent tax records at the time of the authorization of any
 148 new bond issue. If the district wishes to issue bonds in excess
 149 of this amount, the amount of the excess bond issuance must be
 150 approved by a majority vote of landowners voting on a one-
 151 acre/one-vote basis in a referendum.

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

155 (28)~~(27)~~ To exercise any and all other powers conferred
 156 upon drainage districts by chapter 298, Florida Statutes.

157 Section 2. Chapter 2010-266, Laws of Florida, is repealed.

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

163
 164 Shall the Spring Lake Improvement District be authorized to
 165 provide mosquito control services?

166
 167 Yes
 168 No

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169 Section 4. This act shall take effect upon becoming a law;
170 however, if the referendum required in section 3 fails to
171 receive approval from a majority of landowners voting on a one-
172 acre/one-vote basis, this act shall stand repealed on December
173 31, 2012.