

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1
2 An act relating to the City of Tampa, Hillsborough
3 County; creating the Water Street Tampa Improvement
4 District; providing a short title; providing
5 legislative findings and intent; providing
6 definitions; stating legislative policy regarding
7 creation of the district; establishing compliance with
8 minimum requirements in s. 189.031(3), F.S., for
9 creation of an independent special district; providing
10 for creation and establishment of the district;
11 providing district boundaries; providing for the
12 jurisdiction and charter of the district; providing
13 for a governing board and establishing membership
14 criteria and election procedures; providing for board
15 members' terms of office; providing for board
16 meetings; providing for administrative duties of the
17 board; providing a method for election of the board;
18 providing for a district manager and district
19 personnel; providing for a district treasurer,
20 selection of a public depository, and district budgets
21 and financial reports; providing for the general
22 powers of the district; providing for the special
23 powers of the district to plan, finance, and provide
24 community infrastructure and services within the
25 district; providing for bonds; providing for future ad

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

26 | valorem taxation; providing for special assessments;
 27 | providing for authority to borrow money; providing for
 28 | tax liens; providing for competitive procurement;
 29 | providing for fees and charges; providing for
 30 | amendment to the charter; providing for required
 31 | notices to purchasers of units within the district;
 32 | defining district public property; providing for
 33 | construction; providing severability; providing for a
 34 | referendum; providing an effective date.

35 |

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

37 |

38 | Section 1. This act may be cited as the "Water Street
 39 | Tampa Improvement District Act."

40 | Section 2. Legislative findings and intent; definitions;
 41 | policy.-

42 | (1) LEGISLATIVE INTENT; PURPOSE OF THE DISTRICT.-

43 | (a) The lands located wholly within Hillsborough County
 44 | and the City of Tampa covered by this act contain many
 45 | opportunities for thoughtful, comprehensive, responsible, and
 46 | consistent development over a long period.

47 | (b) There is a need to use a special and limited purpose
 48 | independent special district as a unit of special-purpose local
 49 | government for the Water Street Tampa Improvement District lands
 50 | located within Hillsborough County and the City of Tampa to

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

51 provide for a more comprehensive community development approach,
52 which will facilitate an integral relationship among
53 transportation, land use, and urban design to provide for a
54 diverse mix of housing, regional employment, and economic
55 development opportunities, rather than fragmented development
56 with underutilized infrastructure which is generally associated
57 with urban sprawl.

58 (c) The establishment of a special and limited purpose
59 independent special district for the Water Street Tampa
60 Improvement District lands will allow the construction and
61 management of a substantial commercial and mixed-use district
62 with more than 2 million square feet of new office space,
63 including the first new office towers in downtown Tampa in
64 nearly 25 years; 1 million square feet of new retail, cultural,
65 educational, and entertainment space that complement the active
66 pedestrian experience at the street level; and new and enhanced
67 park and public gathering places that will connect existing
68 cultural, entertainment, and community anchors, including the
69 Tampa Convention Center, Amalie Arena, Tampa Bay History Center,
70 Florida Aquarium, and Tampa Riverwalk.

71 (d) There is a considerably long period of time during
72 which there is a significant burden to provide various systems,
73 facilities, and services on the initial landowners of the Water
74 Street Tampa Improvement District lands, such that there is a
75 need for flexible management, sequencing, timing, and financing

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

76 | of the various systems, facilities, and services to be provided
77 | to these lands, taking into consideration absorption rates,
78 | commercial viability, and related factors. Therefore, extended
79 | control by the initial landowner with regard to the provision of
80 | systems, facilities, and services for the Water Street Tampa
81 | Improvement District lands, coupled with the special and limited
82 | purpose of such district, is in the public interest.

83 | (e) The existence and use of an independent special
84 | district for the Water Street Tampa Improvement District lands,
85 | subject to the City of Tampa comprehensive plan, will provide
86 | for a comprehensive and complete community development approach
87 | to promote a sustainable and efficient land use pattern for the
88 | district lands with long-term planning to provide opportunities
89 | for the mitigation of impacts and development of infrastructure
90 | in an orderly and timely manner; prevent the overburdening of
91 | the general-purpose local government and the taxpayers therein;
92 | and provide an enhanced tax base and regional employment and
93 | economic development opportunities.

94 | (f) The creation and establishment of the special district
95 | will encourage local government financial self-sufficiency in
96 | providing public facilities and in identifying and implementing
97 | fiscally sound, innovative, and cost-effective techniques to
98 | provide and finance public facilities while encouraging
99 | coordinated development of capital improvement plans by all

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

100 levels of government, in accordance with the goals of chapter
 101 187, Florida Statutes.

102 (g) The creation and establishment of the special district
 103 will encourage and enhance cooperation among communities that
 104 have unique assets, irrespective of political boundaries, to
 105 bring the private and public sectors together for establishing
 106 an orderly and economically sound plan for current and future
 107 needs and growth.

108 (h) The creation and establishment of a special and
 109 limited purpose independent special district is a legitimate
 110 supplemental and alternative method available to manage, own,
 111 operate, construct, reconstruct, and finance capital
 112 infrastructure systems, facilities, and services.

113 (i) In order to be responsive to the critical timing
 114 required through the exercise of its special management
 115 functions, an independent special district requires the
 116 authority to finance capital improvements payable from and
 117 secured by lienable and nonlienable revenues, with full and
 118 continuing public disclosure and accountability, payable by the
 119 benefitted landowners, both present and future, and by users of
 120 the systems, facilities, improvements, and services provided to
 121 the land area by the special district, without unduly burdening
 122 the taxpayers and citizens of the state, Hillsborough County, or
 123 the City of Tampa.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

124 (j) The special district created and established by this
 125 act shall not have or exercise any comprehensive planning,
 126 zoning, or development permitting power; the establishment of
 127 the special district shall not be considered a development order
 128 within the meaning of part I of chapter 380, Florida Statutes;
 129 and all applicable planning and permitting laws, rules,
 130 regulations, and policies of the City of Tampa and Hillsborough
 131 County control the development of the land to be serviced by the
 132 Water Street Tampa Improvement District.

133 (k) The creation by this act of the Water Street Tampa
 134 Improvement District is not inconsistent with the City of Tampa
 135 comprehensive plan.

136 (l) It is the legislative intent and purpose of this act
 137 that no debt or obligation of the special district constitute a
 138 burden on any general-purpose local government.

139 (2) DEFINITIONS.—As used in this act, the term:

140 (a) "Ad valorem bonds" means bonds that are payable from
 141 the proceeds of ad valorem taxes levied on real and tangible
 142 personal property.

143 (b) "Assessable improvements" means, without limitation,
 144 any and all public improvements and community facilities that
 145 the district is empowered to provide in accordance with this act
 146 that provide a special benefit to property within the district.

147 (c) "Assessment bonds" means special obligations of the
 148 district which are payable solely from proceeds of the special

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

149 assessments or benefit special assessments levied for assessable
150 improvements, provided that, in lieu of issuing assessment bonds
151 to fund the costs of assessable improvements, the district may
152 issue revenue bonds for such purposes payable from assessments.
153 Assessment bonds are considered to be revenue bonds for all
154 purposes of this act.

155 (d) "Assessments" means special assessments, benefit
156 special assessments, and maintenance special assessments if
157 authorized by general law.

158 (e) "Benefit special assessments" are assessments imposed,
159 levied, and collected pursuant to section 6(12)(b).

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

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

170 (h) "Cost" or "costs," when used with reference to any
171 project, includes, but is not limited to:

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

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

- 174 2. The cost of surveys, estimates, plans, and
- 175 specifications.
- 176 3. The cost of improvements.
- 177 4. Engineering, architectural, fiscal, and legal expenses
- 178 and charges.
- 179 5. The cost of all labor, materials, machinery, and
- 180 equipment.
- 181 6. The cost of all lands, properties, rights, easements,
- 182 and franchises acquired.
- 183 7. Financing charges.
- 184 8. The creation of initial reserve and debt service funds.
- 185 9. Working capital.
- 186 10. Interest charges incurred or estimated to be incurred
- 187 on money borrowed prior to and during construction and
- 188 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 act,
- 192 including advertisements and printing.
- 193 12. The cost of any bond or tax referendum held pursuant
- 194 to this act and all other expenses of issuance of bonds.
- 195 13. The discount, if any, on the sale or exchange of
- 196 bonds.
- 197 14. Administrative expenses.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

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

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

205 17. Any other expense or payment permitted by this act or
 206 allowable by law.

207 (i) "District" means the Water Street Tampa Improvement
 208 District.

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

210 (k) "District roads" means highways, streets, roads,
 211 alleys, intersection improvements, sidewalks, bike or cart
 212 paths, crossings, landscaping, irrigation, signage,
 213 signalization, storm drains, bridges, multi-use trails,
 214 lighting, and thoroughfares of all kinds.

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

217 (m) "Governing board member" means any member of the board
 218 of supervisors.

219 (n) "Land development regulations" means those regulations
 220 of general purpose local government, adopted under the Community
 221 Planning Act, codified under part II of chapter 163, Florida
 222 Statutes, to which the district is subject and as to which the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

223 district may not do anything that is inconsistent therewith.
 224 Land development regulations shall not mean specific management,
 225 engineering, operations, or capital improvement planning needed
 226 in the daily management, implementation, and supplying by the
 227 district of systems, facilities, services, works, improvements,
 228 projects, or infrastructure, so long as they remain subject to
 229 and are not inconsistent with the applicable city codes.

230 (o) "Landowner" means the owner of a freehold estate as it
 231 appears on the deed record, including a trustee, a private
 232 corporation, and an owner of a condominium unit. "Landowner"
 233 does not include a reversioner, remainderman, mortgagee, or any
 234 governmental entity which shall not be counted and need not be
 235 notified of proceedings under this act. "Landowner" also means
 236 the owner of a ground lease from a governmental entity, which
 237 leasehold interest has a remaining term, excluding all renewal
 238 options, in excess of 50 years.

239 (p) "Maintenance special assessments" are assessments
 240 imposed, levied, and collected pursuant to the provisions of
 241 section 6(12)(d).

242 (q) "Non-ad valorem assessment" means only those
 243 assessments that can become a lien against the benefitted lands
 244 within the district, including a homestead as permitted in s. 4,
 245 Art. X of the State Constitution.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

246 (r) "Powers" means powers used and exercised by the board
 247 of supervisors to accomplish the special and limited purpose of
 248 the district, including:

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

253 2. "Special powers," which means those powers enumerated
 254 by the district charter to implement its specialized systems,
 255 facilities, services, projects, improvements, and infrastructure
 256 and related functions in order to carry out its special and
 257 limited purposes.

258 3. Any other powers, authority, or functions set forth in
 259 this act.

260 (s) "Project" means any development, improvement,
 261 property, power, utility, facility, enterprise, service, system,
 262 works, or infrastructure now existing or hereafter undertaken or
 263 established under the provisions of this act.

264 (t) "Reclaimed water" means water that has received at
 265 least secondary treatment and basic disinfection and is reused
 266 after flowing out of a domestic wastewater treatment facility.

267 (u) "Reclaimed water system" means any plant, system,
 268 facility, or property, and any addition, extension, or
 269 improvement thereto at any future time constructed or acquired
 270 as part thereof, useful, necessary, or having the present

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

271 capacity for future use in connection with the development of
272 sources, treatment, purification, or distribution of reclaimed
273 water. The term includes franchises of any nature relating to
274 any such system and necessary or convenient for the operation
275 thereof.

276 (v) "Refunding bonds" means bonds issued to refinance
277 outstanding bonds of any type and the interest and redemption
278 premium thereon. Refunding bonds may be issuable and payable in
279 the same manner as refinanced bonds, except that no approval by
280 the electorate shall be required unless required by the State
281 Constitution.

282 (w) "Residential unit" means a room or group of rooms
283 forming a single independent habitable unit used for or intended
284 to be used for living, sleeping, sanitation, cooking, and eating
285 purposes that is 10,000 square feet or less in size.

286 (x) "Revenue bonds" means obligations of the district that
287 are payable from revenues, including, but not limited to,
288 special assessments and benefit special assessments, derived
289 from sources other than ad valorem taxes on real or tangible
290 personal property and that do not pledge the property, credit,
291 or general tax revenue of the district.

292 (y) "Sewer system" means any plant, system, facility, or
293 property, and additions, extensions, and improvements thereto at
294 any future time constructed or acquired as part thereof, useful
295 or necessary or having the present capacity for future use in

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

296 | connection with the collection, treatment, purification, or
 297 | disposal of sewage, including, but not limited to, industrial
 298 | wastes resulting from any process of industry, manufacture,
 299 | trade, or business or from the development of any natural
 300 | resource. The term includes treatment plants, pumping stations,
 301 | lift stations, valves, force mains, intercepting sewers,
 302 | laterals, pressure lines, mains, and all necessary appurtenances
 303 | and equipment; all sewer mains, laterals, and other devices for
 304 | the reception and collection of sewage from premises connected
 305 | therewith; and all real and personal property and any interest
 306 | therein, and rights, easements, and franchises of any nature
 307 | relating to any such system and necessary or convenient for the
 308 | operation thereof.

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

317 | (aa) "Taxes" or "tax" means those levies and impositions
 318 | of the board of supervisors that support and pay for government
 319 | and the administration of law and that may be ad valorem or

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

320 property taxes based upon both the appraised value of property
 321 and millage, at a rate uniform within the jurisdiction.

322 (bb) "Water Street Tampa Improvement District" means the
 323 special and limited purpose independent special district unit of
 324 local government created and chartered by this act, and limited
 325 to the performance of those general and special powers
 326 authorized by its charter under this act, the boundaries of
 327 which are set forth by the act, the governing board of which is
 328 created and authorized to operate with legal existence by this
 329 act, and the purpose of which is as set forth in this act.

330 (cc) "Water system" means any plant, system, facility, or
 331 property, and any addition, extension, or improvement thereto at
 332 any future time constructed or acquired as a part thereof,
 333 useful, necessary, or having the present capacity for future use
 334 in connection with the development of sources, treatment,
 335 purification, or distribution of water. The term includes dams,
 336 reservoirs, storage tanks, mains, lines, valves, hydrants,
 337 pumping stations, chilled water distribution systems, laterals,
 338 and pipes for the purpose of carrying water to the premises
 339 connected with such system, and all rights, easements, and
 340 franchises of any nature relating to any such system and
 341 necessary or convenient for the operation thereof.

342 (3) POLICY.—Based upon its findings, ascertainments,
 343 determinations, intent, purpose, and definitions, the
 344 Legislature states its policy expressly:

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

345 (a) The district and the district charter, with its
346 general and special powers, as created in this act, are
347 essential and the best alternative for the residential,
348 commercial, office, hotel, industrial, and other community uses,
349 projects, or functions in the included portion of the City of
350 Tampa and Hillsborough County consistent with the effective
351 comprehensive plan and designed to serve a lawful public
352 purpose.

353 (b) The district, which is a special purpose local
354 government and a political subdivision, is limited to its
355 special purpose as expressed in this act, with the power to
356 provide, plan, implement, construct, maintain, and finance as a
357 local government management entity systems, facilities,
358 services, improvements, infrastructure, and projects, and
359 possessing financing powers to fund its management power over
360 the long term and with sustained levels of high quality.

361 (c) The creation of the Water Street Tampa Improvement
362 District by and pursuant to this act, and its exercise of its
363 management and related financing powers to implement its
364 limited, single, and special purpose, is not a development order
365 and does not trigger or invoke any provision within the meaning
366 of chapter 380, Florida Statutes, and all applicable
367 governmental planning, environmental, and land development laws,
368 regulations, rules, policies, and ordinances apply to all
369 development of the land within the jurisdiction of the district

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

370 as created by this act.

371 (d) The district shall operate and function subject to,
 372 and not inconsistent with, the applicable comprehensive plan of
 373 the City of Tampa and any applicable development orders (e.g.
 374 detailed specific area plan development orders), zoning
 375 regulations, and other land development regulations.

376 (e) The special and limited purpose Water Street Tampa
 377 Improvement District does not have the power of a general-
 378 purpose local government to adopt a comprehensive plan or
 379 related land development regulation as those terms are defined
 380 in the Community Planning Act pursuant to s. 163.3164, Florida
 381 Statutes.

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

384 Section 3. Minimum charter requirements; creation and
 385 establishment; jurisdiction; construction; charter.-

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

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

392 (b) The powers, functions, and duties of the district
 393 regarding ad valorem taxation, bond issuance, other revenue-
 394 raising capabilities, budget preparation and approval, liens and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

395 foreclosure of liens, use of tax deeds and tax certificates as
 396 appropriate for non-ad valorem assessments, and contractual
 397 agreements are set forth in section 6.

398 (c) The provisions for methods for establishing the
 399 district are in this section.

400 (d) The methods for amending the charter of the district
 401 are set forth in this section.

402 (e) The provisions for the membership and organization of
 403 the governing body and the establishment of a quorum are in
 404 section 5.

405 (f) The provisions regarding maximum compensation of each
 406 board member are in section 5.

407 (g) The provisions regarding the administrative duties of
 408 the governing body are found in sections 5 and 6.

409 (h) The provisions applicable to financial disclosure,
 410 noticing, and reporting requirements generally are set forth in
 411 sections 5 and 6.

412 (i) The provisions regarding procedures and requirements
 413 for issuing bonds are set forth in section 6.

414 (j) The provisions regarding elections or referenda and
 415 the qualifications of an elector of the district are in sections
 416 2 and 5.

417 (k) The provisions regarding methods for financing the
 418 district are generally in section 6.

419 (l) Other than taxes levied for the payment of bonds and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

420 taxes levied for periods not longer than 2 years when authorized
421 by vote of the electors of the district, the provisions for the
422 authority to levy ad valorem tax and the authorized millage rate
423 are in section 6.

424 (m) The provisions for the method or methods of collecting
425 non-ad valorem assessments, fees, or service charges are in
426 section 6.

427 (n) The provisions for planning requirements are in this
428 section and section 6.

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

431 (2) The Water Street Tampa Improvement District is created
432 and incorporated as a public body corporate and politic, an
433 independent special and limited purpose local government, an
434 independent special district, under s. 189.031, Florida
435 Statutes, and as defined in this act and in s. 189.012, Florida
436 Statutes, in and for portions of Hillsborough County and the
437 City of Tampa. All notices for the enactment by the Legislature
438 of this special act have been provided pursuant to the State
439 Constitution, the Laws of Florida, and the rules of the House of
440 Representatives and the Senate. No referendum subsequent to the
441 effective date of this act is required as a condition of
442 establishing the district. Therefore, the district, as created
443 by this act, is established on the property described in this
444 act.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

445 (3) The territorial boundary of the district shall embrace
 446 and include all of that certain real property described in
 447 section 4.

448 (4) The jurisdiction of the district, in the exercise of
 449 its general and special powers, and in the carrying out of its
 450 special and limited purposes, is both within the external
 451 boundaries of the legal description of this district and
 452 extraterritorial when limited to, and as authorized expressly
 453 elsewhere in, the charter of the district as created in this act
 454 or applicable general law. This special and limited purpose
 455 district is created as a public body corporate and politic, and
 456 local government authority and power is limited by its charter,
 457 this act, and subject to the provisions of other general laws,
 458 including chapter 189, Florida Statutes, except that an
 459 inconsistent provision in this act shall control and the
 460 district has jurisdiction to perform such acts and exercise such
 461 authorities, functions, and powers as shall be necessary,
 462 convenient, incidental, proper, or reasonable for the
 463 implementation of its special and limited purpose regarding the
 464 sound planning, provision, acquisition, development, operation,
 465 maintenance, and related financing of those public systems,
 466 facilities, services, improvements, projects, and infrastructure
 467 works as authorized herein, including those necessary and
 468 incidental thereto.

469 (5) The exclusive charter of the Water Street Tampa

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

470 Improvement District is this act and, except as otherwise
 471 provided in subsection (2), may be amended only by special act
 472 of the Legislature.

473 Section 4. Legal description of the Water Street Tampa
 474 Improvement District.—The metes and bounds legal description of
 475 the district, within which there are no parcels of property
 476 owned by those who do not wish their property to be included
 477 within the district, is as follows:

478
 479 That part of Section 24, Township 29 South, Range 18
 480 East, and Section 19, Township 29 South, Range 19
 481 East, all lying within the City of Tampa, Hillsborough
 482 County, Florida, lying within the following described
 483 boundaries to wit:

484
 485 Begin at the intersection of the Centerline of Morgan
 486 Street and the Centerline of Garrison Avenue as shown
 487 on HENDRY & KNIGHT'S MAP OF THE GARRISON, per map or
 488 plat thereof as recorded in Plat Book 2, page 73, of
 489 the Public Records of Hillsborough County, Florida;
 490 run thence Easterly, along the centerline of said
 491 Garrison Avenue, (the same being an un-named street
 492 shown on REVISED MAP OF BELL'S ADDITION TO TAMPA per
 493 map or plat thereof as recorded in Plat Book 1, page
 494 96 of the Public Records of Hillsborough County,

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

495 Florida), to the Southerly projection of the Easterly
 496 boundary of the Tampa South Crosstown Expressway; run
 497 thence Northerly and Northeasterly, along said
 498 Easterly boundary as established by Official Record
 499 Book 3530, page 157, City of Tampa Ordinance 97-240,
 500 Official Record Book 3510, page 1148, Official Record
 501 Book 3509, page 108, City of Tampa Ordinance 2001-128,
 502 and Official Record Book 3826, page 184, of the Public
 503 Records of Hillsborough County, Florida, to the
 504 Northern-most corner of said Official Record Book
 505 3826, page 184, said point lying on the West boundary
 506 of Nebraska Avenue as shown on aforementioned REVISED
 507 MAP OF BELL'S ADDITION TO TAMPA; run thence Easterly
 508 to the Centerline of said Nebraska avenue, the same
 509 being shown as Governor Avenue on MAP OF FINLEY AND
 510 CAESAR SUBDIVISION per map or plat thereof as recorded
 511 in Plat Book 1, page 84, of the Public Records of
 512 Hillsborough County, Florida; run thence Northerly to
 513 the Centerline of Finley Street as shown on said MAP
 514 OF FINLEY AND CAESAR SUBDIVISION; run thence East to
 515 the West boundary of Tangent Avenue (being shown as on
 516 un-named Avenue on said MAP OF FINLEY AND CAESAR
 517 SUBDIVISION; run thence Southerly, along said West
 518 boundary, to the Southeast corner of Lot 13, Block 15
 519 of said Subdivision; run thence Southerly to the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

520 Northeast corner of Lot 6, Block 1 of A.W. GILCHRIST'S
 521 OAK GROVE ADDITION TO TAMPA per map or plat thereof as
 522 recorded in Plat Book 2, page 31, of the Public
 523 Records of Hillsborough County, Florida); run thence
 524 South, along the East boundary of Lots 6 and 16, Block
 525 1, Lots 6 and 16, Block 4, and Lot 6, Block 5, and the
 526 projections thereof to the Easterly projection of the
 527 Centerline of Carew Avenue (also formerly known as
 528 Platt Street), as shown on CHAMBERLINS SUBDIVISION per
 529 map or plat thereof as recorded in Plat Book 1, page
 530 104, of the Public Records of Hillsborough County,
 531 Florida; (the same being shown on HENDRY & KNIGHT'S
 532 MAP OF CHAMBERLAINS per map or plat thereof as
 533 recorded in Plat Book 5, page 10, of the Public
 534 Records of Hillsborough County, Florida); thence
 535 Easterly along said Centerline projection, to the
 536 Northeasterly projection of the Easterly boundary of
 537 Water Lot 70 of aforementioned HENDRY & KNIGHT'S MAP
 538 OF CHAMBERLAINS; run thence Southwesterly along said
 539 projection, Easterly boundary, and its Southwesterly
 540 projection, to the Centerline of Garrison Channel per
 541 the Tampa Port Authority Bulkhead Lines as established
 542 by Hillsborough County Port Authority on September 15,
 543 1960, December 5, 1961, and April 5, 1963, and filed
 544 for record in Plat Book 42, page 37, of the Public

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

545 Records of Hillsborough County, Florida; run thence
 546 Southwesterly along said Centerline to the Southerly
 547 projection of the Centerline of Franklin Street as
 548 shown on aforementioned HENDRY & KNIGHT'S MAP OF THE
 549 GARRISON; run thence Northwesterly along said
 550 projection, and said Centerline, to the centerline of
 551 Water Street as shown on said HENDRY & KNIGHT'S MAP OF
 552 THE GARRISON; run thence Northeasterly along said
 553 Centerline to the Centerline of Florida Avenue as
 554 shown on said HENDRY & KNIGHT'S MAP OF THE GARRISON;
 555 run thence Northwesterly along said Centerline to the
 556 Centerline of Carew Avenue as shown on said HENDRY &
 557 KNIGHT'S MAP OF THE GARRISON; run thence Northeasterly
 558 along said Centerline to the Centerline of Morgan
 559 Street as shown on said HENDRY & KNIGHT'S MAP OF THE
 560 GARRISON; run thence Northwesterly along said
 561 Centerline to a point of intersection with the
 562 Southeasterly projection of the Southwesterly boundary
 563 of those lands described in Official Record Book 3166,
 564 page 225 of the Public Records of Hillsborough County,
 565 Florida; run thence along said projection and said
 566 Southwesterly boundary, to the Northwest corner of
 567 said lands; run thence along the Northerly boundary of
 568 said lands, and its Northeasterly projection, to the
 569 Centerline of aforementioned Morgan Street; run thence

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

570 Northwesterly along said Centerline to the Centerline
571 of Hampton Avenue (now known as Brorein Street) as
572 shown on said HENDRY & KNIGHT'S MAP OF THE GARRISON;
573 run thence Southwesterly along said Centerline to the
574 Southerly projection of the Easterly boundary of those
575 lands described in Official Record Book 22204, page
576 1038 of the Public Records of Hillsborough County,
577 Florida; run thence Northwesterly along said
578 projection and said Easterly Boundary, to the
579 Northeast corner of said lands; run thence
580 Southwesterly along the Northerly boundary of said
581 lands, and its Westerly projection, to the Centerline
582 of Florida Avenue as shown on said HENDRY & KNIGHT'S
583 MAP OF THE GARRISON; run thence Northwesterly along
584 said Centerline to the Westerly projection of the
585 Southerly boundary of those lands shown on map of
586 survey prepared by Curtis G. Humphreys (Sullivan,
587 Humphreys & Sullivan), dated November 13, 1958 (Order
588 No. C2592), said map being on file with the City Tampa
589 Survey Department, said boundary, being the some line
590 as the North boundary of those lands described in
591 Official Record Book 3565, page 1895, and Official
592 Record Book 4041, page 1405, of the Public Records of
593 Hillsborough County, Florida; run thence
594 Northeasterly, along said boundary and its Easterly

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

595 projection, to the Centerline of Morgan Street as
 596 shown on aforementioned REVISED MAP OF BELL'S ADDITION
 597 TO TAMPA; run thence Southeasterly along said
 598 Centerline to the centerline of aforementioned
 599 Garrison Avenue; run thence East, 2.0 feet, more or
 600 less, to the Point of Beginning.

601
 602 LESS AND EXCEPT THEREFROM:
 603 Block 99 of HENDRY & KNIGHT'S MAP OF THE GARRISON, per
 604 map or plat thereof as recorded in Plat Book 2, page
 605 73, of the Public Records of Hillsborough County,
 606 Florida, less that portion thereof conveyed to Tampa-
 607 Hillsborough County Expressway Authority by deed
 608 recorded in Official Record Book 3036, page 1173, of
 609 the Public Records of Hillsborough County, Florida.

610
 611 ALSO LESS AND EXCEPT THEREFROM:
 612 Lots 6, 8, and 10 through 15, inclusive, of Block 11,
 613 MAP OF FINLEY AND CAESAR SUBDIVISION per map or plat
 614 thereof as recorded in Plat Book 1, page 84, of the
 615 Public Records of Hillsborough County, Florida,
 616 together with those portions of Finley Street and
 617 vacated alleys abutting thereon.

618
 619 Notwithstanding anything herein to the contrary, the boundary of

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

620 the district shall not include any residential unit subjected to
621 condominium ownership, as created by recording a condominium
622 declaration in the public records of Hillsborough County.

623 Section 5. Board of supervisors; members and meetings;
624 organization; powers; duties; terms of office; additional
625 requirements.-

626 (1) The board of the district shall exercise the powers
627 granted to the district pursuant to this act. The board shall
628 consist of five members, each of whom shall hold office for a
629 term of 4 years, as provided in this section, except as
630 otherwise provided herein for initial board members.

631 Notwithstanding anything herein to the contrary, a board member
632 will continue to serve beyond his or her term until a successor
633 is chosen and qualified. The members of the board must be
634 residents of the state and citizens of the United States.

635 (2) (a) Within 90 days after the effective date of this
636 act, there shall be held a meeting of the landowners of the
637 district for the purpose of electing five supervisors for the
638 district. Notice of the landowners' meeting shall be published
639 once a week for 2 consecutive weeks in a newspaper that is in
640 general circulation in the area of the district, the last day of
641 such publication to be not fewer than 14 days nor more than 28
642 days before the date of the election. The landowners, when
643 assembled at such meeting, shall organize by electing a chair,
644 who shall conduct the meeting. The chair may be any person

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

645 present at the meeting. If the chair is a landowner or proxy
646 holder of a landowner, he or she may nominate candidates and
647 make and second motions. The landowners present at the meeting,
648 in person or by proxy, shall constitute a quorum. At any
649 landowners' meeting, 50 percent of the district acreage shall
650 not be required to constitute a quorum, and each governing board
651 member elected by landowners shall be elected by a majority of
652 the acreage represented either by owner or proxy present and
653 voting at said meeting.

654 (b) At such meeting, each landowner shall be entitled to
655 cast one vote per acre of land owned by him or her and located
656 within the district for each person to be elected. A landowner
657 may vote in person or by proxy in writing. Each proxy must be
658 signed by one of the legal owners of the property for which the
659 vote is cast and must contain the typed or printed name of the
660 individual who signed the proxy; the street address, legal
661 description of the property, or tax parcel identification
662 number; and the number of authorized votes. If the proxy
663 authorizes more than one vote, each property must be listed and
664 the number of acres of each property must be included. The
665 signature on a proxy need not be notarized. A fraction of an
666 acre shall be treated as 1 acre, entitling the landowner to one
667 vote with respect thereto. The three candidates receiving the
668 highest number of votes shall each be elected for terms expiring
669 November 15, 2022, and the two candidates receiving the next

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

670 largest number of votes shall each be elected for terms expiring
671 November 17, 2020, with the term of office for each successful
672 candidate commencing upon election. The members of the first
673 board elected by landowners shall serve their respective terms;
674 however, the next election of board members shall be held on
675 November 17, 2020. Thereafter, there shall be an election by
676 landowners for the district every 2 years on the first Tuesday
677 after the first Monday in November, which shall be noticed
678 pursuant to paragraph (a). The second and subsequent landowners'
679 election shall be announced at a public meeting of the board at
680 least 90 days before the date of the landowners' meeting and
681 shall also be noticed pursuant to paragraph (a). Instructions on
682 how all landowners may participate in the election, along with
683 sample proxies, shall be provided during the board meeting that
684 announces the landowners' meeting. Each supervisor elected in or
685 after November 2018 shall serve a 4-year term.

686 (3) Members of the board, regardless of how elected, shall
687 be public officers, shall be known as supervisors, and, upon
688 entering into office, shall take and subscribe to the oath of
689 office as prescribed by s. 876.05, Florida Statutes. Members of
690 the board shall be subject to ethics and conflict of interest
691 laws of the state that apply to all local public officers.
692 Members of the board shall hold office for the terms for which
693 they were elected or appointed and until their successors are
694 chosen and qualified. Except as provided in subsection (4), if,

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

695 during the term of office, a vacancy occurs on the board, the
 696 remaining members of the board shall fill each vacancy by an
 697 appointment for the remainder of the unexpired term.

698 (4) Any elected member of the board of supervisors may be
 699 removed by the Governor for malfeasance, misfeasance,
 700 dishonesty, incompetency, or failure to perform the duties
 701 imposed upon him or her by this act, and any vacancies that may
 702 occur in such office for such reasons shall be filled by the
 703 Governor as soon as practicable.

704 (5) A majority of the members of the board constitutes a
 705 quorum for the purposes of conducting its business and
 706 exercising its powers and for all other purposes. Action taken
 707 by the district shall be upon a vote of a majority of the
 708 members present unless general law or a rule of the district
 709 requires a greater number.

710 (6) As soon as practicable after each election or
 711 appointment, the board shall organize by electing one of its
 712 members as chair and by electing a secretary, who need not be a
 713 member of the board, and such other officers as the board may
 714 deem necessary.

715 (7) The board shall keep a permanent record book entitled
 716 "Record of Proceedings of Water Street Tampa Improvement
 717 District," in which shall be recorded minutes of all meetings,
 718 resolutions, proceedings, certificates, bonds given by all
 719 employees, and any and all corporate acts. The record book and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

720 all other district records shall at reasonable times be opened
 721 to inspection in the same manner as state, county, and municipal
 722 records pursuant to chapter 119, Florida Statutes. The record
 723 book shall be kept at the office or other regular place of
 724 business maintained by the board in a designated location in the
 725 City of Tampa.

726 (8) Each supervisor shall not be entitled to receive
 727 compensation for his or her services; however, each supervisor
 728 shall receive travel and per diem expenses as set forth in s.
 729 112.061, Florida Statutes.

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

732 Section 6. Board of supervisors; general duties.-

733 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ
 734 and fix the compensation of a district manager, who shall have
 735 charge and supervision of the works of the district and shall be
 736 responsible for preserving and maintaining any improvement or
 737 facility constructed or erected pursuant to the provisions of
 738 this act, for maintaining and operating the equipment owned by
 739 the district, and for performing such other duties as may be
 740 prescribed by the board. It shall not be a conflict of interest
 741 under chapter 112, Florida Statutes, for a board member, the
 742 district manager, or another employee of the district to be a
 743 stockholder, officer, or employee of a landowner. The district
 744 manager may hire or otherwise employ and terminate the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

745 employment of such other persons, including, without limitation,
746 professional, supervisory, and clerical employees, as may be
747 necessary and authorized by the board. The compensation and
748 other conditions of employment of the officers and employees of
749 the district shall be as provided by the board.

750 (2) TREASURER.—The board shall designate a person who is a
751 resident of the state as treasurer of the district, and who
752 shall have charge of the funds of the district. Such funds shall
753 be disbursed only upon the order of or pursuant to a resolution
754 of the board by warrant or check countersigned by the treasurer
755 and by such other person as may be authorized by the board. The
756 board may give the treasurer such other or additional powers and
757 duties as the board may deem appropriate and may fix his or her
758 compensation. The board may require the treasurer to give a bond
759 in such amount, on such terms, and with such sureties as may be
760 deemed satisfactory to the board to secure the performance by
761 the treasurer of his or her powers and duties. The financial
762 records of the board shall be audited by an independent
763 certified public accountant at least once a year.

764 (3) PUBLIC DEPOSITORY.—The board is authorized to select
765 as a depository for its funds any qualified public depository as
766 defined in s. 280.02, Florida Statutes, which meets all the
767 requirements of chapter 280, Florida Statutes, and has been
768 designated by the treasurer as a qualified public depository
769 upon such terms and conditions as to the payment of interest by

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

770 such depository upon the funds so deposited as the board may
 771 deem just and reasonable.

772 (4) BUDGET; REPORTS AND REVIEWS.—

773 (a) The district shall provide financial reports in such
 774 form and such manner as prescribed pursuant to this act and
 775 chapter 218, Florida Statutes.

776 (b) On or before July 15 of each year, the district
 777 manager shall prepare a proposed budget for the ensuing fiscal
 778 year to be submitted to the board for board approval. The
 779 proposed budget shall include at the direction of the board an
 780 estimate of all necessary expenditures of the district for the
 781 ensuing fiscal year and an estimate of income to the district
 782 from the taxes and assessments and other revenues as provided in
 783 this act. The board shall consider the proposed budget item by
 784 item and may either approve the budget as proposed by the
 785 district manager or modify the same in part or in whole. The
 786 board shall indicate its approval of the budget by resolution,
 787 which resolution shall provide for a hearing on the budget as
 788 approved. Notice of the hearing on the budget shall be published
 789 in a newspaper of general circulation in the area of the
 790 district once a week for two consecutive weeks, except that the
 791 first publication shall be no fewer than 15 days prior to the
 792 date of the hearing. The notice shall further contain a
 793 designation of the day, time, and place of the public hearing.
 794 At the time and place designated in the notice, the board shall

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

795 hear all objections to the budget as proposed and may make such
796 changes as the board deems necessary. At the conclusion of the
797 budget hearing, the board shall, by resolution, adopt the budget
798 as finally approved by the board. The budget shall be adopted
799 prior to October 1 of each year.

800 (c) At least 60 days before adoption, the board of
801 supervisors of the district shall submit to the Tampa City
802 Council for purposes of disclosure and information only, the
803 proposed annual budget for the ensuing fiscal year, and the
804 council may submit written comments to the board of supervisors
805 solely for the assistance and information of the board of
806 supervisors of the district in adopting its annual district
807 budget.

808 (d) The board of supervisors of the district shall submit
809 annually a public facilities report to the Tampa City Council
810 pursuant to s. 189.08, Florida Statutes. The council may use and
811 rely on the district's public facilities report in the
812 preparation or revision of the comprehensive plan.

813 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC
814 ACCESS.—The district will provide for the full disclosure of
815 information relating to the public financing and maintenance of
816 improvements to real property undertaken by the district. Such
817 information shall be made available to all existing landowners
818 and all prospective owners of property within the district. The
819 district shall furnish each developer within the district with

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

820 sufficient copies of that information to provide each
 821 prospective initial purchaser of property in that development
 822 with a copy; and any developer within the district, when
 823 required by law to provide a public offering statement, shall
 824 include a copy of such information relating to the public
 825 financing and maintenance of improvements in the public offering
 826 statement. The district shall file the disclosure documents
 827 required by this subsection and any amendments thereto in the
 828 property records of each county in which the district is
 829 located. By the end of the first full fiscal year of the
 830 district's creation, the district shall maintain an official
 831 Internet website in accordance with s. 189.069, Florida
 832 Statutes.

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

835 (a) To sue and be sued in the name of the district; to
 836 adopt and use a seal and authorize the use of a facsimile
 837 thereof; to acquire, by purchase, gift, devise, or otherwise,
 838 and to dispose of, real and personal property, or any estate
 839 therein; and to make and execute contracts and other instruments
 840 necessary or convenient to the exercise of its powers.

841 (b) To contract for the services of consultants to perform
 842 planning, engineering, legal, or other appropriate services of a
 843 professional nature. Such contracts shall be subject to public

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

844 bidding or competitive negotiation requirements as set forth in
 845 general law applicable to independent special districts.

846 (c) To borrow money and accept gifts; to apply for and use
 847 grants or loans of money or other property from the United
 848 States, the state, a unit of local government, or any person for
 849 any district purposes and enter into agreements required in
 850 connection therewith; and to hold, use, and dispose of such
 851 moneys or property for any district purposes in accordance with
 852 the terms of the gift, grant, loan, or agreement relating
 853 thereto.

854 (d) To adopt and enforce rules and orders pursuant to the
 855 provisions of chapter 120, Florida Statutes, prescribing the
 856 powers, duties, and functions of the officers of the district;
 857 the conduct of the business of the district; the maintenance of
 858 records; and the form of certificates evidencing tax liens and
 859 all other documents and records of the district. The board may
 860 also adopt and enforce administrative rules with respect to any
 861 of the projects of the district and define the area to be
 862 included therein. The board may also adopt resolutions which may
 863 be necessary for the conduct of district business.

864 (e) To maintain an office at such place or places as the
 865 board of supervisors designates in the City of Tampa and within
 866 the district when facilities are available.

867 (f) To hold, control, and acquire by donation, purchase,
 868 or condemnation, or dispose of, any public easements,

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

869 dedications to public use, platted reservations for public
 870 purposes, or any reservations for those purposes authorized by
 871 this act and to make use of such easements, dedications, or
 872 reservations for the purposes authorized by this act.

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

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

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

888 (j) To exercise all powers of eminent domain now or
 889 hereafter conferred on counties in this state provided, however,
 890 that such power of eminent domain may not be exercised outside
 891 the territorial limits of the district. The district shall not
 892 have the power to exercise eminent domain over municipal,
 893 county, state, or federal property. The powers hereinabove

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

894 granted to the district shall be so construed to enable the
 895 district to fulfill the objects and purposes of the district as
 896 set forth in this act.

897 (k) To cooperate with, or contract with, other
 898 governmental agencies as may be necessary, convenient,
 899 incidental, or proper in connection with any of the powers,
 900 duties, or purposes authorized by this act.

901 (l) To assess and to impose upon lands in the district ad
 902 valorem taxes as provided by this act.

903 (m) To determine, order, levy, impose, collect, and
 904 enforce assessments pursuant to this act and chapter 170,
 905 Florida Statutes, pursuant to authority granted in s. 197.3631,
 906 Florida Statutes, or pursuant to other provisions of general law
 907 now or hereinafter enacted which provide or authorize a
 908 supplemental means to order, levy, impose, or collect special
 909 assessments. Such special assessments, in the discretion of the
 910 district, may be collected and enforced pursuant to the
 911 provisions of ss. 197.3632 and 197.3635, Florida Statutes, and
 912 chapters 170 and 173, Florida Statutes, or as provided by this
 913 act, or by other means authorized by general law now or
 914 hereinafter enacted. The district may levy such special
 915 assessments for the purposes enumerated in this act and to pay
 916 special assessments imposed by Hillsborough County on lands
 917 within the district.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

918 (n) To exercise such special powers and other express
 919 powers as may be authorized and granted by this act in the
 920 charter of the district, including powers as provided in any
 921 interlocal agreement entered into pursuant to chapter 163,
 922 Florida Statutes, or which shall be required or permitted to be
 923 undertaken by the district pursuant to any development order,
 924 including any detailed specific area plan development order, or
 925 any interlocal service agreement with Hillsborough County for
 926 fair-share capital construction funding for any certain capital
 927 facilities or systems required of a developer pursuant to any
 928 applicable development order or agreement.

929 (o) To exercise all of the powers necessary, convenient,
 930 incidental, or proper in connection with any other powers or
 931 duties or the special and limited purpose of the district
 932 authorized by this act.

933
 934 The provisions of this subsection shall be construed liberally
 935 in order to carry out effectively the special and limited
 936 purpose of this act.

937 (7) SPECIAL POWERS.—The district shall have, and the board
 938 may exercise, the following special powers to implement its
 939 lawful and special purpose and to provide, pursuant to that
 940 purpose, systems, facilities, services, improvements, projects,
 941 works, and infrastructure, each of which constitutes a lawful
 942 public purpose when exercised pursuant to this charter, subject

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

943 to, and not inconsistent with, general law regarding utility
944 providers' territorial and service agreements and the regulatory
945 jurisdiction and permitting authority of all other applicable
946 governmental bodies, agencies, and any special districts having
947 authority with respect to any area included therein, and to
948 plan, establish, acquire, construct or reconstruct, enlarge or
949 extend, equip, operate, finance, fund, and maintain
950 improvements, systems, facilities, services, works, projects,
951 and infrastructure. If the district's special powers and the
952 City of Tampa's general powers will cause unnecessary
953 duplication of services and facilities, the district and the
954 City of Tampa, or another governmental body if the services
955 implemented by the power lies within that other governmental
956 body's jurisdiction, shall enter into an interlocal agreement to
957 avoid inefficiencies and jointly exercise their common powers
958 and authority. Nothing herein shall preempt the powers and
959 authority of the City of Tampa. Any or all of the following
960 special powers are granted by this act in order to implement the
961 special and limited purpose of the district:

962 (a) To provide water management and control for the lands
963 within the district, subject to the City of Tampa's stormwater
964 utility system, and to connect some or any of such facilities
965 with roads and bridges. Nothing herein shall permit the district
966 to adversely impact the City of Tampa's bond resolutions or
967 covenants. In the event that the board assumes the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

968 responsibility for providing water management and control for
969 the district which is to be financed by benefit special
970 assessments, the board shall adopt plans and assessments
971 pursuant to law or may proceed to adopt water management and
972 control plans, assess for benefits, and apportion and levy
973 special assessments as follows:

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

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

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

992 3. After the hearing, the board shall consider the
 993 proposed plan and any objections thereto and may modify, reject,
 994 or adopt the plan or continue the hearing until a day certain
 995 for further consideration of the proposed plan or modifications
 996 thereof.

997 4. When the board approves a plan, a resolution shall be
 998 adopted and a certified copy thereof shall be filed in the
 999 office of the secretary and incorporated by him or her into the
 1000 records of the district.

1001 5. The water management and control plan may be altered in
 1002 detail from time to time until the engineer's report pursuant to
 1003 s. 298.301, Florida Statutes, is filed but not in such manner as
 1004 to affect materially the conditions of its adoption. After the
 1005 engineer's report has been filed, no alteration of the plan
 1006 shall be made, except as provided by this act.

1007 6. Within 20 days after the final adoption of the plan by
 1008 the board, the board shall proceed pursuant to s. 298.301,
 1009 Florida Statutes.

1010 (b) To provide, subject to the City of Tampa's utility
 1011 systems, water supply, sewer, wastewater, and reclaimed water
 1012 management, reclamation, and reuse, or any combination thereof,
 1013 and any irrigation systems, facilities, and services; to
 1014 construct and operate water systems, sewer systems, and
 1015 reclaimed water systems such as connecting intercepting or
 1016 outlet sewers and sewer mains and pipes and water mains,

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1017 conduits, or pipelines in, along, and under any street, alley,
 1018 highway, or other public place or way; and to dispose of any
 1019 effluent, residue, or other byproducts of such water system,
 1020 sewer system, or reclaimed water system and to enter into
 1021 interlocal agreements and other agreements with public or
 1022 private entities for the same. Nothing herein shall permit the
 1023 district to adversely impact the City of Tampa's bond
 1024 resolutions or covenants. Any water or utility assets acquired
 1025 or constructed with respect to the foregoing shall become a part
 1026 of the City of Tampa's water and utility system unless otherwise
 1027 agreed to between the district and the City of Tampa.

1028 (c) To provide district roads equal to or exceeding the
 1029 specifications of the county or city in which such district
 1030 roads are located, and to provide street lights. This special
 1031 power includes, but is not limited to, roads, parkways,
 1032 intersections, bridges, landscaping, hardscaping, irrigation,
 1033 bicycle lanes, bicycle and cart paths, sidewalks, jogging paths,
 1034 multiuse pathways and trails, street lighting, traffic signals,
 1035 regulatory or informational signage, road striping, underground
 1036 conduit, underground cable or fiber or wire installed pursuant
 1037 to an agreement with or tariff of a retail provider of services,
 1038 and all other customary elements of a functioning modern road
 1039 system in general or as tied to the conditions of development
 1040 approval for the area within the district, and parking
 1041 facilities that are freestanding or that may be related to any

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1042 innovative strategic intermodal system of transportation
1043 pursuant to applicable federal, state, and local laws and
1044 ordinances.

1045 (d) To provide buses, trolleys, rail access, mass transit
1046 facilities, transit shelters, ridesharing facilities and
1047 services, parking improvements, and related signage.

1048 (e) To provide investigation and remediation costs
1049 associated with the cleanup of actual or perceived environmental
1050 contamination within the district under the supervision or
1051 direction of a competent governmental authority unless the
1052 covered costs benefit any person who is a landowner within the
1053 district and who caused or contributed to the contamination.

1054 (f) To provide conservation and mitigation of wildlife
1055 habitat, including the maintenance of any plant or animal
1056 species, and any related interest in real or personal property.

1057 (g) To provide investigation and remediation costs
1058 associated with the preservation of actual or perceived historic
1059 and archaeological resources within the district under the
1060 supervision or direction of a competent governmental authority.

1061 (h) Using its general and special powers as set forth in
1062 this act, to provide any other project within or without the
1063 boundaries of the district when the project is required for
1064 purposes of meeting concurrency or similar development-related
1065 obligations and the project is the subject of an agreement
1066 between the district and the Tampa City Council, the Board of

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1067 County Commissioners of Hillsborough County, or any other
 1068 applicable public or private entity, and is not inconsistent
 1069 with the effective local comprehensive plans.

1070 (i) To provide parks, plazas, and facilities for indoor
 1071 and outdoor recreational, cultural, and educational uses,
 1072 including facilities that encourage the integration of exercise
 1073 and fitness into everyday life.

1074 (j) To provide school buildings and related structures,
 1075 which may be leased, sold, or donated to the school district, a
 1076 charter school as authorized by law, or educational facilities
 1077 for intermediate and higher education or vocational training,
 1078 for use in the educational system when authorized by the
 1079 district school board or other applicable governmental entity.

1080 (k) To provide security, including, but not limited to,
 1081 guardhouses, electronic intrusion-detection systems, monitoring,
 1082 and patrol cars, when authorized by proper governmental
 1083 agencies; except that the district may not exercise any police
 1084 power, but may contract with the appropriate general-purpose
 1085 local government agencies for an increased level of such
 1086 services within the district boundaries.

1087 (l) To provide traffic control and enforcement when
 1088 authorized by proper governmental agencies. Nothing in this act
 1089 prohibits the district from contracting with a towing operator
 1090 to remove a vehicle or vessel from a district-owned facility or
 1091 property if the district follows the authorization, notice, and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1092 procedural requirements in s. 715.07, Florida Statutes, for an
 1093 owner or lessee of private property. The district's selection of
 1094 a towing operator is not subject to public bidding if the towing
 1095 operator is included in an approved list of towing operators
 1096 maintained by the City of Tampa.

1097 (m) To provide control and elimination of mosquitoes and
 1098 other arthropods of public health importance.

1099 (n) To enter into impact fee, mobility fee, or other
 1100 similar credit agreements with the City of Tampa, Hillsborough
 1101 County, or a landowner developer and to sell or assign such
 1102 credits on such terms as the district deems appropriate.

1103 (o) To provide buildings and structures for district
 1104 offices, maintenance facilities, meeting facilities, town
 1105 centers, or any other project authorized or granted by this act.

1106 (p) To establish and create, at noticed meetings, such
 1107 departments of the board of supervisors of the district, as well
 1108 as committees, task forces, boards, or commissions, or other
 1109 agencies under the supervision and control of the district, as
 1110 from time to time the members of the board may deem necessary or
 1111 desirable in the performance of the acts or other things
 1112 necessary to exercise the board's general or special powers to
 1113 implement an innovative project to carry out the special and
 1114 limited purpose of the district as provided in this act and to
 1115 delegate the exercise of its powers to such departments, boards,
 1116 task forces, committees, commissions, or other agencies, and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1117 such administrative duties and other powers as the board may
 1118 deem necessary or desirable, but only if there is a set of
 1119 expressed limitations for accountability, notice, and periodic
 1120 written reporting to the board that shall retain the powers of
 1121 the board.

1122 (g) To provide electrical, sustainable, or green
 1123 infrastructure improvements, facilities, chillers, and services,
 1124 including, but not limited to, recycling of natural resources,
 1125 reduction of energy demands, development and generation of
 1126 alternative or renewable energy sources and technologies,
 1127 mitigation of urban heat islands, sequestration, capping or
 1128 trading of carbon emissions or carbon emissions credits, LEED or
 1129 Florida Green Building Coalition certification, and development
 1130 of facilities and improvements for low-impact development and to
 1131 enter into joint ventures, public-private partnerships, and
 1132 other agreements and to grant such easements as may be necessary
 1133 to accomplish the foregoing. Nothing herein shall authorize the
 1134 district to provide electric or natural gas service to retail
 1135 customers or otherwise act to impair electric or natural gas
 1136 utility service territories or franchise agreements.

1137 (r) To provide for any facilities or improvements that may
 1138 otherwise be provided for by any county or municipality,
 1139 including, but not limited to, libraries, annexes, substations,
 1140 and other buildings to house public officials, staff, and
 1141 employees.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1142 (s) To provide for the construction and operation of
 1143 communications systems and related infrastructure for the
 1144 carriage and distribution of communications services, and to
 1145 enter into joint ventures, public-private partnerships, and
 1146 other agreements and to grant such easements as may be necessary
 1147 to accomplish the foregoing. For purposes of this paragraph,
 1148 communications systems shall mean all facilities, buildings,
 1149 equipment, items, and methods necessary or desirable in order to
 1150 provide communications services, including, without limitation,
 1151 wires, cables, conduits, wireless cell sites, computers, modems,
 1152 satellite antennae sites, transmission facilities, network
 1153 facilities, and appurtenant devices necessary and appropriate to
 1154 support the provision of communications services. Communications
 1155 services includes, without limitation, internet, voice telephone
 1156 or similar services provided by voice over internet protocol,
 1157 cable television, data transmission services, electronic
 1158 security monitoring services, and multi-channel video
 1159 programming distribution services. Communications services
 1160 provided by the district shall be subject to ss. 125.421 and
 1161 350.81, Florida Statutes, and carry or include any governmental
 1162 channel or other media content created or produced by
 1163 Hillsborough County.

1164 (t) To coordinate, work with, and, as the board deems
 1165 appropriate, enter into interlocal agreements with any public or

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1166 private entity for the provision of an institution or
 1167 institutions of higher education.

1168 (u) To coordinate, work with, and, as the board deems
 1169 appropriate, enter into public-private partnerships and
 1170 agreements as may be necessary or useful to effectuate the
 1171 purposes of this act.

1172
 1173 The enumeration of special powers herein shall not be deemed
 1174 exclusive or restrictive but shall be deemed to incorporate all
 1175 powers express or implied necessary or incident to carrying out
 1176 such enumerated special powers, including the general powers
 1177 provided by this special act charter to the district to
 1178 implement its purposes. The provisions of this subsection shall
 1179 be construed liberally, subject to the provisions of this
 1180 section that require the district and the City of Tampa to
 1181 resolve any duplications of the use of powers through the
 1182 implementation of an interlocal agreement, in order to carry out
 1183 effectively the special and limited purpose of this district
 1184 under this act.

1185 (8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to
 1186 the other powers provided for in this act, and not in limitation
 1187 thereof, the district shall have the power, at any time and from
 1188 time to time after the issuance of any bonds of the district are
 1189 authorized, to borrow money for the purposes for which such
 1190 bonds are to be issued in anticipation of the receipt of the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1191 proceeds of the sale of such bonds and to issue bond
 1192 anticipation notes in a principal sum not in excess of the
 1193 authorized maximum amount of such bond issue. Such notes shall
 1194 be in such denomination or denominations, bear interest at such
 1195 rate as the board may determine not to exceed the maximum rate
 1196 allowed by general law, mature at such time or times not later
 1197 than 5 years from the date of issuance, and be in such form and
 1198 executed in such manner as the board shall prescribe. Such notes
 1199 may be sold at either public or private sale or, if such notes
 1200 shall be renewal notes, may be exchanged for notes then
 1201 outstanding on such terms as the board shall determine. Such
 1202 notes shall be paid from the proceeds of such bonds when issued.
 1203 The board may, in its discretion, in lieu of retiring the notes
 1204 by means of bonds, retire them by means of current revenues or
 1205 from any taxes or assessments levied for the payment of such
 1206 bonds, but, in such event, a like amount of the bonds authorized
 1207 shall not be issued.

1208 (9) BORROWING.—The district at any time may obtain loans,
 1209 in such amount and on such terms and conditions as the board may
 1210 approve, for the purpose of paying any of the expenses of the
 1211 district or any costs incurred or that may be incurred in
 1212 connection with any of the projects of the district, which loans
 1213 shall bear interest as the board determines, not to exceed the
 1214 maximum rate allowed by general law, and may be payable from and
 1215 secured by a pledge of such funds, revenues, taxes, and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1216 assessments as the board may determine, subject, however, to the
 1217 provisions contained in any proceeding under which bonds were
 1218 theretofore issued and are then outstanding. For the purpose of
 1219 defraying such costs and expenses, the district may issue
 1220 negotiable notes, warrants, or other evidences of debt to be
 1221 payable at such times and to bear such interest as the board may
 1222 determine, not to exceed the maximum rate allowed by general
 1223 law, and to be sold or discounted at such price or prices not
 1224 less than 95 percent of par value and on such terms as the board
 1225 may deem advisable. The board shall have the right to provide
 1226 for the payment thereof by pledging the whole or any part of the
 1227 funds, revenues, taxes, and assessments of the district or by
 1228 covenanting to budget and appropriate from such funds. The
 1229 approval of the electors residing in the district shall not be
 1230 necessary except when required by the State Constitution.

1231 (10) BONDS.—

1232 (a) Sale of bonds.—Bonds may be sold in blocks or
 1233 installments at different times, or an entire issue or series
 1234 may be sold at one time. Bonds may be sold at public or private
 1235 sale after such advertisement, if any, as the board may deem
 1236 advisable, but not in any event at less than 90 percent of the
 1237 par value thereof, together with accrued interest thereon. Bonds
 1238 may be sold or exchanged for refunding bonds. Special assessment
 1239 and revenue bonds may be delivered by the district as payment of
 1240 the purchase price of any project or part thereof, or a

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1241 combination of projects or parts thereof, or as the purchase
 1242 price or exchange for any property, real, personal, or mixed,
 1243 including franchises or services rendered by any contractor,
 1244 engineer, or other person, all at one time or in blocks from
 1245 time to time, in such manner and upon such terms as the board in
 1246 its discretion shall determine. The price or prices for any
 1247 bonds sold, exchanged, or delivered may be:

- 1248 1. The money paid for the bonds.
- 1249 2. The principal amount, plus accrued interest to the date
 1250 of redemption or exchange, or outstanding obligations exchanged
 1251 for refunding bonds.

- 1252 3. In the case of special assessment or revenue bonds, the
 1253 amount of any indebtedness to contractors or other persons paid
 1254 with such bonds, or the fair value of any properties exchanged
 1255 for the bonds, as determined by the board.

1256 (b) Authorization and form of bonds.—Any special
 1257 assessment bonds or revenue bonds may be authorized by
 1258 resolution or resolutions of the board which shall be adopted by
 1259 a majority of all the members thereof then in office. Such
 1260 resolution or resolutions may be adopted at the same meeting at
 1261 which they are introduced and need not be published or posted.
 1262 The board may, by resolution, authorize the issuance of bonds
 1263 and fix the aggregate amount of bonds to be issued; the purpose
 1264 or purposes for which the moneys derived therefrom shall be
 1265 expended, including, but not limited to, payment of costs as

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1266 defined in section 2(2)(h); the rate or rates of interest, not
 1267 to exceed the maximum rate allowed by general law; the
 1268 denomination of the bonds; whether or not the bonds are to be
 1269 issued in one or more series; the date or dates of maturity,
 1270 which shall not exceed 40 years from their respective dates of
 1271 issuance; the medium of payment; the place or places within or
 1272 without the state at which payment shall be made; registration
 1273 privileges; redemption terms and privileges, whether with or
 1274 without premium; the manner of execution; the form of the bonds,
 1275 including any interest coupons to be attached thereto; the
 1276 manner of execution of bonds and coupons; and any and all other
 1277 terms, covenants, and conditions thereof and the establishment
 1278 of revenue or other funds. Such authorizing resolution or
 1279 resolutions may further provide for the contracts authorized by
 1280 s. 159.825(1)(f) and (g), Florida Statutes, regardless of the
 1281 tax treatment of such bonds being authorized, subject to the
 1282 finding by the board of a net saving to the district resulting
 1283 by reason thereof. Such authorizing resolution may further
 1284 provide that such bonds may be executed in accordance with the
 1285 Registered Public Obligations Act, except that bonds not issued
 1286 in registered form shall be valid if manually countersigned by
 1287 an officer designated by appropriate resolution of the board.
 1288 The seal of the district may be affixed, lithographed, engraved,
 1289 or otherwise reproduced in facsimile on such bonds. In case any
 1290 officer whose signature shall appear on any bonds or coupons

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1291 shall cease to be such officer before the delivery of such
 1292 bonds, such signature or facsimile shall nevertheless be valid
 1293 and sufficient for all purposes as if he or she had remained in
 1294 office until such delivery.

1295 (c) Interim certificates; replacement certificates.-
 1296 Pending the preparation of definitive bonds, the board may issue
 1297 interim certificates or receipts or temporary bonds, in such
 1298 form and with such provisions as the board may determine,
 1299 exchangeable for definitive bonds when such bonds have been
 1300 executed and are available for delivery. The board may also
 1301 provide for the replacement of any bonds which become mutilated,
 1302 lost, or destroyed.

1303 (d) Negotiability of bonds.-Any bond issued under this act
 1304 or any temporary bond, in the absence of an express recital on
 1305 the face thereof that it is nonnegotiable, shall be fully
 1306 negotiable and shall be and constitute a negotiable instrument
 1307 within the meaning and for all purposes of the law merchant and
 1308 the laws of the state.

1309 (e) Defeasance.-The board may make such provision with
 1310 respect to the defeasance of the right, title, and interest of
 1311 the holders of any of the bonds and obligations of the district
 1312 in any revenues, funds, or other properties by which such bonds
 1313 are secured as the board deems appropriate and, without
 1314 limitation on the foregoing, may provide that when such bonds or
 1315 obligations become due and payable or shall have been called for

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1316 redemption and the whole amount of the principal and interest
 1317 and premium, if any, due and payable upon the bonds or
 1318 obligations then outstanding shall be held in trust for such
 1319 purpose, and provision shall also be made for paying all other
 1320 sums payable in connection with such bonds or other obligations,
 1321 then and in such event the right, title, and interest of the
 1322 holders of the bonds in any revenues, funds, or other properties
 1323 by which such bonds are secured shall thereupon cease,
 1324 terminate, and become void; and the board may apply any surplus
 1325 in any sinking fund established in connection with such bonds or
 1326 obligations and all balances remaining in all other funds or
 1327 accounts other than moneys held for the redemption or payment of
 1328 the bonds or other obligations to any lawful purpose of the
 1329 district as the board shall determine.

1330 (f) Issuance of additional bonds.—If the proceeds of any
 1331 bonds are less than the cost of completing the project in
 1332 connection with which such bonds were issued, the board may
 1333 authorize the issuance of additional bonds, upon such terms and
 1334 conditions as the board may provide in the resolution
 1335 authorizing the issuance thereof, but only in compliance with
 1336 the resolution or other proceedings authorizing the issuance of
 1337 the original bonds.

1338 (g) Refunding bonds.—The district is authorized to issue
 1339 bonds to provide for the retirement or refunding of any bonds or
 1340 obligations of the district that at the time of such issuance

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1341 are or subsequent thereto become due and payable, or that at the
 1342 time of issuance have been called or are, or will be, subject to
 1343 call for redemption within 10 years thereafter, or the surrender
 1344 of which can be procured from the holders thereof at prices
 1345 satisfactory to the board. Refunding bonds may be issued at any
 1346 time that in the judgment of the board such issuance will be
 1347 advantageous to the district. No approval of the landowners in
 1348 the district shall be required for the issuance of refunding
 1349 bonds except in cases in which such approval is required by the
 1350 State Constitution. The board may by resolution confer upon the
 1351 holders of such refunding bonds all rights, powers, and remedies
 1352 to which the holders would be entitled if they continued to be
 1353 the owners and had possession of the bonds for the refinancing
 1354 of which such refunding bonds are issued, including, but not
 1355 limited to, the preservation of the lien of such bonds on the
 1356 revenues of any project or on pledged funds, without
 1357 extinguishment, impairment, or diminution thereof. The
 1358 provisions of this act pertaining to bonds of the district
 1359 shall, unless the context otherwise requires, govern the
 1360 issuance of refunding bonds, the form and other details thereof,
 1361 the rights of the holders thereof, and the duties of the board
 1362 with respect to such bonds.

1363 (h) Revenue bonds.—

1364 1. The district shall have the power to issue revenue
 1365 bonds from time to time without limitation as to amount. Such

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1366 revenue bonds may be secured by, or payable from, the gross or
1367 net pledge of the revenues to be derived from any project or
1368 combination of projects; from the rates, fees, or other charges
1369 to be collected from the users of any project or projects; from
1370 any revenue-producing undertaking or activity of the district;
1371 from special assessments; from benefit special assessments; or
1372 from any other source or pledged security. Such bonds shall not
1373 constitute an indebtedness of the district, and the approval of
1374 the landowners shall not be required unless such bonds are
1375 additionally secured by the full faith and credit and taxing
1376 power of the district.

1377 2. Any two or more projects may be combined and
1378 consolidated into a single project and may hereafter be operated
1379 and maintained as a single project. The revenue bonds authorized
1380 herein may be issued to finance any one or more of such
1381 projects, regardless of whether or not such projects have been
1382 combined and consolidated into a single project. If the board
1383 deems it advisable, the proceedings authorizing such revenue
1384 bonds may provide that the district may thereafter combine the
1385 projects then being financed or theretofore financed with other
1386 projects to be subsequently financed by the district and that
1387 revenue bonds to be thereafter issued by the district shall be
1388 on parity with the revenue bonds then being issued, all on such
1389 terms, conditions, and limitations as shall have been provided
1390 in the proceeding which authorized the original bonds.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1391 (i) Bonds as legal investment or security.—
 1392 1. Notwithstanding any provisions of any other law to the
 1393 contrary, all bonds issued under the provisions of this act
 1394 shall constitute legal investments for savings banks, banks,
 1395 trust companies, insurance companies, executors, administrators,
 1396 trustees, guardians, and other fiduciaries and for any board,
 1397 body, agency, instrumentality, county, municipality, or other
 1398 political subdivision of the state and shall be and constitute
 1399 security which may be deposited by banks or trust companies as
 1400 security for deposits of state, county, municipal, or other
 1401 public funds or by insurance companies as required or voluntary
 1402 statutory deposits.
 1403 2. Any bonds issued by the district shall be incontestable
 1404 in the hands of bona fide purchasers or holders for value and
 1405 shall not be invalid because of any irregularity or defect in
 1406 the proceedings for the issue and sale thereof.
 1407 (j) Covenants.—Any resolution authorizing the issuance of
 1408 bonds may contain such covenants as the board may deem
 1409 advisable, and all such covenants shall constitute valid and
 1410 legally binding and enforceable contracts between the district
 1411 and the bondholders, regardless of the time of issuance thereof.
 1412 Such covenants may include, without limitation, covenants
 1413 concerning the disposition of the bond proceeds; the use and
 1414 disposition of project revenues; the pledging of revenues,
 1415 taxes, and assessments; the obligations of the district with

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1416 respect to the operation of the project and the maintenance of
 1417 adequate project revenues; the issuance of additional bonds; the
 1418 appointment, powers, and duties of trustees and receivers; the
 1419 acquisition of outstanding bonds and obligations; restrictions
 1420 on the establishing of competing projects or facilities;
 1421 restrictions on the sale or disposal of the assets and property
 1422 of the district; the priority of assessment liens; the priority
 1423 of claims by bondholders on the taxing power of the district;
 1424 the maintenance of deposits to ensure the payment of revenues by
 1425 users of district facilities and services; the discontinuance of
 1426 district services by reason of delinquent payments; acceleration
 1427 upon default; the execution of necessary instruments; the
 1428 procedure for amending or abrogating covenants with the
 1429 bondholders; and such other covenants as may be deemed necessary
 1430 or desirable for the security of the bondholders.

1431 (k) Validation proceedings.—The power of the district to
 1432 issue bonds under the provisions of this act may be determined,
 1433 and any of the bonds of the district maturing over a period of
 1434 more than 5 years shall be validated and confirmed, by court
 1435 decree, under the provisions of chapter 75, Florida Statutes,
 1436 and laws amendatory thereof or supplementary thereto.

1437 (l) Tax exemption.—To the extent allowed by general law,
 1438 all bonds issued hereunder and interest paid thereon and all
 1439 fees, charges, and other revenues derived by the district from
 1440 the projects provided by this act are exempt from all taxes by

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1441 the state or by any political subdivision, agency, or
 1442 instrumentality thereof; however, any interest, income, or
 1443 profits on debt obligations issued hereunder are not exempt from
 1444 the tax imposed by chapter 220, Florida Statutes. Further, the
 1445 district is not exempt from the provisions of chapter 212,
 1446 Florida Statutes.

1447 (m) Application of s. 189.051, Florida Statutes.—Bonds
 1448 issued by the district shall meet the criteria set forth in s.
 1449 189.051, Florida Statutes.

1450 (n) Act furnishes full authority for issuance of bonds.—
 1451 This act constitutes full and complete authority for the
 1452 issuance of bonds and the exercise of the powers of the district
 1453 provided herein. No procedures or proceedings, publications,
 1454 notices, consents, approvals, orders, acts, or things by the
 1455 board, or any board, officer, commission, department, agency, or
 1456 instrumentality of the district, other than those required by
 1457 this act, shall be required to perform anything under this act,
 1458 except that the issuance or sale of bonds pursuant to the
 1459 provisions of this act shall comply with the general law
 1460 requirements applicable to the issuance or sale of bonds by the
 1461 district. Nothing in this act shall be construed to authorize
 1462 the district to utilize bond proceeds to fund the ongoing
 1463 operations of the district.

1464 (o) Pledge by the state to the bondholders of the
 1465 district.—The state pledges to the holders of any bonds issued

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1466 under this act that it will not limit or alter the rights of the
 1467 district to own, acquire, construct, reconstruct, improve,
 1468 maintain, operate, or furnish the projects or to levy and
 1469 collect the taxes, assessments, rentals, rates, fees, and other
 1470 charges provided for herein and to fulfill the terms of any
 1471 agreement made with the holders of such bonds or other
 1472 obligations and that it will not in any way impair the rights or
 1473 remedies of such holders.

1474 (p) Default.—A default on the bonds or obligations of the
 1475 district shall not constitute a debt or obligation of the state
 1476 or any general-purpose local government or the state. In the
 1477 event of a default or dissolution of the district, no general-
 1478 purpose local government shall be required to assume the
 1479 property of the district, the debts of the district, or the
 1480 district's obligations to complete any infrastructure
 1481 improvements or provide any services to the district. The
 1482 provisions of s. 189.076(2), Florida Statutes, shall not apply
 1483 to the district.

1484 (11) TRUST AGREEMENTS.—Any issue of bonds shall be secured
 1485 by a trust agreement or resolution by and between the district
 1486 and a corporate trustee or trustees, which may be any trust
 1487 company or bank having the powers of a trust company within or
 1488 without the state. The resolution authorizing the issuance of
 1489 the bonds or such trust agreement may pledge the revenues to be
 1490 received from any projects of the district and may contain such

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1491 provisions for protecting and enforcing the rights and remedies
 1492 of the bondholders as the board may approve, including, without
 1493 limitation, covenants setting forth the duties of the district
 1494 in relation to the acquisition, construction, reconstruction,
 1495 improvement, maintenance, repair, operation, and insurance of
 1496 any projects; the fixing and revising of the rates, fees, and
 1497 charges; and the custody, safeguarding, and application of all
 1498 moneys and for the employment of consulting engineers in
 1499 connection with such acquisition, construction, reconstruction,
 1500 improvement, maintenance, repair, operation, or insurance. It
 1501 shall be lawful for any bank or trust company within or without
 1502 the state which may act as a depository of the proceeds of bonds
 1503 or of revenues to furnish such indemnifying bonds or to pledge
 1504 such securities as may be required by the district. Such
 1505 resolution or trust agreement may set forth the rights and
 1506 remedies of the bondholders and of the trustee, if any, and may
 1507 restrict the individual right of action by bondholders. The
 1508 board may provide for the payment of proceeds of the sale of the
 1509 bonds and the revenues of any project to such officer, board, or
 1510 depository as it may designate for the custody thereof and may
 1511 provide for the method of disbursement thereof with such
 1512 safeguards and restrictions as it may determine. All expenses
 1513 incurred in carrying out the provisions of such resolution or
 1514 trust agreement may be treated as part of the cost of operation
 1515 of the project to which such trust agreement pertains.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1516 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 1517 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 1518 ASSESSMENTS.—

1519 (a) Ad valorem taxes.—The board shall have the power to
 1520 levy and assess an ad valorem tax on all the taxable property in
 1521 the district to construct, operate, and maintain assessable
 1522 improvements; to pay the principal of, and interest on, any
 1523 bonds of the district; and to provide for any sinking or other
 1524 funds established in connection with any such bonds. An ad
 1525 valorem tax levied by the board for operating purposes,
 1526 exclusive of debt service on bonds, shall not exceed 1 mill. The
 1527 ad valorem tax provided for herein shall be in addition to
 1528 county and all other ad valorem taxes provided for by law. Such
 1529 tax shall be assessed, levied, and collected in the same manner
 1530 and at the same time as county taxes. The levy of ad valorem
 1531 taxes must be approved by referendum as required by Section 9 of
 1532 Article VII of the State Constitution.

1533 (b) Benefit special assessments.—The board annually shall
 1534 determine, order, and levy the annual installment of the total
 1535 benefit special assessments for bonds issued and related
 1536 expenses to finance assessable improvements. These assessments
 1537 may be due and collected during each year county taxes are due
 1538 and collected, in which case such annual installment and levy
 1539 shall be evidenced to and certified to the property appraiser by
 1540 the board not later than August 31 of each year. Such assessment

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1541 shall be entered by the property appraiser on the county tax
 1542 rolls and shall be collected and enforced by the tax collector
 1543 in the same manner and at the same time as county taxes, and the
 1544 proceeds thereof shall be paid to the district. However, this
 1545 subsection shall not prohibit the district in its discretion
 1546 from using the method prescribed in s. 197.3632, Florida
 1547 Statutes, or chapter 173, Florida Statutes, for collecting and
 1548 enforcing these assessments. Each annual installment of benefit
 1549 special assessments shall be a lien on the property against
 1550 which assessed until paid and shall be enforceable in like
 1551 manner as county taxes. The amount of the assessment for the
 1552 exercise of the district's powers under subsections (6) and (7)
 1553 shall be determined by the board based upon a report of the
 1554 district's engineer and assessed by the board upon such lands,
 1555 which may be part or all of the lands within the district
 1556 benefited by the improvement, apportioned between benefited
 1557 lands in proportion to the benefits received by each tract of
 1558 land. The board may, if it determines it is in the best
 1559 interests of the district, set forth in the proceedings
 1560 initially levying such benefit special assessments or in
 1561 subsequent proceedings a formula for the determination of an
 1562 amount which, when paid by a taxpayer with respect to any tax
 1563 parcel, shall constitute a prepayment of all future annual
 1564 installments of such benefit special assessments. The payment of
 1565 which amount with respect to such tax parcel shall relieve and

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1566 discharge such tax parcel of the lien of such benefit special
 1567 assessments and any subsequent annual installment thereof. The
 1568 board may provide further that upon delinquency in the payment
 1569 of any annual installment of benefit special assessments, such
 1570 prepayment amount of all future annual installments of benefit
 1571 special assessments shall be and become immediately due and
 1572 payable together with such delinquent annual installment.

1573 (c) Maintenance special assessments.—To maintain and
 1574 preserve the facilities and projects of the district, the board
 1575 may levy a maintenance special assessment. This assessment may
 1576 be evidenced to and certified to the tax collector by the board
 1577 of supervisors by August 31 of each year and shall be entered by
 1578 the property appraiser on the county tax rolls collected and
 1579 enforced by the tax collector in the same manner and at the same
 1580 time as county taxes, and the proceeds therefrom shall be paid
 1581 to the district. However, this subsection shall not prohibit the
 1582 district in its discretion from using the method prescribed in
 1583 s. 197.363, s. 197.3631, or s. 197.3632, Florida Statutes, for
 1584 collecting and enforcing these assessments. These maintenance
 1585 special assessments shall be a lien on the property against
 1586 which assessed until paid and shall be enforceable in like
 1587 manner as county taxes. The amount of the maintenance special
 1588 assessment for the exercise of the district's powers under this
 1589 section shall be determined by the board based upon a report of
 1590 the district's engineer and assessed by the board upon such

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1591 lands, which may be all of the lands within the district
 1592 benefited by the maintenance thereof, apportioned between the
 1593 benefited lands in proportion to the benefits received by each
 1594 tract of land.

1595 (d) Special assessments.—The board may levy and impose any
 1596 special assessments pursuant to this subsection.

1597 (e) Enforcement of taxes.—The collection and enforcement
 1598 of all taxes levied by the district shall be at the same time
 1599 and in like manner as county taxes, and the provisions of
 1600 general law relating to the sale of lands for unpaid and
 1601 delinquent county taxes; the issuance, sale, and delivery of tax
 1602 certificates for such unpaid and delinquent county taxes; the
 1603 redemption thereof; the issuance to individuals of tax deeds
 1604 based thereon; and all other procedures in connection therewith
 1605 shall be applicable to the district to the same extent as if
 1606 such statutory provisions were expressly set forth herein. All
 1607 taxes shall be subject to the same discounts as county taxes.

1608 (f) When unpaid tax is delinquent; penalty.—All taxes
 1609 provided for in this act shall become delinquent and bear
 1610 penalties on the amount of such taxes in the same manner as
 1611 county taxes.

1612 (g) Status of assessments.—Benefit special assessments,
 1613 maintenance special assessments, and special assessments are
 1614 hereby found and determined to be non-ad valorem assessments as
 1615 defined in s. 197.3632, Florida Statutes.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1616 (h) Assessments constitute liens; collection.—Any and all
 1617 assessments, including special assessments, benefit special
 1618 assessments, and maintenance special assessments authorized by
 1619 this section, and including special assessments as defined in
 1620 section 2(2) and granted and authorized by this subsection,
 1621 shall constitute a lien on the property against which assessed
 1622 from the date of levy and imposition thereof until paid, coequal
 1623 with the lien of state, county, municipal, and school board
 1624 taxes. These assessments may be collected, at the district's
 1625 discretion, under authority of s. 197.3631, Florida Statutes, by
 1626 the tax collector pursuant to the provisions of ss. 197.3632 and
 1627 197.3635, Florida Statutes, or in accordance with other
 1628 collection measures provided by law. In addition to, and not in
 1629 limitation of, any powers otherwise set forth herein or in
 1630 general law, these assessments may also be enforced pursuant to
 1631 the provisions of chapter 173, Florida Statutes.

1632 (i) Land owned by governmental entity.—Except as otherwise
 1633 provided by law, no levy of ad valorem taxes or non-ad valorem
 1634 assessments under this act, chapter 170 or chapter 197, Florida
 1635 Statutes, or otherwise by a board of the district, on property
 1636 of a governmental entity that is subject to a ground lease as
 1637 described in s. 190.003(14), Florida Statutes, shall constitute
 1638 a lien or encumbrance on the underlying fee interest of such
 1639 governmental entity. There shall be no levy of ad valorem taxes
 1640 or non-ad valorem assessments under this act on property owned

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1641 by the state or Hillsborough County. There shall be no levy of
 1642 ad valorem taxes or non-ad valorem assessments under this act on
 1643 property owned by the City of Tampa and used for governmental
 1644 purposes.

1645 (13) SPECIAL ASSESSMENTS.—

1646 (a) As an alternative method to the levy and imposition of
 1647 special assessments pursuant to chapter 170, Florida Statutes,
 1648 pursuant to the authority of s. 197.3631, Florida Statutes, or
 1649 pursuant to other provisions of general law, now or hereafter
 1650 enacted, which provide a supplemental means or authority to
 1651 impose, levy, and collect special assessments as otherwise
 1652 authorized under this act, the board may levy and impose special
 1653 assessments to finance the exercise of any of its powers
 1654 permitted under this act using the following uniform procedures:

1655 1. At a noticed meeting, the board of supervisors of the
 1656 district may consider and review an engineer's report on the
 1657 costs of the systems, facilities, and services to be provided; a
 1658 preliminary special assessment methodology; and a preliminary
 1659 roll based on acreage or platted lands, depending upon whether
 1660 platting has occurred.

1661 a. The special assessment methodology shall address and
 1662 discuss and the board shall consider whether the systems,
 1663 facilities, and services being contemplated will result in
 1664 special benefits peculiar to the property, different in kind and
 1665 degree than general benefits, as a logical connection between

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1666 the systems, facilities, and services themselves and the
 1667 property, and whether the duty to pay the special assessments by
 1668 the property owners is apportioned in a manner that is fair and
 1669 equitable and not in excess of the special benefit received. It
 1670 shall be fair and equitable to designate a fixed proportion of
 1671 the annual debt service, together with interest thereon, on the
 1672 aggregate principal amount of bonds issued to finance such
 1673 systems, facilities, and services which give rise to unique,
 1674 special, and peculiar benefits to property of the same or
 1675 similar characteristics under the special assessment methodology
 1676 so long as such fixed proportion does not exceed the unique,
 1677 special, and peculiar benefits enjoyed by such property from
 1678 such systems, facilities, and services.

1679 b. The engineer's cost report shall identify the nature of
 1680 the proposed systems, facilities, and services, their location,
 1681 a cost breakdown plus a total estimated cost, including cost of
 1682 construction or reconstruction, labor, and materials, lands,
 1683 property, rights, easements, franchises, or systems, facilities,
 1684 and services to be acquired, cost of plans and specifications,
 1685 surveys of estimates of costs and revenues, costs of
 1686 engineering, legal, and other professional consultation
 1687 services, and other expenses or costs necessary or incident to
 1688 determining the feasibility or practicability of such
 1689 construction, reconstruction, or acquisition, administrative
 1690 expenses, relationship to the authority and power of the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1691 district in its charter, and such other expenses or costs as may
 1692 be necessary or incident to the financing to be authorized by
 1693 the board of supervisors.

1694 c. The preliminary special assessment roll shall be in
 1695 accordance with the assessment methodology as may be adopted by
 1696 the board of supervisors. The special assessment roll shall be
 1697 completed as promptly as possible and shall show the acreage,
 1698 lots, lands, or plats assessed and the amount of the fairly and
 1699 reasonably apportioned assessment based on special and peculiar
 1700 benefit to the property, lot, parcel, or acreage of land. If the
 1701 special assessment against such lot, parcel, acreage, or portion
 1702 of land is to be paid in installments, the number of annual
 1703 installments in which the special assessment is divided shall be
 1704 entered into and shown upon the special assessment roll.

1705 2. The board of supervisors of the district may determine
 1706 and declare by an initial special assessment resolution to levy
 1707 and assess the special assessments with respect to assessable
 1708 improvements stating the nature of the systems, facilities, and
 1709 services, improvements, projects, or infrastructure constituting
 1710 such assessable improvements, the information in the engineer's
 1711 cost report, the information in the special assessment
 1712 methodology as determined by the board at the noticed meeting,
 1713 the preliminary special assessment methodology, and the
 1714 preliminary special assessment roll. If the board determines to
 1715 declare and levy the special assessments by the initial special

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1716 assessment resolution, the board shall also adopt and declare a
 1717 notice resolution which shall provide and cause the initial
 1718 special assessment resolution to be published once a week for a
 1719 period of 2 weeks in newspapers of general circulation published
 1720 in Hillsborough County and said board shall by the same
 1721 resolution fix a time and place at which the owner or owners of
 1722 the property to be assessed or any other persons interested
 1723 therein may appear before said board and be heard as to the
 1724 propriety and advisability of making such improvements, as to
 1725 the costs thereof, as to the manner of payment therefor, and as
 1726 to the amount thereof to be assessed against each property so
 1727 improved. Thirty days' notice in writing of such time and place
 1728 shall be given to such property owners. The notice shall include
 1729 the amount of the special assessment and shall be served by
 1730 mailing a copy to each assessed property owner at his or her
 1731 last known address, the names and addresses of such property
 1732 owners to be obtained from the record of the property appraiser
 1733 of the county political subdivision in which the land is located
 1734 or from such other sources as the district manager or engineer
 1735 deems reliable. Proof of such mailing shall be made by the
 1736 affidavit of the manager of the district or by the engineer,
 1737 said proof to be filed with the district manager. Failure to
 1738 mail said notice or notices shall not invalidate any of the
 1739 proceedings hereunder. It is provided further that the last
 1740 publication shall be at least 1 week prior to the date of the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1741 hearing on the final special assessment resolution. Said notice
1742 shall describe the general areas to be improved and advise all
1743 persons interested that the description of each property to be
1744 assessed and the amount to be assessed to each piece, parcel,
1745 lot, or acre of property may be ascertained at the office of the
1746 manager of the district. Such service by publication shall be
1747 verified by the affidavit of the publisher and filed with the
1748 manager of the district. Moreover, the initial special
1749 assessment resolution with its attached, referenced, and
1750 incorporated engineer's cost report, preliminary special
1751 assessment methodology, and preliminary special assessment roll,
1752 along with the notice resolution, shall be available for public
1753 inspection at the office of the manager and the office of the
1754 engineer or any other office designated by the board of
1755 supervisors in the notice resolution. Notwithstanding the
1756 foregoing, the landowners of all of the property which is
1757 proposed to be assessed may give the district written notice of
1758 waiver of any notice and publication provided for in this
1759 subparagraph and such notice and publication shall not be
1760 required, provided, however, that any meeting of the board of
1761 supervisors to consider such resolution shall be a publicly
1762 noticed meeting.

1763 3. At the time and place named in the noticed resolution
1764 as provided for in subparagraph 2., the board of supervisors of
1765 the district shall meet and hear testimony from affected

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1766 property owners as to the propriety and advisability of making
 1767 the systems, facilities, services, projects, works,
 1768 improvements, or infrastructure and funding them with
 1769 assessments referenced in the initial special assessment
 1770 resolution on the property. Following the testimony and
 1771 questions from the members of the board or any professional
 1772 advisors to the district of the preparers of the engineer's cost
 1773 report, the special assessment methodology, and the special
 1774 assessment roll, the board of supervisors shall make a final
 1775 decision on whether to levy and assess the particular special
 1776 assessments. Thereafter, the board of supervisors shall meet as
 1777 an equalizing board to hear and to consider any and all
 1778 complaints as to the particular special assessments and shall
 1779 adjust and equalize the special assessments to ensure proper
 1780 assessment based on the benefit conferred on the property.

1781 4. When so equalized and approved by resolution or
 1782 ordinance by the board of supervisors, to be called the final
 1783 special assessment resolution, a final special assessment roll
 1784 shall be filed with the clerk of the board and such special
 1785 assessment shall stand confirmed and remain legal, valid, and
 1786 binding first liens on the property against which such special
 1787 assessments are made until paid, equal in dignity to the first
 1788 liens of ad valorem taxation of county and municipal governments
 1789 and school boards. However, upon completion of the systems,
 1790 facilities, service, project, improvement, works, or

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1791 infrastructure, the district shall credit to each of the
 1792 assessments the difference in the special assessment as
 1793 originally made, approved, levied, assessed, and confirmed and
 1794 the proportionate part of the actual cost of the improvement to
 1795 be paid by the particular special assessments as finally
 1796 determined upon the completion of the improvement; but in no
 1797 event shall the final special assessment exceed the amount of
 1798 the special and peculiar benefits as apportioned fairly and
 1799 reasonably to the property from the system, facility, or service
 1800 being provided as originally assessed. Promptly after such
 1801 confirmation, the special assessment shall be recorded by the
 1802 clerk of the district in the minutes of the proceedings of the
 1803 district, and the record of the lien in this set of minutes
 1804 shall constitute prima facie evidence of its validity. The board
 1805 of supervisors, in its sole discretion, may by resolution grant
 1806 a discount equal to all or a part of the payee's proportionate
 1807 share of the cost of the project consisting of bond financing
 1808 cost, such as capitalized interest, funded reserves, and bond
 1809 discounts included in the estimated cost of the project, upon
 1810 payment in full of any special assessments during such period
 1811 prior to the time such financing costs are incurred as may be
 1812 specified by the board of supervisors in such resolution.

1813 5. District special assessments may be made payable in
 1814 installments over no more than 40 years from the date of the

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1815 payment of the first installment thereof and may bear interest
 1816 at fixed or variable rates.

1817 (b) Notwithstanding any provision of this act or chapter
 1818 170, Florida Statutes, that portion of s. 170.09, Florida
 1819 Statutes, which provides that special assessments may be paid
 1820 without interest at any time within 30 days after the
 1821 improvement is completed and a resolution accepting the same has
 1822 been adopted by the governing authority shall not be applicable
 1823 to any district special assessments, whether imposed, levied,
 1824 and collected pursuant to the provisions of this act or other
 1825 provisions of general law, including, but not limited to,
 1826 chapter 170, Florida Statutes.

1827 (c) In addition, the district is authorized expressly in
 1828 the exercise of its rulemaking power to adopt rules that provide
 1829 for notice, levy, imposition, equalization, and collection of
 1830 assessments.

1831 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 1832 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

1833 (a) The board may, after any special assessments or
 1834 benefit special assessments for assessable improvements are
 1835 made, determined, and confirmed as provided in this act, issue
 1836 certificates of indebtedness for the amount so assessed against
 1837 the abutting property or property otherwise benefited, as the
 1838 case may be, and separate certificates shall be issued against
 1839 each part or parcel of land or property assessed, which

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1840 certificates shall state the general nature of the improvement
 1841 for which the assessment is made. The certificates shall be
 1842 payable in annual installments in accordance with the
 1843 installments of the special assessment for which they are
 1844 issued. The board may determine the interest to be borne by such
 1845 certificates, not to exceed the maximum rate allowed by general
 1846 law, and may sell such certificates at either private or public
 1847 sale and determine the form, manner of execution, and other
 1848 details of such certificates. The certificates shall recite that
 1849 they are payable only from the special assessments levied and
 1850 collected from the part or parcel of land or property against
 1851 which they are issued. The proceeds of such certificates may be
 1852 pledged for the payment of principal of and interest on any
 1853 revenue bonds issued to finance in whole or in part such
 1854 assessable improvement, or, if not so pledged, may be used to
 1855 pay the cost or part of the cost of such assessable
 1856 improvements.

1857 (b) The district may also issue assessment bonds, revenue
 1858 bonds, or other obligations payable from a special fund into
 1859 which such certificates of indebtedness referred to in paragraph
 1860 (a) may be deposited or, if such certificates of indebtedness
 1861 have not been issued, may assign to such special fund for the
 1862 benefit of the holders of such assessment bonds or other
 1863 obligations, or to a trustee for such bondholders, the
 1864 assessment liens provided for in this act unless such

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1865 certificates of indebtedness or assessment liens have been
 1866 theretofore pledged for any bonds or other obligations
 1867 authorized hereunder. In the event of the creation of such
 1868 special fund and the issuance of such assessment bonds or other
 1869 obligations, the proceeds of such certificates of indebtedness
 1870 or assessment liens deposited therein shall be used only for the
 1871 payment of the assessment bonds or other obligations issued as
 1872 provided in this section. The district is authorized to covenant
 1873 with the holders of such assessment bonds, revenue bonds, or
 1874 other obligations that it will diligently and faithfully enforce
 1875 and collect all the special assessments, and interest and
 1876 penalties thereon, for which such certificates of indebtedness
 1877 or assessment liens have been deposited in or assigned to such
 1878 fund; to foreclose such assessment liens so assigned to such
 1879 special fund or represented by the certificates of indebtedness
 1880 deposited in the special fund, after such assessment liens have
 1881 become delinquent, and deposit the proceeds derived from such
 1882 foreclosure, including interest and penalties, in such special
 1883 fund; and to make any other covenants deemed necessary or
 1884 advisable in order to properly secure the holders of such
 1885 assessment bonds or other obligations.

1886 (c) The assessment bonds, revenue bonds, or other
 1887 obligations issued pursuant to this section shall have such
 1888 dates of issue and maturity as shall be deemed advisable by the
 1889 board; however, the maturities of such assessment bonds or other

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1890 obligations shall not be more than 2 years after the due date of
 1891 the last installment that will be payable on any of the special
 1892 assessments for which such assessment liens, or the certificates
 1893 of indebtedness representing such assessment liens, are assigned
 1894 to or deposited in such special fund.

1895 (d) Such assessment bonds, revenue bonds, or other
 1896 obligations issued under this section shall bear such interest
 1897 as the board may determine, not to exceed the maximum rate
 1898 allowed by general law, and shall be executed, shall have such
 1899 provisions for redemption prior to maturity, shall be sold in
 1900 the manner, and shall be subject to all of the applicable
 1901 provisions contained in this act for revenue bonds, except as
 1902 the same may be inconsistent with the provisions of this
 1903 section.

1904 (e) All assessment bonds, revenue bonds, or other
 1905 obligations issued under the provisions of this section shall
 1906 have all the qualities and incidents of negotiable instruments
 1907 under the law merchant and the laws of the state.

1908 (15) TAX LIENS.—All taxes of the district provided for in
 1909 this act, together with all penalties for default in the payment
 1910 of the same and all costs in collecting the same, including a
 1911 reasonable attorney fee fixed by the court and taxed as a cost
 1912 in the action brought to enforce payment, shall, from January 1
 1913 of each year the property is liable to assessment and until
 1914 paid, constitute a lien of equal dignity with the liens for

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1915 state and county taxes and other taxes of equal dignity with
 1916 state and county taxes upon all the lands against which such
 1917 taxes shall be levied. A sale of any of the real property within
 1918 the district for state and county or other taxes shall not
 1919 operate to relieve or release the property so sold from the lien
 1920 for subsequent district taxes or installments of district taxes,
 1921 which lien may be enforced against such property as though no
 1922 such sale thereof had been made. In addition, for purposes of s.
 1923 197.552, Florida Statutes, the lien of all special assessments
 1924 levied by the district shall constitute a lien of record held by
 1925 a municipal or county governmental unit. The provisions of ss.
 1926 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall
 1927 be applicable to district taxes with the same force and effect
 1928 as if such provisions were expressly set forth in this act.

1929 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 1930 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.-

1931 (a) The district shall have the power and right to:

1932 1. Pay any delinquent state, county, district, municipal,
 1933 or other tax or assessment upon lands located wholly or
 1934 partially within the boundaries of the district.

1935 2. Redeem or purchase any tax sales certificates issued or
 1936 sold on account of any state, county, district, municipal, or
 1937 other taxes or assessments upon lands located wholly or
 1938 partially within the boundaries of the district.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1939 (b) Delinquent taxes paid, or tax sales certificates
 1940 redeemed or purchased, by the district, together with all
 1941 penalties for the default in payment of the same and all costs
 1942 in collecting the same and a reasonable attorney fee, shall
 1943 constitute a lien in favor of the district of equal dignity with
 1944 the liens of state and county taxes and other taxes of equal
 1945 dignity with state and county taxes upon all the real property
 1946 against which the taxes were levied. The lien of the district
 1947 may be foreclosed in the manner provided in this act.

1948 (c) In any sale of land pursuant to s. 197.542, Florida
 1949 Statutes, the district may certify to the clerk of the circuit
 1950 court of the county holding such sale the amount of taxes due to
 1951 the district upon the lands sought to be sold, and the district
 1952 shall share in the disbursement of the sales proceeds in
 1953 accordance with the provisions of this act and under the laws of
 1954 the state.

1955 (17) FORECLOSURE OF LIENS.—Any lien in favor of the
 1956 district arising under this act may be foreclosed by the
 1957 district by foreclosure proceedings in the name of the district
 1958 in a court of competent jurisdiction as provided by general law
 1959 in like manner as is provided in chapter 170 or chapter 173,
 1960 Florida Statutes, and amendments thereto, and the provisions of
 1961 those chapters shall be applicable to such proceedings with the
 1962 same force and effect as if those provisions were expressly set
 1963 forth in this act. Any act required or authorized to be done by

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1964 or on behalf of a municipality in foreclosure proceedings under
 1965 chapter 170 or chapter 173, Florida Statutes, may be performed
 1966 by such officer or agent of the district as the board of
 1967 supervisors may designate. Such foreclosure proceedings may be
 1968 brought at any time after the expiration of 1 year from the date
 1969 any tax, or installment thereof, becomes delinquent; however, no
 1970 lien shall be foreclosed against any political subdivision or
 1971 agency of the state. Other legal remedies shall remain
 1972 available.

1973 (18) MANDATORY USE OF CERTAIN DISTRICT FACILITIES.—To the
 1974 full extent permitted by law, the district shall require all
 1975 lands, buildings, premises, persons, firms, and corporations
 1976 within the district to use the facilities of the district.

1977 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS.—
 1978 (a) No contract shall be let by the board for any goods,
 1979 supplies, or materials to be purchased when the amount thereof
 1980 to be paid by the district shall exceed the amount provided in
 1981 s. 287.017, Florida Statutes, for category four, unless notice
 1982 of bids shall be advertised once in a newspaper in general
 1983 circulation in Hillsborough County. Any board seeking to
 1984 construct or improve a public building, structure, or other
 1985 public works shall comply with the bidding procedures of s.
 1986 255.20, Florida Statutes, and other applicable general law. In
 1987 each case, the bid of the lowest responsive and responsible
 1988 bidder shall be accepted unless all bids are rejected because

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

1989 the bids are too high or the board determines it is in the best
 1990 interests of the district to reject all bids. The board may
 1991 require the bidders to furnish bond with a responsible surety to
 1992 be approved by the board. Nothing in this subsection shall
 1993 prevent the board from undertaking and performing the
 1994 construction, operation, and maintenance of any project or
 1995 facility authorized by this act by the employment of labor,
 1996 material, and machinery.

1997 (b) The provisions of the Consultants' Competitive
 1998 Negotiation Act, s. 287.055, Florida Statutes, apply to
 1999 contracts for engineering, architecture, landscape architecture,
 2000 or registered surveying and mapping services let by the board.

2001 (c) Contracts for maintenance services for any district
 2002 facility or project shall be subject to competitive bidding
 2003 requirements when the amount thereof to be paid by the district
 2004 exceeds the amount provided in s. 287.017, Florida Statutes, for
 2005 category four. The district shall adopt rules, policies, or
 2006 procedures establishing competitive bidding procedures for
 2007 maintenance services. Contracts for other services shall not be
 2008 subject to competitive bidding unless the district adopts a
 2009 rule, policy, or procedure applying competitive bidding
 2010 procedures to said contracts. Nothing herein shall preclude the
 2011 use of requests for proposal instead of invitations to bid as
 2012 determined by the district to be in its best interest.

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2013 (20) RATES; FEES, RENTALS, AND CHARGES; PROCEDURE FOR
 2014 ADOPTION AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.-
 2015 (a) The district is authorized to prescribe, fix,
 2016 establish, and collect rates, fees, rentals, or other charges,
 2017 hereinafter sometimes referred to as "revenues," and to revise
 2018 the same from time to time, for the systems, facilities, and
 2019 services furnished by the district, within the limits of the
 2020 district, including, but not limited to, recreational
 2021 facilities, water management and control facilities, and water
 2022 and sewer systems; to recover the costs of making connection
 2023 with any district service, facility, or system; and to provide
 2024 for reasonable penalties against any user or property for any
 2025 such rates, fees, rentals, or other charges that are delinquent.
 2026 (b) No such rates, fees, rentals, or other charges for any
 2027 of the facilities or services of the district shall be fixed
 2028 until after a public hearing at which all the users of the
 2029 proposed facility or services or owners, tenants, or occupants
 2030 served or to be served thereby and all other interested persons
 2031 shall have an opportunity to be heard concerning the proposed
 2032 rates, fees, rentals, or other charges. Rates, fees, rentals,
 2033 and other charges shall be adopted under the administrative
 2034 rulemaking authority of the district, but shall not apply to
 2035 district leases. Notice of such public hearing setting forth the
 2036 proposed schedule or schedules of rates, fees, rentals, and
 2037 other charges shall have been published in a newspaper of

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2038 general circulation in Hillsborough County at least once and at
2039 least 10 days prior to such public hearing. The rulemaking
2040 hearing may be adjourned from time to time. After such hearing,
2041 such schedule or schedules, either as initially proposed or as
2042 modified or amended, may be finally adopted. A copy of the
2043 schedule or schedules of such rates, fees, rentals, or charges
2044 as finally adopted shall be kept on file in an office designated
2045 by the board and shall be open at all reasonable times to public
2046 inspection. The rates, fees, rentals, or charges so fixed for
2047 any class of users or property served shall be extended to cover
2048 any additional users or properties thereafter served which shall
2049 fall in the same class, without the necessity of any notice or
2050 hearing.

2051 (c) Such rates, fees, rentals, and charges shall be just
2052 and equitable and uniform for users of the same class, and when
2053 appropriate may be based or computed either upon the amount of
2054 service furnished, upon the average number of persons residing
2055 or working in or otherwise occupying the premises served, or
2056 upon any other factor affecting the use of the facilities
2057 furnished, or upon any combination of the foregoing factors, as
2058 may be determined by the board on an equitable basis.

2059 (d) The rates, fees, rentals, or other charges prescribed
2060 shall be such as will produce revenues, together with any other
2061 assessments, taxes, revenues, or funds available or pledged for

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2062 such purpose, at least sufficient to provide for the items
 2063 hereinafter listed, but not necessarily in the order stated:

2064 1. To provide for all expenses of operation and
 2065 maintenance of such facility or service.

2066 2. To pay when due all bonds and interest thereon for the
 2067 payment of which such revenues are, or shall have been, pledged
 2068 or encumbered, including reserves for such purpose.

2069 3 . To provide for any other funds which may be required
 2070 under the resolution or resolutions authorizing the issuance of
 2071 bonds pursuant to this act.

2072 (e) The board shall have the power to enter into contracts
 2073 for the use of the projects of the district and with respect to
 2074 the services, systems, and facilities furnished or to be
 2075 furnished by the district.

2076 (21) RECOVERY OF DELINQUENT CHARGES.-In the event that any
 2077 rates, fees, rentals, charges, or delinquent penalties shall not
 2078 be paid as and when due and shall be in default for 60 days or
 2079 more, the unpaid balance thereof and all interest accrued
 2080 thereon, together with reasonable attorney fees and costs, may
 2081 be recovered by the district in a civil action.

2082 (22) DISCONTINUANCE OF SERVICE.-In the event the fees,
 2083 rentals, or other charges for district services or facilities
 2084 are not paid when due, the board shall have the power, under
 2085 such reasonable rules and regulations as the board may adopt, to
 2086 discontinue and shut off such services until such fees, rentals,

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2087 or other charges, including interest, penalties, and charges for
 2088 the shutting off and discontinuance and the restoration of such
 2089 services, are fully paid; and, for such purposes, the board may
 2090 enter on any lands, waters, or premises of any person, firm,
 2091 corporation, or body, public or private, within the district
 2092 limits. Such delinquent fees, rentals, or other charges,
 2093 together with interest, penalties, and charges for the shutting
 2094 off and discontinuance and the restoration of such services and
 2095 facilities and reasonable attorney fees and other expenses, may
 2096 be recovered by the district, which may also enforce payment of
 2097 such delinquent fees, rentals, or other charges by any other
 2098 lawful method of enforcement.

2099 (23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved
 2100 person may have recourse to such remedies in law and at equity
 2101 as may be necessary to ensure compliance with the provisions of
 2102 this act, including injunctive relief to enjoin or restrain any
 2103 person violating the provisions of this act or any bylaws,
 2104 resolutions, regulations, rules, codes, or orders adopted under
 2105 this act. In case any building or structure is erected,
 2106 constructed, reconstructed, altered, repaired, converted, or
 2107 maintained, or any building, structure, land, or water is used,
 2108 in violation of this act or of any code, order, resolution, or
 2109 other regulation made under authority conferred by this act or
 2110 under law, the board or any citizen residing in the district may
 2111 institute any appropriate action or proceeding to prevent such

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2112 unlawful erection, construction, reconstruction, alteration,
 2113 repair, conversion, maintenance, or use; to restrain, correct,
 2114 or avoid such violation; to prevent the occupancy of such
 2115 building, structure, land, or water; and to prevent any illegal
 2116 act, conduct, business, or use in or about such premises, land,
 2117 or water.

2118 (24) SUITS AGAINST THE DISTRICT.—Any suit or action
 2119 brought or maintained against the district for damages arising
 2120 out of tort, including, without limitation, any claim arising
 2121 upon account of an act causing an injury or loss of property,
 2122 personal injury, or death, shall be subject to the limitations
 2123 provided in s. 768.28, Florida Statutes.

2124 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All
 2125 district property shall be exempt from levy and sale by virtue
 2126 of an execution, and no execution or other judicial process
 2127 shall issue against such property, nor shall any judgment
 2128 against the district be a charge or lien on its property or
 2129 revenues; however, nothing contained herein shall apply to or
 2130 limit the rights of bondholders to pursue any remedy for the
 2131 enforcement of any lien or pledge given by the district in
 2132 connection with any of the bonds or obligations of the district.

2133 (26) TERMINATION OF DISTRICT.—The district shall remain in
 2134 existence until the earlier of the following:

2135 (a) The district is terminated and dissolved pursuant to
 2136 amendment to this act by the Legislature; or

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2137 (b) The district has become inactive pursuant to s.
 2138 189.062, Florida Statutes.

2139 (27) INCLUSION OF TERRITORY.—The inclusion of any or all
 2140 territory of the district within a municipality does not change,
 2141 alter, or affect the boundary, territory, existence, or
 2142 jurisdiction of the district.

2143 (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
 2144 DISCLOSURE TO PURCHASER.—Subsequent to the creation of this
 2145 district under this act, each contract for the initial sale of a
 2146 parcel of real property and each contract for the initial sale
 2147 of a unit within the district shall include, immediately prior
 2148 to the space reserved in the contract for the signature of the
 2149 purchaser, the following disclosure statement in boldfaced and
 2150 conspicuous type that is larger than the type in the remaining
 2151 text of the contract: "THE WATER STREET TAMPA IMPROVEMENT
 2152 DISTRICT MAY IMPOSE AND LEVY TAXES, USER FEES, AND/OR
 2153 ASSESSMENTS ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY
 2154 FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF
 2155 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT
 2156 AND ARE SET ANNUALLY AND/OR PERIODICALLY BY THE GOVERNING BOARD
 2157 OF THE DISTRICT. THESE TAXES, USER FEES, AND ASSESSMENTS ARE IN
 2158 ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES, USER
 2159 FEES, AND ASSESSMENTS AND ALL OTHER TAXES, USER FEES, AND
 2160 ASSESSMENTS PROVIDED FOR BY LAW."

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2161 (29) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days
 2162 after the election of the first board of supervisors creating
 2163 this district, the district shall cause to be recorded in the
 2164 grantor-grantee index of the property records in Hillsborough
 2165 County a "Notice of Creation and Establishment of the Water
 2166 Street Tampa Improvement District." The notice shall, at a
 2167 minimum, include the legal description of the property covered
 2168 by this act.

2169 (30) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility,
 2170 service, works, improvement, project, or other infrastructure
 2171 owned by the district, or funded by federal tax-exempt bonds
 2172 issued by the district, is public; and the district by rule may
 2173 regulate, and may impose reasonable charges or fees for, the use
 2174 thereof, but not to the extent that such regulation or
 2175 imposition of such charges or fees constitutes denial of
 2176 reasonable access.

2177 Section 7. If any provision of this act is determined
 2178 unconstitutional or otherwise determined invalid by a court of
 2179 law, all the rest and remainder of the act shall remain in full
 2180 force and effect as the law of this state.

2181 Section 8. This act shall take effect upon becoming a law,
 2182 except that the provisions of this act which authorize the levy
 2183 of ad valorem taxation shall take effect only upon express
 2184 approval by a majority vote of those owners of freeholds of the
 2185 Water Street Tampa Improvement District, as required by Section

ENROLLED

CS/HB 1393, Engrossed 1

2018 Legislature

2186 | 9 of Article VII of the State Constitution, voting in a
2187 | referendum election.