

House Bill 317

By: Representatives Stephens of the 164th, Smith of the 70th, Greene of the 154th, Williams of the 168th, and Jackson of the 128th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide for a short title; to provide legislative findings; to provide for definitions; to
3 provide for establishment of community development districts; to provide for boards of
4 supervisors; to provide for budgets, reports, and reviews; to provide for disclosure of public
5 financing; to provide for general and special powers; to provide for rules and regulations; to
6 provide for issuance of bond anticipation notes; to provide for short-term borrowing; to
7 provide for bonds; to provide for trust agreements; to provide for taxes and non-ad valorem
8 assessments; to provide for tax liens; to provide for payment of taxes and redemption of tax
9 liens by the district and sharing in proceeds of tax sale; to provide for enforcement by civil
10 action; to provide for mandatory use of certain district facilities and services; to provide for
11 fees, rentals, and charges, procedure for adoption and modifications, and minimum revenue
12 requirements; to provide for recovery of delinquent charges; to provide for discontinuance
13 of service; to provide for enforcement and penalties; to provide for exemption of district
14 property from execution; to provide for termination, contraction, or expansion of a district;
15 to provide for sale of real estate within a district; to provide for required disclosures to
16 purchasers; to provide for notices of establishment; to provide for notices to service delivery
17 providers; to provide for related matters; to provide for an effective date; to provide for
18 contingent repeal; to repeal conflicting laws; and for other purposes.

H. B. 317

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

21 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
22 by adding a new chapter to read as follows:

23 "CHAPTER 93

24 36-93-1.

25 This chapter shall be known and may be cited as the 'Workforce and Residential
26 Infrastructure District for Georgia Act.'

27 36-93-2.

28 The General Assembly finds that:

29 (1) Independent districts are a legitimate alternative method available for use by the
30 private and public sectors, as authorized by state law, to manage and finance basic
31 services for community developments;

32 (2) The exercise by any independent district of its powers as set forth by uniform general
33 law should comply with all applicable governmental laws, rules, regulations, and policies
34 governing planning and permitting of the development to be serviced by the district, to
35 ensure that neither the establishment nor operation of such district is a zoning decision
36 and that the district so established does not have any zoning or permitting powers
37 governing development;

38 (3) The process of establishing a community development district should be fair and
39 based only on factors material to managing and financing the service delivery function
40 of the district, so that any matter concerning permitting or planning of the development
41 is not material or relevant; and

42 (4) It is the legislative intent and purpose, based upon and consistent with the General
43 Assembly's findings of fact and declarations of policy, to authorize a uniform procedure
44 by general law to establish community development districts as an alternative method to
45 manage and finance basic services for community development. It is further the
46 legislative intent and purpose to provide by general law for the uniform operation,
47 exercise of power, and procedure for termination of any such district. It is further the
48 purpose and intent of the General Assembly that a district created under this chapter not
49 have or exercise any zoning or development permitting power, that the establishment of
50 a community development district as provided in this chapter not be a zoning decision,
51 and that all applicable planning and permitting laws, rules, regulations, and policies
52 control the development of the land to be serviced by the district. It is further the purpose
53 and intent of the General Assembly that no debt or obligation of a community
54 development district constitutes a burden on any general purpose local government
55 without its consent.

56 36-93-3.

57 As used in this chapter, the term:

58 (1) 'Assessable improvements' means, without limitation, any and all public
59 improvements and community facilities that a district is empowered to provide in
60 accordance with this chapter.

61 (2) 'Board' or 'board of supervisors' means the governing board of a district or, if such
62 board has been abolished, the board, body, or commission succeeding to the principal
63 functions thereof or to which the powers given to such board by this chapter have been
64 given by law.

65 (3) 'Bond' includes any general obligation bond, assessment bond, refunding bond,
66 revenue bond, and other such obligation in the nature of a bond of a district as is provided
67 for in this chapter and authorized to be issued under the Constitution and laws of this

68 state, including, but not limited to, any revenue bonds issued under Article 3 of Chapter
69 82 of this title, the 'Revenue Bond Law.' Such term shall not include notes or other
70 obligations of the district.

71 (4) 'Community development district' or 'district' means a geographic area of
72 development created pursuant to this chapter and limited to the performance of those
73 specialized functions authorized by this chapter, the governing body of which is a board
74 created and authorized to function specifically as prescribed in this chapter for the
75 financing of projects and the formation, powers, operation, duration, accountability,
76 requirements for disclosure, and termination of which are as required by this chapter.
77 Such term shall be considered a political subdivision of this state.

78 (5) 'Cost,' when used with reference to any project, includes, but is not limited to:

79 (A) The expenses of determining the feasibility or practicability of acquisition,
80 construction, or reconstruction;

81 (B) The cost of surveys, estimates, plans, and specifications;

82 (C) The cost of improvements;

83 (D) Engineering, fiscal, and legal expenses and charges;

84 (E) The cost of all labor, materials, machinery, and equipment;

85 (F) The cost of all lands, properties, rights, easements, and franchises acquired;

86 (G) Financing charges;

87 (H) The creation of initial reserve and debt service funds;

88 (I) Working capital;

89 (J) Interest charges incurred or estimated to be incurred on money borrowed prior to
90 and during construction and acquisition and for such reasonable period of time after
91 completion of construction or acquisition as the board may determine;

92 (K) The cost of issuance of bonds pursuant to this chapter;

93 (L) The cost of any election held pursuant to this chapter and all other expenses of
94 issuance of bonds;

- 95 (M) The discount, if any, on the sale or exchange of bonds;
96 (N) Administrative expenses;
97 (O) Such other expenses as may be necessary or incidental to the acquisition,
98 construction, or reconstruction of any project or to the financing thereof, or to the
99 development of any lands within a district; and
100 (P) Payments, contributions, dedications, fair share or concurrency obligations, and any
101 other exactions required as a condition to receive any government approval or permit
102 necessary to accomplish any district purpose.
- 103 (6) 'District manager' means the manager of a district.
104 (7) 'District road' means any public road as defined in paragraph (24) of Code
105 Section 32-1-3, excluding subparagraphs (E), (K), (P), and (Q) of such paragraph, that
106 is located within a district.
- 107 (8) 'Elector' means a landowner.
108 (9) 'Equitably apportioned among the properties subject to such assessments,' with
109 reference to assessments levied by a board, means that the burden of the assessments
110 shall be apportioned among the properties subject thereto based upon the values
111 established in the most recent ad valorem tax reassessment of such properties certified
112 by the county tax assessor or may be apportioned among the properties subject thereto
113 in direct or approximate proportion to the receipt of services or benefits derived from the
114 improvements or other activities for which the assessments are to be expended or may be
115 apportioned in any other manner or combination of manners deemed equitable by the
116 board, including, but not limited to, the recognition of differential benefits which may
117 reasonably be expected to accrue to new land development in contrast to lands and
118 improvements already in existence at the time of creation of the community improvement
119 district.
- 120 (10) 'General obligation bonds' means bonds which are secured by, or provide for their
121 payment by, the pledge, in addition to those special taxes levied for their discharge and

122 such other sources as may be provided for their payment or pledged as security under the
123 resolution authorizing their issuance, of the full faith and credit and taxing power of a
124 district and for payment of which recourse may be had against the general fund of such
125 district.

126 (11) 'General purpose local government' means a county, municipal corporation, or
127 consolidated government of the State of Georgia.

128 (12) 'Landowner' means the owner of a freehold estate as appears by the deed record,
129 including a trustee, a private corporation, and an owner of a condominium unit. Such
130 term does not include a reversioner, remainderman, mortgagee, grantee of a security
131 deed, or any governmental entity, which shall not be counted and need not be notified of
132 proceedings under this chapter. Such term shall also mean the owner of a ground lease
133 from a governmental entity, which leasehold interest has a remaining term, excluding all
134 renewal options, in excess of 30 years.

135 (13) 'Project' means any development, improvement, property, utility, facility, works,
136 enterprise, or service existing on January 1, 2027, or thereafter undertaken or established
137 under the provisions of this chapter. Such term shall not include an electric utility or a
138 gas company as such terms are defined in Code Section 46-1-1 or a telecommunications
139 company as such term is defined in Code Section 46-5-162.

140 (14) 'Qualified elector' means a landowner within a district who, at the time such district
141 was created, was not shown as a landowner for one or more parcels of real estate within
142 the district on the ad valorem tax records of the county or counties in which such district
143 is located.

144 (15) 'Refunding bonds' means bonds issued to refinance outstanding bonds of any type
145 and the interest and redemption premium thereon. Refunding bonds shall be issuable and
146 payable in the same manner as bonds being refunded, except that no approval by the
147 electorate shall be required in the case of refunding bonds which are general obligation

148 bonds if the conditions described in subparagraphs (e)(1)(A) through (e)(1)(D) of Code
149 Section 36-82-1 are met.

150 (16) 'Revenue bonds' means obligations of a district which are payable from revenues
151 derived from sources other than ad valorem taxes on real or tangible personal property
152 and which do not pledge the full faith, credit, and taxing power of such district.

153 (17) 'Revenues' means the proceeds of assessments, rates, fees, rentals, or other charges
154 prescribed, fixed, established, and collected by a board for the projects furnished by a
155 district.

156 (18) 'Service delivery provider' means a local government or local government authority
157 that provides services to a designated area pursuant to Article 2 of Chapter 70 of this title.

158 (19) 'Sewer system' means any plant, system, facility, or property, and additions,
159 extensions, and improvements thereto at any future time constructed or acquired as part
160 thereof, useful or necessary or having the present capacity for future use in connection
161 with the collection, treatment, purification, or disposal of sewage, including, without
162 limitation, industrial wastes resulting from any process of industry, manufacture, trade,
163 or business or from the development of any natural resource. Without limiting the
164 generality of the foregoing, such term includes treatment plants, pumping stations, lift
165 stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all
166 necessary appurtenances and equipment; all sewer mains, laterals, and other devices for
167 the reception and collection of sewage from premises connected therewith; and all real
168 and personal property and any interest therein, rights, easements, and franchises of any
169 nature relating to any such system and necessary or convenient for operation thereof.

170 (20) 'Water management and control facilities' means any lakes, canals, ditches,
171 reservoirs, dams, levees, sluiceways, floodways, curbs, gutters, pumping stations, or any
172 other works, structures, or facilities for the conservation, control, development,
173 utilization, and disposal of water and any purposes appurtenant, necessary, or incidental
174 thereto. Such term includes all real and personal property and any interest therein, rights,

175 easements, and franchises of any nature relating to any such facilities or necessary or
176 convenient for the acquisition, construction, reconstruction, operation, or maintenance
177 thereof.

178 (21) 'Water system' means any plant, system, facility, or property or additions,
179 extensions, or improvements thereto at any future time constructed or acquired as part
180 thereof, useful or necessary or having the present capacity for future use in connection
181 with the development of sources, treatment, or purification and distribution of water.
182 Without limiting the generality of the foregoing, such term includes dams, reservoirs,
183 storage tanks, mains, lines, valves, hydrants, pumping stations, chilled water distribution
184 systems, laterals, and pipes for the purpose of carrying water to the premises connected
185 with such system and all rights, easements, and franchises of any nature relating to any
186 such system and necessary or convenient for the operation thereof. Such water system
187 shall be subject to the provisions of Part 5 of Article 3 of Chapter 5 of Title 12, the
188 'Georgia Safe Drinking Water Act of 1977.'

189 36-93-4.

190 (a) The exclusive and uniform method for the establishment of a community development
191 district shall be pursuant to resolution or ordinance adopted by the applicable general
192 purpose local government or governments granting a petition for the establishment of a
193 community development district as follows:

194 (1)(A) If all of the land of the proposed district is solely within the territorial
195 jurisdiction of a municipal corporation, then the petition requesting establishment of
196 such district shall be filed by the petitioner with the general purpose local government
197 of such municipal corporation and may be established by resolution or ordinance of
198 such general purpose local government.

199 (B) If all of the land of the proposed district is solely within the unincorporated area
200 of a county, then the petition requesting establishment of such district shall be filed by

201 the petitioner with the general purpose local government of such county and may be
202 established by resolution or ordinance of such general purpose local government.

203 (C) If all of the land of the proposed district is:

204 (i) Within the territorial jurisdiction of two or more municipal corporations;

205 (ii) Within both the territorial jurisdiction of one or more municipal corporations and
206 the unincorporated area of one or more counties; or

207 (iii) Within the unincorporated areas of two or more counties,

208 then the petition requesting establishment of such district shall be filed by the petitioner
209 with each applicable general purpose local government. A district established across
210 county boundaries shall be required to maintain records, hold meetings and hearings,
211 and publish notices only in the county where the majority of the acreage within the
212 district lies;

213 (2) A petition for the establishment of a community development district shall contain:

214 (A) A description of each property to be located within the boundaries of the district
215 by metes and bounds description, plat or block and lot reference, rectangular survey
216 system, or any combination thereof. Any real property within the external boundaries
217 of the district which is to be excluded from the district shall be specifically described,
218 and the last known address of all owners of such real property shall be listed. The
219 petition shall also address the impact of the proposed district on any real property
220 within the external boundaries of the district which is to be excluded from the district;

221 (B) The written consent to the establishment of the district by all landowners whose
222 real property is to be included in the district or documentation demonstrating that the
223 petitioner has control by deed, trust agreement, contract, or option of all of the real
224 property to be included in the district, and when real property to be included in the
225 district is owned by a governmental entity and subject to a ground lease as described
226 in paragraph (12) of Code Section 36-93-3, the written consent by such governmental
227 entity;

228 (C) A designation of five persons to be the initial members of the board of supervisors,
229 who shall serve in such office until replaced by elected members as provided in Code
230 Section 36-93-5;

231 (D) The proposed name of the district, and such name shall not be the same as the
232 name of any existing city, county, or district, or any other local government entity in
233 this state;

234 (E) Based upon reasonably available data, an identification of the water and sewer
235 facilities located within the district, if any;

236 (F) Based upon reasonably available data, a description of the anticipated district
237 projects, the proposed timetable for construction of the district projects, and the
238 estimated cost of construction. Such estimates shall be submitted in good faith but shall
239 not be binding and may be subject to change;

240 (G) A designation of the future general distribution, location, and extent of public and
241 private uses of land proposed for the area within the district as shown on the applicable
242 general purpose local government's comprehensive land use plan, if one has been
243 adopted pursuant to Article 1 of Chapter 70 of this title;

244 (H) Identification of any service delivery provider under Code Section 36-93-29 and
245 the status of any such service delivery provider's decision regarding provision of service
246 to the district;

247 (I) A preliminary master plan; and

248 (J) Based on the preliminary master plan submitted with the petition, a projection of
249 the ad valorem tax impact on the applicable general purpose local governments and
250 school districts in which the proposed district would be wholly or partially located;

251 (3) A petitioner shall submit to the applicable general purpose local government or
252 governments an application fee to be established by the applicable general purpose local
253 government or governments. Such application fee shall be in an amount reasonably
254 determined by the applicable general purpose local government or governments to be

255 necessary to defray the approximate cost of reviewing and evaluating the application.
256 Upon request by a petitioner, the applicable general purpose local government or
257 governments shall meet to discuss a petitioner's application and shall upon request
258 provide a petitioner with a good faith estimate of an associated application fee and the
259 basis therefor;

260 (4)(A) Each applicable general purpose local government shall conduct a public
261 hearing to consider the relationship of the petition to the factors specified in paragraph
262 (5) of this subsection. The public hearing shall be concluded within 90 days after the
263 date the petition is filed unless an extension of time is requested by the petitioner and
264 granted by such general purpose local government or unless such general purpose local
265 government provides written notice to the petitioner that some reasonable additional
266 period is necessary to complete review and evaluation of the application and the basis
267 therefor. The hearing shall include oral and written comments on the petition pertinent
268 to the factors specified in paragraph (5) of this subsection. The hearing shall be held
269 at an accessible location in the county in which the community development district is
270 to be located. The petitioner shall cause a notice of the hearing to be published in the
271 legal organ of the applicable county, counties, municipality, or municipalities at least
272 once a week for the four successive weeks immediately prior to the hearing. The notice
273 shall give the time and place for the hearing, a description of the area to be included in
274 the district, and any other relevant information which the appropriate general purpose
275 local government or governments may require. All applicable general purpose local
276 governments and local boards of education and the general public shall be given an
277 opportunity to appear at the hearing and present oral or written comments on the
278 petition. The petitioner shall provide a copy of the petition to any other general purpose
279 local governments whose boundaries would be contiguous with any portion of the
280 district's proposed boundaries, and to each local board of education in the jurisdiction
281 of which the proposed district would be wholly or partially located, at the same time as

282 submittal to the applicable general purpose local governments submitted to for
283 establishment.

284 (B) If published in the print edition of a newspaper, the advertisement shall not be
285 placed in the portion of the newspaper where legal notices and classified advertisements
286 appear. The advertisement shall be published in the legal organ of the applicable
287 county, counties, municipality, or municipalities.

288 (C) The county or municipality holding such public hearing may by resolution express
289 its support of, or objection to the granting of, the petition. A resolution shall base any
290 objection to the granting of the petition upon the factors specified in paragraph (5) of
291 this subsection;

292 (5) In making its determination to grant or deny a petition for the establishment of a
293 community development district, the applicable general purpose local government shall
294 consider the record of the public hearing and:

295 (A) Whether all statements contained within the petition have been found to be true
296 and correct;

297 (B) Whether the proposed district projects are consistent or inconsistent with any
298 applicable element or portion of the applicable general purpose local government's
299 comprehensive plan adopted pursuant to Article 1 of Chapter 70 of this title or an
300 existing service delivery agreement pursuant to Article 2 of Chapter 70 of this title;

301 (C) Whether the area of land within the proposed district is of sufficient size, is
302 sufficiently compact, and is sufficiently contiguous to be developable as one functional
303 interrelated community;

304 (D) Whether the district is the best alternative available for delivering community
305 development services and facilities to the area that will be served by the district;

306 (E) Whether the community development services and facilities of the district will be
307 incompatible with the capacity and uses of existing local and regional community
308 development services and facilities, including existing educational facilities, provided

309 that, as a condition for approval of creation, the district shall submit a proposed
310 postdevelopment storm-water management system plan and shall plan for sewer service
311 to be made available to all buildings within the district;

312 (F) Whether the creation of the district is compatible with the applicable general
313 purpose local government in general and will supplement rather than be a detriment to
314 the general population; and

315 (G) Whether the district will result in an increase in taxes paid by existing taxpayers in
316 the county or municipality residing outside the district;

317 (6) No applicable general purpose local government shall adopt any resolution or
318 ordinance which would expand, modify, or delete any provision of this chapter. No
319 community development district shall be established that includes within its boundaries
320 any property already included within the boundaries of a community improvement
321 district existing pursuant to Article IX, Section VII of the Constitution of the State of
322 Georgia without the express written consent of such community improvement district.

323 A resolution or ordinance establishing a community development district shall only
324 include the matters provided for in paragraph (7) of this subsection unless the applicable
325 general purpose local government consents to any of the optional powers under paragraph
326 (2) of Code Section 36-93-10 at the request of the petitioner; and

327 (7) Any resolution or ordinance establishing a community development district shall only
328 contain the following:

329 (A) A description of the property to be located within the boundaries of the district by
330 metes and bounds description, plat or block and lot reference, rectangular survey
331 system, or any combination thereof, and any real property within the external
332 boundaries of the district which is to be excluded;

333 (B) The names of five persons designated to be the initial members of the board of
334 supervisors;

335 (C) The name of the district; and

336 (D) Other information required or authorized by this chapter.

337 (b) A district created pursuant to this chapter is not a general purpose local government
338 and specifically shall not be included in the term 'local government' as that term is defined
339 in Code Section 36-70-2, and the creation of a district shall not override any agreement
340 entered into between local governing authorities pursuant to Article 2 of Chapter 70 of this
341 title or any other provision of law.

342 (c) The powers granted to a district pursuant to paragraph (2) of Code Section 36-93-10
343 may be exercised by a board upon execution of an agreement between such board and the
344 applicable general purpose local government or governments. Such agreement shall
345 include reasonable terms, including, but not limited to, describing the services and facilities
346 to be provided within the district and the source of funding for such services and facilities.
347 If such agreement is amended, the amendment or amendments shall be agreed to by mutual
348 consent of the board and the applicable general purpose local government or governments.

349 36-93-5.

350 (a) A board shall exercise the powers granted to a district pursuant to this chapter. A board
351 shall consist of five members. Except as otherwise provided in this Code section, each
352 member shall hold office for a term of two years or four years, as provided in this Code
353 section, and until a successor is chosen and qualified. The members of a board shall be at
354 least 18 years old, residents of this state, and citizens of the United States. The provisions
355 of Code Section 45-10-3 shall apply to all members of a board who are elected pursuant
356 to this Code section and their successors.

357 (b)(1) Within 90 days following the effective date of the resolution or ordinance
358 establishing a district, there shall be held a meeting of the landowners of such district for
359 the purpose of electing five supervisors for such district. The petitioner shall cause notice
360 of the landowners' meeting to be published once a week for two consecutive weeks in the
361 legal organ of the applicable county or municipality, the last day of such publication to

362 be not fewer than 14 days nor more than 28 days before the date of the election. The
363 landowners, when assembled at such meeting, shall organize by electing a chairperson
364 who shall conduct the meeting. The chairperson may be any person present at the
365 meeting. If the chairperson is a landowner or proxy holder of a landowner, he or she may
366 nominate candidates and make and second motions.

367 (2) At such meeting, each landowner shall be entitled to cast one vote per acre of land
368 owned by him or her and located within the district for each person to be elected. A
369 landowner may vote in person or by proxy in writing. Each proxy shall be signed by one
370 of the legal owners of the property for which the vote is cast and shall contain the typed
371 or printed name of the individual who signed the proxy; the street address, legal
372 description, or tax parcel identification number of the property entitling such landowner
373 to vote; and the number of authorized votes. If the proxy authorizes more than one vote,
374 each property entitling the landowner to vote shall be listed and the number of acres of
375 each property shall be included. The signature on a proxy need not be notarized. A
376 fraction of an acre shall be treated as one acre, entitling the landowner to one vote with
377 respect thereto. For purposes of determining voting interests, platted lots shall be counted
378 individually and rounded up to the nearest whole acre. The acreage of platted lots shall
379 not be aggregated for determining the number of voting units held by a landowner or a
380 landowner's proxy. The two candidates receiving the highest number of votes shall be
381 elected for terms of four years, and the three candidates receiving the next largest number
382 of votes shall be elected for terms of two years, with the term of office for each successful
383 candidate commencing upon election. The members of the first board elected by
384 landowners shall serve their respective four-year or two-year terms; provided, however,
385 that the next election by landowners shall be held on the first Tuesday in November.
386 Thereafter, there shall be an election of supervisors for the district every two years in
387 November on a date established by the board and noticed pursuant to paragraph (1) of
388 this subsection. The second and subsequent landowners' election shall be announced at

389 a public meeting of the board at least 90 days prior to the date of the landowners' meeting
390 and shall also be noticed pursuant to paragraph (1) of this subsection. Instructions on
391 how all landowners may participate in the election, along with sample proxies, shall be
392 provided during the board meeting that announces the landowners' meeting. The two
393 candidates receiving the highest number of votes shall be elected to serve for a four-year
394 term, and the remaining candidate elected shall serve for a two-year term.

395 (c)(1) Commencing six years after the initial appointment of members or, for a district
396 exceeding 5,000 acres in area, ten years after the initial appointment of members, the
397 position of each member whose term has expired shall be filled by a qualified elector of
398 the district, elected by the qualified electors of the district. If, in the sixth year after the
399 initial appointment of members, or in the tenth year after such initial appointment for
400 districts exceeding 5,000 acres in area, there are not at least 250 qualified electors in the
401 district, or there are not at least 500 qualified electors in a district exceeding 5,000 acres,
402 members of the board shall continue to be elected by landowners.

403 (2) After the sixth or tenth year, once a district reaches 250 or 500 qualified electors,
404 respectively, the positions of two board members whose terms are expiring shall be filled
405 by qualified electors of the district, elected by the qualified electors of the district for
406 four-year terms. The remaining board member whose term is expiring shall be elected
407 for a four-year term by the landowners and is not required to be a qualified elector.
408 Thereafter, as terms expire, board members shall be qualified electors elected by qualified
409 electors of the district for terms of four years.

410 (3) On or before June 1 of each year, the board shall determine the number of qualified
411 electors in the district as of the immediately preceding April 15. The board shall use and
412 rely upon the official records maintained by the election superintendent and property
413 appraiser or tax collector in each applicable county in making such determination. Such
414 determination shall be made at a properly noticed meeting of the board and shall become
415 a part of the official minutes of the district.

416 (4) The board shall organize district elections which shall be held at a meeting of the
417 landowners of the district. Notice of the meeting and the election of board members shall
418 be published once a week for two consecutive weeks in the legal organ of the applicable
419 county, counties, municipality, or municipalities and the last day of such publication shall
420 be not fewer than 14 days nor more than 28 days before the meeting; provided, however,
421 that such notice shall not be published in the area reserved for legal advertisements. The
422 chairperson of the board shall conduct the meeting. If the chairperson is a qualified
423 elector or proxy holder for a qualified elector or landowner, he or she may nominate
424 candidates and make and second motions.

425 (d) Each qualified elector and landowner shall be entitled to vote commensurate with his
426 or her ownership interest in the district. At a district election, each qualified elector and
427 landowner shall be entitled to cast one vote per acre of land owned by him or her, located
428 within the district, for each member to be elected by landowners or qualified electors as
429 provided in this subsection; provided, however, that a qualified elector shall not cast a vote
430 representing any land currently used or identified for future use of district facilities,
431 infrastructure, or other district specific purposes including common areas. No qualified
432 elector shall cast votes representing more than 15 percent of the available votes. A
433 qualified elector or landowner may vote in person or by a properly executed written proxy.
434 Each proxy shall be signed by one of the landowners of the property for which the vote is
435 cast and shall contain the typed or printed name of the individual who signed the proxy; the
436 street address, legal description, or tax parcel identification number of the property entitling
437 such landowner to vote; and the number of authorized votes. If the proxy authorizes more
438 than one vote, each property entitling such landowner to vote shall be listed and the number
439 of acres of each property shall be included. The signature on a proxy need not be
440 notarized. A fraction of an acre shall be treated as one acre, entitling the qualified elector
441 to one vote with respect thereto. In the event that an acre or a fraction of an acre is jointly

442 owned, only one such owner shall be entitled to vote as a qualified elector. Nominees for
443 the board shall be elected by a majority of votes cast in accordance with this subsection.
444 (e) Elections of board members shall be nonpartisan. Board members shall assume their
445 office immediately upon their election.
446 (f) Members of the board shall be known as supervisors and shall hold office for the terms
447 for which they were elected or appointed and until their successors are chosen and
448 qualified. If, during the term of office, a vacancy occurs, the remaining members of the
449 board shall fill the vacancy by an appointment for the remainder of the unexpired term.
450 (g) A majority of the members of the board constitutes a quorum for the purposes of
451 conducting its business and exercising its powers and for all other purposes. Action taken
452 by the district shall be upon a vote of a majority of the members present unless general law
453 or a rule of the district requires a greater number.
454 (h) As soon as practicable after each election or appointment, the board shall organize by
455 electing one of its members as chairperson and by electing a secretary, who need not be a
456 member of the board, and such other officers as the board may deem necessary.
457 (i) The board shall keep a permanent record book entitled 'Record of Proceedings of
458 (Name of District) Community Development District,' in which shall be recorded minutes
459 of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and
460 any and all corporate acts. The record book and any other documents shall be open to
461 inspection and governed by the provisions of Article 4 of Chapter 18 of Title 50. The
462 record book shall be kept at the office or other regular place of business maintained by the
463 board in the county or municipality in which the district is located.
464 (j) Each supervisor shall be entitled to receive for his or her services an amount not to
465 exceed \$200.00 per meeting of the board of supervisors, not to exceed \$4,800.00 per year
466 per supervisor, or an amount established by the qualified electors at a referendum. In
467 addition, each supervisor may receive travel and per diem expenses as approved by the
468 board and as otherwise allowed by law. All meetings of the board shall be open to the

469 public and governed by the provisions of Chapter 14 of Title 50. The board shall hold at
470 least one annual meeting on the same date every year, such date to be published as part of
471 the resolution or ordinance creating the district. The meeting shall begin no earlier than
472 6:00 P.M. nor later than 7:00 P.M. and shall address issues related to the district, including,
473 but not limited to, current projects, district finances, and potential future projects. In
474 addition, the board shall make available to any person upon request a report of the names
475 and contact information of the board members, their employers, and their relationships to
476 other members of the board and to any officer or employee of the developer.

477 36-93-6.

478 (a) A board shall employ, and fix the compensation of, a district manager. Such district
479 manager shall have charge and supervision of the works of the district and shall be
480 responsible for preserving and maintaining any improvement or facility constructed or
481 erected pursuant to the provisions of this chapter, for maintaining and operating the
482 equipment owned by the district, and for performing such other duties as may be prescribed
483 by the board. It shall not be a conflict of interest for a board member or the district
484 manager or another employee of the district to be a stockholder, officer, or employee of a
485 landowner or of an entity affiliated with a landowner or to vote on matters affecting such
486 landowner or affiliated entity. A board member or an employee of a district does not abuse
487 his or her position if the board member or employee commits an act or omission that is
488 otherwise authorized under this subsection. A district manager may hire or otherwise
489 employ and terminate the employment of such other persons, including, without limitation,
490 professional, supervisory, and clerical employees, as may be necessary and authorized by
491 the board. The compensation and other conditions of employment of the officers and
492 employees of the district shall be as provided by the board.

493 (b) A board shall designate a person who is a resident of this state, but not a current
494 member of the board, as treasurer of a district, who shall have charge of the funds of the

495 district. Such funds shall be disbursed only upon the order, or pursuant to the resolution,
496 of the board by warrant or check countersigned by the treasurer and by such other person
497 as may be authorized by the board. A board may give the treasurer such other or additional
498 powers and duties as the board deems appropriate and may fix his or her compensation.
499 A board may require the treasurer to give a bond in such amount, on such terms, and with
500 such sureties as deemed satisfactory by the board to secure the performance by the
501 treasurer of his or her powers and duties. The financial records of a board shall be audited
502 by an independent certified public accountant at least once a year. The results of such audit
503 shall be recorded in the district's record book and made available to the public pursuant to
504 subsection (i) of Code Section 36-93-5. A district shall file its audits annually with the
505 Department of Audits and Accounts. A district shall comply with and be subject to the
506 audit requirements of Code Section 36-81-7.

507 (c) A board is authorized to select as a depository for its funds any commercial bank or
508 trust company, mutual savings bank, savings and loan association, or building and loan
509 association existing under the laws of this state or of the United States upon such terms and
510 conditions as to the payment of interest by such depository upon the funds so deposited as
511 such board deems just and reasonable.

512 36-93-7.

513 (a) The fiscal year for each district shall be July 1 to June 30.

514 (b)(1) On or before March 15 of each year, the district manager shall prepare a proposed
515 budget for the ensuing fiscal year to be submitted to the board for board approval. The
516 proposed budget shall include at the direction of the board an estimate of all necessary
517 expenditures of the district for the ensuing fiscal year and an estimate of income to the
518 district from assessments and other revenues provided for in this chapter. The board shall
519 consider the proposed budget item by item and may either approve the budget as
520 proposed by the district manager or modify the same in part or in whole. The board shall

521 indicate its approval of the budget by resolution, which resolution shall provide for a
522 hearing on the budget as approved. Notice of the hearing on the budget shall be
523 published in the legal organ of the applicable county, counties, municipality, or
524 municipalities once a week for two consecutive weeks, except that the first publication
525 shall be not fewer than 15 days prior to the date of the hearing. The notice shall further
526 contain a designation of the day, time, and place of the public hearing. At the time and
527 place designated in the notice, the board shall hear all objections to the budget as
528 proposed and may make such changes as the board deems necessary. At the conclusion
529 of the budget hearing, the board shall, by resolution, adopt the budget as finally approved
530 by the board. The budget shall be adopted prior to July 1 of each year.

531 (2) At least 60 days prior to adoption of the budget, a board shall submit to the applicable
532 general purpose local government or governments, for purposes of disclosure and
533 information only, the proposed annual budget for the ensuing fiscal year and any
534 proposed long-term financial plan or program of the district for future operations.

535 (3) Any applicable general purpose local government may review the proposed annual
536 budget and any long-term financial plan or program and may submit written comments
537 to a board for its assistance and information in adopting its annual budget and any
538 long-term financial plan or program.

539 36-93-8.

540 (a) A district shall take affirmative steps to provide for the full disclosure of information
541 relating to the public financing and maintenance of improvements to real property
542 undertaken by a district. Such information shall be made available to all existing residents,
543 and to all prospective residents, of the district. A district shall furnish each developer of
544 a residential development within the district with sufficient copies of that information to
545 provide each prospective initial purchaser of property in that development with a copy, and
546 any developer of a residential development within the district, when required by law to

547 provide a public offering statement, shall include a copy of such information relating to the
548 public financing and maintenance of improvements in the public offering statement.

549 (b) The Department of Community Affairs shall keep a current list of districts and their
550 disclosures pursuant to this chapter and shall make such studies and reports and take such
551 actions as it deems necessary.

552 36-93-9.

553 A district shall have, and a board may exercise, the following powers:

554 (1) To sue and be sued in the name of the district; to adopt and use a seal and authorize
555 the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to
556 dispose of, real and personal property, or any estate therein;

557 (2) To make and execute contracts and other instruments necessary or convenient to the
558 exercise of its powers. All public works contracts shall be made in accordance with the
559 provisions of Chapter 91 of this title. All contracts let by the board for any goods,
560 supplies, or materials to be purchased shall be made in accordance with the provisions
561 of this title applicable to general purpose local governments. The bid of the lowest
562 responsive and responsible bidder for contracts for purchase of any goods, supplies, or
563 materials shall be accepted unless all bids are rejected because the bids are too high or the
564 board determines it is in the best interests of the district to reject all bids. The board may
565 require such bidders to furnish bonds with a responsible surety to be approved by the
566 board. Contracts for the operation, maintenance, and management of district projects
567 shall contain the following provisions:

568 (A) With the exception of contracts with the federal government, the state, a state or
569 local authority, a local board of education, or a political subdivision of the state, any
570 district contract shall terminate absolutely and without further obligation on the part of
571 the district at the close of the calendar year in which it was executed and at the close of

572 each succeeding calendar year for which it may be renewed as provided in this Code
573 section; and

574 (B) The contract may provide for automatic renewal unless positive action is taken by
575 the district to terminate such contract, and the nature of such action shall be determined
576 by the district and specified in the contract;

577 (3) To contract for the services of consultants to perform planning, engineering, legal,
578 or other appropriate services of a professional nature. Such contracts shall be subject to
579 public bidding or competitive negotiation requirements if otherwise required by law;

580 (4) To borrow money and accept gifts; to apply for and use grants or loans of money or
581 other property from the United States, the state, a general purpose local government, or
582 any person for any district purposes and enter into agreements required in connection
583 therewith; and to hold, use, and dispose of such moneys or property for any district
584 purposes in accordance with the terms of the gift, grant, loan, or agreement relating
585 thereto;

586 (5) To adopt resolutions and orders prescribing the powers, duties, functions, and ethical
587 requirements of the officers of the district; the conduct of the business of the district; the
588 maintenance of records; and the form of certificates evidencing assessment liens and all
589 other documents and records of the district. The board may also adopt resolutions with
590 respect to any of the projects of the district and define the area to be included therein.
591 The board may also adopt resolutions which may be necessary for the conduct of district
592 business;

593 (6) To maintain an office at such place or places as it may designate within a county in
594 which the district is located;

595 (7) To hold, control, and acquire by donation or purchase, or dispose of, any public
596 easements, dedications to public use, platted reservations for public purposes, or
597 reservations for those purposes authorized by this chapter and to make use of such
598 easements, dedications, or reservations for any of the purposes authorized by this chapter;

599 (8) To lease as lessor or lessee to or from any person, firm, corporation, association, or
600 body, public or private, any projects of the type that the district is authorized to undertake
601 and facilities or property of any nature for the use of the district to carry out any of the
602 purposes authorized by this chapter;

603 (9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of
604 indebtedness as provided in this Code section; to levy such taxes and special assessments
605 as may be authorized; and to charge, collect, and enforce fees and other user charges.
606 The district may incur debt without regard to the requirements of Article IX, Section V
607 of the Constitution or any other provision of law prohibiting or restricting the borrowing
608 of money or the creation of debt by political subdivisions of this state. Debt of the district
609 may be backed by the full faith and credit of the district but shall not be an obligation of
610 the state, the applicable general purpose local government or governments, or any local
611 government or other unit of government of this state;

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

616 (11) To cooperate with, or contract with, other governmental agencies as may be
617 necessary, convenient, incidental, or proper in connection with any of the powers, duties,
618 or purposes authorized by this chapter;

619 (12) To assess, levy, impose, collect, and enforce upon lands in the district ad valorem
620 taxes as provided by this chapter;

621 (13) To determine, order, levy, impose, collect, and enforce special assessments pursuant
622 to this chapter;

623 (14) To exercise all of the powers necessary, convenient, incidental, or proper in
624 connection with any of the powers, duties, or purposes authorized by this chapter,

625 including any power granted by the laws of this state to public or private corporations
626 which is not in conflict with this chapter or with the purposes of the district; and
627 (15) To exercise such special powers as may be authorized by this chapter.

628 36-93-10.

629 A district shall have, and a board may exercise, subject to the regulatory jurisdiction and
630 permitting authority of all applicable general purpose local governments, and other
631 governmental bodies, agencies, and special districts having authority with respect to any
632 area included therein, any or all of the following special powers relating to public
633 improvements and community facilities authorized by this chapter:

634 (1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend,
635 equip, operate, and maintain systems, facilities, and basic infrastructures for the following
636 purposes, provided that such systems, facilities, and basic infrastructures shall be built
637 according to the then-current specifications applicable to or within the jurisdiction or the
638 service area of the service delivery provider in which such systems, facilities, and basic
639 infrastructures are to be located and the district shall be subject to Chapter 9 of Title 25
640 and other provisions of state or federal law that are generally applicable to government
641 entities providing the same infrastructure, facility, or service as the district, and provided,
642 further, that exercising such powers shall constitute an essential governmental function
643 for a public purpose:

644 (A) Water management and control for the lands within the district and to connect
645 some or any of such facilities with roads and bridges;

646 (B) Water supply, sewer, and waste-water management, reclamation, and reuse or any
647 combination thereof, and to construct and operate connecting intercepting or outlet
648 sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and
649 under any street, alley, highway, or other public place or ways; to connect such mains,
650 conduits, and pipelines with existing infrastructure upon entering into an agreement to

651 do so with the owner of such existing infrastructure; and to dispose of any effluent,
652 residue, or other byproducts of such system or sewer system. Such sewerage or
653 sewerage system shall have the same rights, duties, and obligations as publicly owned
654 treatment works that discharge treated waste water;

655 (C) Bridges or culverts that may be needed across any drain, ditch, canal, floodway,
656 holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over
657 levees and embankments, and to construct any and all of such works and improvements
658 across, through, or over any public right-of-way, highway, grade, fill, or cut;

659 (D)(i) District roads equal to or exceeding the applicable specifications of the county
660 in which such district roads are located; roads and improvements to existing public
661 roads that are owned by or conveyed to the applicable general purpose local
662 government, the state, or the federal government; sidewalks; bike paths; walking
663 trails; street lights; alleys; landscaping; hardscaping; and the undergrounding of
664 electric utility lines.

665 (ii) Buses, trolleys, transit shelters, ridesharing facilities and services, parking
666 improvements, and related signage;

667 (E) Investigation and remediation costs associated with the cleanup of actual or
668 perceived environmental contamination within the district under the supervision or
669 direction of a competent governmental authority unless the expenditure of investigation
670 and remediation costs benefit any person who is a landowner within the district and
671 who caused or contributed to the contamination;

672 (F) Conservation areas, mitigation areas, and wildlife habitats, including the
673 maintenance of any plant or animal species, and any related interest in real or personal
674 property, including green spaces and common areas;

675 (G) Any other project within or outside the boundaries of a district consistent with the
676 applicable general purpose local government's comprehensive plan;

677 (H) Parks and facilities for indoor and outdoor recreational, cultural, and educational
678 uses; and

679 (I) Security, including, but not limited to, guardhouses, fences and gates, electronic
680 intrusion-detection systems, and patrol cars, when authorized by proper governmental
681 agencies, except that the district shall not exercise any police power but may contract
682 with the applicable general purpose local government agencies for an increased level
683 of such services within the district boundaries; provided, however, that this
684 subparagraph shall not prohibit a district from contracting with a towing operator to
685 remove a vehicle or vessel from a district owned facility or property if otherwise
686 authorized;

687 (2) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend,
688 equip, and maintain additional systems, facilities, and basic infrastructures for the
689 following purposes, provided that such systems, facilities, and basic infrastructures shall
690 be built according to the then-current specifications applicable to or within the
691 jurisdiction or the service area of the service delivery provider in which such systems,
692 facilities, and basic infrastructures are to be located, and provided, further, that exercising
693 such powers shall constitute an essential governmental function for a public purpose:

694 (A) Fire prevention and control, including fire stations, water mains and plugs, fire
695 trucks, and other vehicles and equipment when authorized by the service delivery
696 provider and pursuant to a written agreement with such service delivery provider;

697 (B) School buildings and related structures which may be leased, sold, or donated for
698 use in the public educational system when authorized by the local board of education;

699 (C) Control and elimination of pests of public health importance; and

700 (D) Waste collection and disposal when authorized by the service delivery provider
701 and pursuant to a written agreement with such service delivery provider;

702 (3) To adopt and enforce appropriate resolutions in connection with the provision of one
703 or more services through its projects; and

704 (4) To demolish buildings or other facilities located within a district and to redevelop
705 areas located in a district where authorized by the applicable general purpose local
706 government.

707 36-93-11.

708 In addition to such authority as provided elsewhere in this chapter, a district may adopt and
709 enforce reasonable rules and regulations to:

710 (1) Secure and maintain safe, sanitary, and adequate plumbing installations, connections,
711 and appurtenances as subsidiary parts of its sanitary sewer system;

712 (2) Preserve the sanitary condition of all water controlled by the district;

713 (3) Prevent waste or the unauthorized use of water controlled by the district;

714 (4) Provide and regulate a safe and adequate freshwater distribution system; and

715 (5) Regulate activities on any land or any easement owned or controlled by the district;

716 provided, however, that the applicable general purpose local government shall retain all

717 home rule and police powers, including, but not limited to, code enforcement, regulatory

718 authority, zoning powers, and land use control powers under the laws of this state.

719 36-93-12.

720 In addition to the other powers provided for in this chapter, and not in limitation thereof,

721 a district shall have the power, at any time, and from time to time, to borrow money for the

722 purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds

723 of the sale of such bonds and to issue bond anticipation notes and to renew from time to

724 time any such notes by the issuance of new notes, whether the notes to be renewed have

725 matured. A district may issue such bond anticipation notes only to provide funds which

726 otherwise would be provided by the issuance of the bonds. Bond anticipation notes shall

727 not be issued in an amount exceeding the par value of the bonds in anticipation of which

728 they are to be issued. Bond anticipation notes may be authorized, sold, executed, and

729 delivered in the same manner as bonds. As with its bonds, bond anticipation notes may be
730 sold at either public or private sale or, if such notes are renewal notes, may be exchanged
731 for notes then outstanding on such terms as the board shall determine. Any resolution or
732 resolutions authorizing notes of a district or any issue thereof may contain any provisions
733 which the district is authorized to include in any resolution or resolutions authorizing bonds
734 of the district or any issue thereof and which the district is authorized to include in any
735 bonds. Such notes shall be paid from the proceeds of such bonds when issued.

736 36-93-13.

737 A district at any time may obtain loans, in such amount and on such terms and conditions
738 as a board may approve, for the purpose of paying any of the expenses of the district or any
739 costs incurred or that may be incurred in connection with any of the projects of the district
740 and related operation and maintenance costs of the projects of the district. Such loans shall
741 bear such interest as the board may determine and may be payable from and secured by a
742 pledge of such funds, revenues, taxes, and assessments as the board may determine, subject
743 to the provisions contained in any proceeding under which bonds were theretofore issued
744 and are then outstanding; provided, however, that the board shall disclose the interest rate
745 or rates payable on such loans and shall notify each property owner of his or her share of
746 such costs as will be repaid on such loan or loans.

747 36-93-14.

748 (a) Bonds, notes, or other obligations issued by a district shall be paid from revenues and
749 other property pledged to pay such bonds, notes, or other obligations. In the event a district
750 defaults on its obligations, landowners shall only be responsible for such obligations that
751 are associated with their property and not the obligations of the district as a whole or the
752 obligations of any other landowner. Landowners shall have the right to satisfy or make

753 arrangements to satisfy the proportionate share of obligations related to the district and any
754 related reasonable interest.

755 (b) Bonds may be sold in blocks or installments at different times, or an entire issue or
756 series may be sold at one time. Bonds may be sold at public or private sale after such
757 advertisement, if any, as the board may deem advisable. Bonds may be sold or exchanged
758 for refunding bonds. Revenue bonds may be delivered by the district as payment of the
759 purchase price of any project or part thereof, or a combination of projects or parts thereof,
760 or as the purchase price or exchange for any property, real, personal, or mixed, including
761 franchises or services rendered by any contractor, engineer, or other person, all at one time
762 or in blocks from time to time, in such manner and upon such terms as the board in its
763 discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered
764 may be:

765 (1) The money paid for the bonds;

766 (2) The principal amount, plus accrued interest to the date of redemption or exchange,
767 or outstanding obligations exchanged for refunding bonds; or

768 (3) In the case of revenue bonds, the amount of any indebtedness to contractors or other
769 persons paid with such bonds, or the fair value of any properties exchanged for the bonds,
770 as determined by the board.

771 (c) Any general obligation bonds or revenue bonds may be authorized by resolution or
772 resolutions of a board which shall be adopted by a majority of all the members thereof then
773 in office. Such resolution or resolutions may be adopted at the same meeting at which they
774 are introduced and need not be published or posted. A board may, by resolution, authorize
775 the issuance of bonds and fix the aggregate amount of bonds to be issued, the purpose or
776 purposes for which the moneys derived therefrom shall be expended, including, but not
777 limited to, payment of costs as defined in this chapter; the rate or rates of interest, which
778 may be fixed or may fluctuate or otherwise change from time to time or be subject to
779 interest rate hedge arrangements; the denomination of the bonds; whether or not the bonds

780 are to be issued in one or more series; the date or dates of maturity, which shall not exceed
781 30 years from their respective dates of issuance; the medium of payment; the place or
782 places within or without the state where payment shall be made; registration privileges;
783 redemption terms and privileges, whether with or without premium; the manner of
784 execution; the form of the bonds, including any interest coupons to be attached thereto; the
785 manner of execution of bonds and coupons; and any and all other terms, covenants, and
786 conditions thereof and the establishment of revenue or other funds. A resolution
787 authorizing the issuance of the bonds may delegate to such officers charged with the
788 responsibility of issuing such bonds the authority to set the final terms, conditions, and
789 details thereof, including the interest rate or rates and maturity, within reasonable
790 parameters established and set forth in such resolution.

791 (d) Pending the preparation of definitive bonds, a board may issue interim certificates or
792 receipts or temporary bonds, in such form and with such provisions as such board may
793 determine, exchangeable for definitive bonds when such bonds have been executed and are
794 available for delivery. A board may also provide for the replacement of any bonds which
795 become mutilated, lost, or destroyed.

796 (e) Any bond issued under this chapter or any temporary bond, in the absence of an
797 express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and
798 shall be and constitute a negotiable instrument within the meaning and for all purposes of
799 the law merchant and the laws of the state.

800 (f) A board may make such provision with respect to the defeasance of the right, title, and
801 interest of the holders of any of the bonds and obligations of a district in any revenues,
802 funds, or other properties by which such bonds are secured as such board deems
803 appropriate and, without limitation on the foregoing, may provide that when such bonds
804 or obligations become due and payable or shall have been called for redemption and the
805 whole amount of the principal and interest and premium, if any, due and payable upon the
806 bonds or obligations then outstanding shall be held in trust for such purpose and provision

807 shall also be made for paying all other sums payable in connection with such bonds or
808 other obligations, then and in such event the right, title, and interest of the holders of the
809 bonds in any revenues, funds, or other properties by which such bonds are secured shall
810 thereupon cease, terminate, and become void; and the board may apply any surplus in any
811 sinking fund established in connection with such bonds or obligations and all balances
812 remaining in all other funds or accounts other than money held for the redemption or
813 payment of the bonds or other obligations to any lawful purpose of the district as the board
814 shall determine.

815 (g) If the proceeds of any bonds are less than the cost of completing the project in
816 connection with which such bonds were issued, a board may authorize the issuance of
817 additional bonds, upon such terms and conditions as the board may provide in the
818 resolution authorizing the issuance thereof, but only in compliance with the resolution or
819 other proceedings authorizing the issuance of the original bonds.

820 (h) A board is authorized to provide by resolution for the issuance of bonds of the board
821 for the purpose of funding or refunding any bonds issued under the provisions of this
822 chapter and then outstanding, together with accrued interest thereon and premium, if any.
823 The issuance of such funding or refunding bonds, the maturities and all other details
824 thereof, the rights of the holders thereof, and the duties of the board in respect to the same
825 shall be governed by the provisions of this chapter insofar as the same may be applicable.
826 A district shall have the power to issue bonds to provide for the retirement or refunding of
827 any bonds or obligations of the district that at the time of such issuance are or subsequently
828 thereto become due and payable, or that at the time of issuance have been called or are or
829 will be subject to call for redemption within ten years thereafter, or the surrender of which
830 can be procured from the holders thereof at prices satisfactory to the board. Refunding
831 bonds may be issued at any time when in the judgment of a board such issuance will be
832 advantageous to the district. A board may by resolution confer upon the holders of such
833 refunding bonds all rights, powers, and remedies to which the holders would be entitled if

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

841 (i)(1) Revenue bonds may be secured by, or payable from, the gross or net pledge of the
842 revenues to be derived from any project or combination of projects; from the rates, fees,
843 or other charges to be collected from the users of any project or projects; from any
844 revenue-producing undertaking or activity of a district; from special assessments; or from
845 any other source or pledged security. Such bonds shall not constitute an indebtedness of
846 a district, and the approval of the qualified electors shall not be required unless such
847 bonds are additionally secured by the full faith and credit and taxing power of a district.

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

858 (j)(1) A district shall have the power from time to time to issue general obligation bonds
859 to finance or refinance capital projects or to refund outstanding bonds in an aggregate
860 principal amount of general bonds outstanding at any one time not in excess of 35 percent

861 of the assessed value of the taxable property within the district as shown on the pertinent
862 tax records at the time of the authorization of the general obligation bonds for which the
863 full faith and credit of the district is pledged. Except for refunding bonds that satisfy the
864 conditions described in subparagraphs (e)(1)(A) through (e)(1)(D) of Code
865 Section 36-82-1, no general obligation bonds shall be issued unless the bonds are issued
866 to finance or refinance a capital project and the issuance has been approved at an election
867 within the district held in the same manner and under the same rules and regulations that
868 elections for officers of the general purpose local government wherein the district's land
869 lies are held. Such election shall be called to be held in the district by the board of
870 elections of the county wherein a majority of the district's land lies upon the request of
871 the board of the district. The expenses of calling and holding such election shall be at the
872 expense of the district, and the district shall reimburse the county for any expenses
873 incurred in calling or holding such election.

874 (2) A district may pledge its full faith and credit for the payment of the principal and
875 interest on such general obligation bonds and for any reserve funds provided therefor and
876 may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable
877 property in the district, to the extent necessary for the payment thereof, without
878 limitations as to rate or amount.

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

884 (4) In arriving at the amount of general obligation bonds permitted to be outstanding at
885 any one time pursuant to paragraph (1) of this subsection, there shall not be included any
886 general obligation bonds which are additionally secured by the pledge of:

887 (A) Special assessments levied in an amount sufficient to pay the principal and interest
888 on the general obligation bonds so additionally secured, which assessments have been
889 equalized and confirmed by resolution of the board;

890 (B) Revenues determined by the board to be sufficient to pay the principal and interest
891 on the general obligation bonds so additionally secured; or

892 (C) Any combination of assessments and revenues described in subparagraphs (A)
893 and (B) of this paragraph.

894 (k)(1) Notwithstanding any provisions of any other law to the contrary, all bonds issued
895 under the provisions of this chapter shall constitute legal investments for savings banks,
896 banks, trust companies, insurance companies, executors, administrators, trustees,
897 guardians, and other fiduciaries and for any board, body, agency, instrumentality, county,
898 municipality, or other political subdivision of the state and shall be and constitute security
899 which may be deposited by banks or trust companies as security for deposits of state,
900 county, municipal, or other public funds or by insurance companies as required or
901 voluntary statutory deposits.

902 (2) Any bonds issued by a district shall be incontestable in the hands of bona fide
903 purchasers or holders for value and shall not be invalid because of any irregularity or
904 defect in the proceedings for the issue and sale thereof.

905 (l) Any resolution authorizing the issuance of bonds may contain such covenants as a
906 board deems advisable, and all such covenants shall constitute valid and legally binding
907 and enforceable contracts between a district and the bondholders, regardless of the time of
908 issuance thereof. Such covenants may include, without limitation, covenants concerning
909 the disposition of the bond proceeds; the use and disposition of project revenues; the
910 pledging of revenues, taxes, and assessments; the obligations of the district with respect to
911 the operation of the project and the maintenance of adequate project revenues; the issuance
912 of additional bonds; the appointment, powers, and duties of trustees and receivers; the
913 acquisition of outstanding bonds and obligations; restrictions on the establishment of

914 competing projects or facilities; restrictions on the sale or disposal of the assets and
915 property of the district; the priority of assessment liens; the priority of claims by
916 bondholders on the taxing power of the district; the maintenance of deposits to assure the
917 payment of revenues by users of district facilities and services; the discontinuance of
918 district services by reason of delinquent payments; acceleration upon default; the execution
919 of necessary instruments; and the procedure for amending or abrogating covenants with the
920 bondholders and such other covenants as are deemed necessary or desirable for the security
921 of the bondholders.

922 (m)(1) All bonds issued under this chapter shall be validated pursuant to the procedures
923 set forth in Article 3 of Chapter 82 this title, the 'Revenue Bond Law.' Bonds shall bear
924 a certificate of validation. In the case where property within a district is within multiple
925 jurisdictions, validation shall occur in the jurisdiction within which the majority of the
926 property of the district lies. The signature of the clerk of the superior court may be made
927 on the certificate of validation of such bonds by facsimile or by manual execution, stating
928 the date on which such bonds were validated.

929 (2) In lieu of specifying the rate or rates of interest which such bonds are to bear and the
930 principal amount and maturities of such bonds, the notice to the district attorney; the
931 notice to the public of the time, place, and date of the validation hearing; and the petition
932 and complaint for validation shall state that the bonds when issued will bear interest at
933 a rate not exceeding a maximum per annum rate of interest which may be fixed or may
934 fluctuate or otherwise change from time to time, and that the principal amount will not
935 exceed an amount specified in and the final maturity date will not be later than a date
936 specified in such notices, petition, and complaint or may state that, in the event the bonds
937 are to bear different rates of interest for different maturity dates, none of such rates will
938 exceed the maximum rate so specified which may be fixed or may fluctuate or otherwise
939 change from time to time; provided, however, that nothing in this Code section shall be
940 construed as prohibiting or restricting the right of a board to sell such bonds at a discount,

941 even if in doing so the effective interest cost resulting therefrom would exceed the
942 maximum per annum interest rate specified in such notices and in the petition and
943 complaint.

944 (n) This chapter constitutes full and complete authority for the issuance of bonds and the
945 exercise of the powers of a district provided in this chapter. No procedures or proceedings,
946 publications, notices, consents, approvals, orders, acts, or things by a board, or any board,
947 officers, commission, department, agency, or instrumentality of a district, other than those
948 required by this chapter, shall be required to perform anything under this chapter, except
949 that the issuance or sale of bonds pursuant to the provisions of this chapter shall comply
950 with the general law requirements applicable to the issuance or sale of bonds by a district.
951 Nothing in this chapter shall be construed to authorize a district to utilize bond proceeds
952 to fund the ongoing operations of such district.

953 (o) The state pledges to the holders of any bonds issued under this chapter that it will not
954 limit or alter the rights of a district to own, acquire, construct, reconstruct, improve,
955 maintain, operate, or fulfill the terms of any agreement made with the holders of such
956 bonds or other obligations and that it will not in any way impair the rights or remedies of
957 such holders. Any limitations with respect to interest rates found in Article 3 of Chapter
958 82 of this title, the 'Revenue Bond Law,' or the usury laws of this state shall not apply to
959 obligations issued under this chapter.

960 (p) All bonds, notes, and other obligations issued under this chapter and interest paid and
961 all fees, charges, and other revenues derived by a district from the projects provided by this
962 chapter are exempt from all taxes of the state or of any political subdivision, agency, or
963 instrumentality thereof.

964 (q) A default on the bonds or obligations of a district shall not constitute a debt or
965 obligation of a general purpose local government or the state.

966 36-93-15.
967 Any issuance of bonds may be secured by a trust agreement by and between a district and
968 a corporate trustee or trustees, which may be any trust company or bank having the powers
969 of a trust company within or without this state. A resolution authorizing the issuance of
970 the bonds or such trust agreement may pledge the revenues to be received from any
971 projects of a district and may contain such provisions for protecting and enforcing the
972 rights and remedies of the bondholders as the board approves, including, without limitation,
973 covenants setting forth the duties of the district in relation to the acquisition, construction,
974 reconstruction, improvement, maintenance, repair, operation, and insurance of any projects;
975 the fixing and revising of the rates, fees, and charges; and the custody, safeguarding, and
976 application of all moneys and for the employment of consulting engineers in connection
977 with such acquisition, construction, reconstruction, improvement, maintenance, repair, or
978 operation. It shall be lawful for any bank or trust company within or without this state
979 which may act as a depository of the proceeds of bonds or of revenues to furnish such
980 indemnifying bonds or to pledge such securities as may be required by a district. Such
981 resolution or trust agreement may set forth the rights and remedies of the bondholders and
982 of the trustee, if any, and may restrict the individual right of action by bondholders. The
983 rights and remedies of bondholders shall be subject to the limitation specified in subsection
984 (a) of Code Section 36-93-14. A board may provide for the payment of proceeds of the
985 sale of the bonds and the revenues of any project to such officer, board, or depository as
986 it may designate for the custody thereof and may provide for the method of disbursement
987 thereof with such safeguards and restrictions as it may determine. All expenses incurred
988 in carrying out the provisions of such resolution or trust agreement may be treated as part
989 of the cost of operation of the project to which such trust agreement pertains.

990 36-93-16.

991 (a) A board shall have the power to impose and collect assessments on all taxable real
992 property in a district to construct and maintain district projects and to pay the costs thereof;
993 to pay the principal of, and interest on, any bonds of a district; and to provide for any
994 sinking or other funds established in connection with any such bonds. The district project
995 assessment shall be in addition to all other assessments provided for by law. The amount
996 of the assessment shall be determined by the board based upon a report of the district's
997 engineer and shall be equitably apportioned among the properties subject to such
998 assessments. Such assessments shall be a lien on the property against which imposed until
999 paid and shall be enforceable in like manner as taxes in the applicable general purpose local
1000 government, or as otherwise provided by law.

1001 (b)(1) A board may impose and collect a maintenance and operation special assessment
1002 on all taxable real property in a district to maintain, operate, or preserve the facilities and
1003 projects of the district and to pay the costs thereof; to pay the principal of, and interest on,
1004 any obligations of a district; and to provide for any sinking or other funds established in
1005 connection with any such obligations. The amount of the assessment shall be determined
1006 by the board based upon the operation and maintenance needs of the district and shall be
1007 equitably apportioned among the properties subject to such assessments.

1008 (2) Maintenance and operation special assessments shall be a lien on the property against
1009 which imposed until paid and shall be enforceable in like manner as taxes in the
1010 applicable general purpose local government, or as otherwise provided by law.

1011 (c) Any assessment imposed pursuant to this Code section may be collected by the
1012 applicable general purpose local government using the methods and procedures as
1013 designated by the tax authority of the applicable general purpose local government. Such
1014 tax authority may provide disclosure regarding any special assessment, ad valorem tax, or
1015 fee attributable to the district. Delinquent assessments shall bear the same interest and
1016 penalties as ad valorem taxes of the applicable general purpose local government and may

1017 be enforced and collected in the same manner. The applicable general purpose local
1018 government may retain a fee to reimburse the actual increased costs of preparing and
1019 mailing notices to collect such assessments for the board. The remaining proceeds shall
1020 be transmitted by the applicable general purpose local government to the board and shall
1021 be expended by the board only for the purposes authorized in this chapter.

1022 (d) A board shall impose the assessments provided for in this Code section between
1023 January 1 and August 1 of each calendar year and shall notify in writing the tax authority
1024 of the applicable general purpose local government by a date to be determined by the
1025 applicable general purpose local government and such general purpose local government
1026 shall include the assessment on its regular ad valorem tax bills. In the event assessments
1027 are imposed at an amount based on property valuation, a board shall use the assessed
1028 values of property contained in the tax digest approved by the county to determine the
1029 amount applicable to each property assessment.

1030 (e) If a parcel of real property is removed from a district or assessment becomes otherwise
1031 inapplicable to such parcel of real property, it shall continue to bear its assessment burden
1032 then extant until paid, including upon such event for bonded indebtedness of a district then
1033 outstanding until any bonded indebtedness then outstanding is paid or refunded.

1034 (f) Each property subject to fees or assessments imposed by a board for any public facility
1035 that is also subject to impact fees levied by the applicable general purpose local
1036 government shall receive a credit equal to the present value of all fees and assessments
1037 toward any impact fee as may be levied by the applicable general purpose local
1038 government against said property for system improvements which are in the same category
1039 as said public facility in accordance with Chapter 71 of this title, the 'Georgia Development
1040 Impact Fee Act.'

1041 (g) All bonds, notes, and other obligations issued according to this chapter and interest
1042 paid and all fees, charges, and other revenues derived by a district from the projects

1043 provided by this chapter are exempt from all taxes of the state or of any political
1044 subdivision, agency, or instrumentality thereof.

1045 (h) With the exception of maintenance and operation special assessments, district
1046 assessments may be made payable in no more than 30 yearly installments.

1047 (i) An elected board shall have the power to levy and assess an ad valorem tax on all the
1048 taxable property in a district to construct, operate, and maintain assessable improvements;
1049 to pay the principal of, and interest on, any general obligation bonds of a district; and to
1050 provide for any sinking or other funds established in connection with any such bonds. The
1051 ad valorem tax provided for in this subsection shall be in addition to county and all other
1052 ad valorem taxes provided for by law. Such tax shall be assessed, levied, collected, and
1053 enforced in the same manner and same time as county taxes.

1054 (j) In the case of a county which is by law or constitutional amendment subject to a
1055 maximum allowable mill rate for taxes levied by such county, and only in the case of such
1056 a county, ad valorem taxes or assessments imposed under this chapter by a district created
1057 within such county shall be considered assessments imposed by such county for purposes
1058 of the maximum allowable mill rate. No district created by such a county shall impose any
1059 assessments under this chapter unless the county governing authority has certified in
1060 writing to the district that the district assessments will not result in a violation of the
1061 maximum allowable mill rate applicable to the county.

1062 36-93-17.

1063 All taxes, assessments, rates, fees, rentals, and charges of a district provided for in this
1064 chapter, together with all penalties for default in the payment of the same and all costs in
1065 collecting the same, including reasonable attorney's fees and costs fixed by the court and
1066 taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year
1067 the property is liable to assessment and until paid, constitute a lien of equal dignity with
1068 the liens for state and county taxes and other taxes of equal dignity, notwithstanding the

1069 provisions of Code Section 48-2-56, with the liens for municipal taxes and other taxes of
1070 equal dignity with municipal taxes upon all the lands against which such assessments have
1071 been imposed. A sale of any of the real property within a district for state, county, or other
1072 taxes shall not operate to relieve or release the property so sold from the lien for subsequent
1073 district taxes or installments of district taxes, which lien may be enforced against such
1074 property as though no such sale thereof had been made. Nothing in this chapter shall affect
1075 the rights of lien holders for municipal taxes.

1076 36-93-18.

1077 (a) A district has the right to:

1078 (1) Pay any delinquent state, county, district, municipal, or other tax or assessment upon
1079 lands located wholly or partially within the boundaries of the district; and

1080 (2) Redeem or purchase any tax sales certificates issued or sold on account of any state,
1081 county, district, municipal, or other taxes or assessments upon lands located wholly or
1082 partially within the boundaries of the district.

1083 (b) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by a district,
1084 together with all penalties for the default in payment of the same and all costs in collecting
1085 the same and reasonable attorney's fees and costs, shall constitute a lien in favor of a
1086 district of equal dignity, notwithstanding the provisions of Code Section 48-2-56, with the
1087 liens of municipal taxes and other taxes of equal dignity with municipal taxes upon all the
1088 real property against which the taxes were levied. The lien of a district may be enforced
1089 in the manner provided in this chapter.

1090 (c) In any sale of land, a district may certify to the tax commissioner, tax collector, or other
1091 public official holding such sale the amount of assessments due to such district upon the
1092 lands sought to be sold, and such district shall share in the disbursement of the sales
1093 proceeds in accordance with the provisions of this chapter and under the laws of this state.

1094 36-93-19.

1095 In the event that any assessments, rates, fees, rentals, charges, or delinquent penalties
1096 provided for in Code Section 36-93-18 are not paid when due and are in default for 60 days
1097 or more, the unpaid balance thereof and all interest accrued thereon, together with
1098 reasonable attorney's fees and costs, may be recovered by a district in a civil action.

1099 36-93-20.

1100 To the full extent permitted by law, a district shall require all lands, buildings, premises,
1101 persons, firms, and corporations within such district to use the water management and
1102 control facilities and water and sewer facilities of the district, or any other facility or
1103 service of the district when the district relies on the collection of any rates, fees, or charges
1104 to provide said facility or service or to pay principal and interest on debt obligations
1105 secured by a pledge of revenues generated by the collection of such rates, fees, and
1106 charges.

1107 36-93-21.

1108 (a) A district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or
1109 other charges, and to revise the same from time to time, for the facilities and services
1110 furnished by such district, within the limits of the district, including, but not limited to,
1111 recreational facilities, water management and control facilities, and water and sewer
1112 systems; to recover the costs of making connection with any district facility or system; and
1113 to provide for reasonable penalties against any user or property for any such rates, fees,
1114 rentals, or other charges that are delinquent.

1115 (b) No rates, fees, rentals, or other charges for any of the facilities or services of the district
1116 provided for in subsection (a) of this Code section shall be fixed until after a public hearing
1117 at which all the users of the proposed facility or services or owners, tenants, or occupants
1118 served or to be served thereby and all other interested persons shall have an opportunity to

1119 be heard concerning the proposed rates, fees, rentals, or other charges. Notice of such
1120 public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and
1121 other charges shall have been published in the legal organ of the applicable county,
1122 counties, municipality, or municipalities at least once and at least ten days prior to such
1123 public hearing. The rule-making hearing may be adjourned from time to time. After such
1124 hearing, such schedule or schedules, either as initially proposed or as modified or amended,
1125 may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals,
1126 or charges as finally adopted shall be kept on file in an office designated by the board and
1127 shall be open at all reasonable times to public inspection. The rates, fees, rentals, or
1128 charges so fixed for any class of users or property served shall be extended to cover any
1129 additional users or properties thereafter served which shall fall in the same class, without
1130 the necessity of any notice or hearing.

1131 (c) The rates, fees, rentals, and charges provided for in subsection (a) of this Code section
1132 shall be just and equitable and uniform for users of the same class, and when appropriate
1133 may be based or computed upon the amount of service furnished, upon the average number
1134 of persons residing or working in or otherwise occupying the premises served, or upon any
1135 other factor affecting the use of the facilities furnished, or upon any combination of the
1136 foregoing factors, as may be determined by the board on an equitable basis.

1137 (d) The rates, fees, rentals, or other charges prescribed shall be such as will produce
1138 revenues, together with any other assessments, taxes, revenues, or funds available or
1139 pledged for such purpose, at least sufficient to:

1140 (1) Provide for all expenses of operation and maintenance of such facility or service; and
1141 (2) Pay when due all bonds and interest thereon for the payment of which such revenues
1142 are, or shall have been, pledged or encumbered, including reserves for such purpose and
1143 bonds pursuant to this chapter.

1144 (e) A board shall have the power to enter into contracts for the use of the projects of a
1145 district and with respect to the services and facilities furnished or to be furnished by a
1146 district.

1147 36-93-22.

1148 In the event that any rates, fees, rentals, charges, or delinquent penalties provided for in
1149 Code Section 36-93-21 are not paid as and when due and are in default for 60 days or more,
1150 the unpaid balance thereof and all interest accrued thereon, together with reasonable
1151 attorney's fees and costs, may be recovered by a district in a civil action.

1152 36-93-23.

1153 In the event the fees, rentals, or other charges for water or sewer services are not paid when
1154 due, a board shall have the power, under such reasonable rules and regulations as such
1155 board may adopt, to discontinue and shut off such water or sewer services until such fees,
1156 rentals, or other charges, including interest, penalties, and charges for the shutting off and
1157 discontinuance and the restoration of such water or sewer services, are fully paid. For such
1158 purposes, a board may enter on any lands, waters, or premises of any person, firm,
1159 corporation, or body, public or private, within the district limits. Such delinquent fees,
1160 rentals, or other charges, together with interest, penalties, and charges for the shutting off
1161 and discontinuance and the restoration of such services or facilities and reasonable
1162 attorney's fees and costs and other expenses, may be recovered by a district, which may
1163 also enforce payment of such delinquent fees, rentals, or other charges by any other lawful
1164 method of enforcement.

1165 36-93-24.

1166 A board or any aggrieved person may have recourse to such remedies in law and at equity
1167 as may be necessary to ensure compliance with the provisions of this chapter, including

1168 injunctive relief to enjoin or restrain any person violating the provisions of this chapter or
1169 any bylaws, resolutions, regulations, rules, codes, or orders adopted under this chapter. In
1170 case any building or structure is erected, constructed, reconstructed, altered, repaired,
1171 converted, or maintained, or any building, structure, land, or water is used, in violation of
1172 this chapter or of any code, order, resolution, or other regulation made under authority
1173 conferred by this chapter or under law, a board, any landowner, any citizen residing in the
1174 district, or any governmental agency or general purpose local government with jurisdiction
1175 may institute any appropriate action or proceeding to prevent such unlawful erection,
1176 construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain,
1177 correct, or avoid such violation; to prevent the occupancy of such building, structure, land,
1178 or water; and to prevent any illegal act, conduct, business, or use in or about such premises,
1179 land, or water.

1180 36-93-25.

1181 Property, real or personal, that belongs to or is owned by a district, or in which a district
1182 has an ownership interest and is funded by a tax-exempt bond issued by such district, shall
1183 be exempt from levy and sale by virtue of an execution, and no execution or other judicial
1184 process shall issue against such property, nor shall any judgment against a district be a
1185 charge or lien on its property or revenues; provided, however, that nothing in this Code
1186 section shall apply to or limit the rights of bondholders to pursue any remedy for the
1187 enforcement of any lien or pledge given by a district in connection with any of the bonds
1188 or obligations of a district. In the event that taxes on such property become delinquent or
1189 government liens are placed on such property, the federal government, the state
1190 government, or any political subdivision of the state with an interest in such taxes or liens
1191 may pursue a civil action against a district to recover such moneys. Any such government
1192 shall be entitled to recover costs and attorney's fees and costs accrued in the pursuit of such
1193 action.

1194 36-93-26.

1195 (a) A district board may petition to contract or expand the boundaries of a district in the
1196 following manner:

1197 (1) The petition shall comply with the same provisions and contain the same information
1198 required by paragraphs (1) and (2) of subsection (a) of Code Section 36-93-4. In
1199 addition, if the petitioner seeks to expand the district, the petition shall describe the
1200 proposed timetable for construction of any district services in the area, the estimated cost
1201 of constructing the proposed services, and the designation of the future general
1202 distribution, location, and extent of public and private uses of land proposed for the area
1203 by the future land use plan element of the local government comprehensive plan then in
1204 force. If the petitioner seeks to contract the district, the petition shall describe what
1205 services and facilities are currently provided by the district to the area being removed,
1206 and the designation of the future general distribution, location, and extent of public and
1207 private uses of land proposed for the area by the future land element of the adopted local
1208 government comprehensive plan;

1209 (2) A petitioner shall submit to the applicable general purpose local government or
1210 governments an application fee to be established by the applicable general purpose local
1211 government or governments not to exceed \$500.00 per 100 acres to be added or removed
1212 from the district's boundaries and located within the jurisdiction of such general purpose
1213 local government or governments and not to exceed \$15,000.00 regardless of acreage, to
1214 defray administrative costs associated with the petition, including, but not limited to,
1215 legal fees and any other professional fees incurred by the general purpose local
1216 government or governments;

1217 (3) A public hearing shall be held in the same manner and with the same public notice
1218 as required in paragraph (4) of subsection (a) of Code Section 36-93-4. The applicable
1219 general purpose local government or governments shall consider the record of the public
1220 hearing and the factors set forth in paragraph (5) of subsection (a) of Code

1221 Section 36-93-4 in making its determination to grant or deny a petition to amend the
1222 boundaries of a community development district;

1223 (4) The filing of the petition by the district board of supervisors constitutes consent of
1224 the landowners within the district. In all cases, written consent of those landowners
1225 whose land is to be added to or deleted from the district as provided in
1226 subparagraph (a)(2)(B) of Code Section 36-93-4 is required;

1227 (5) For a petition to establish a new district of less than 2,500 acres on land located
1228 solely in one county or one municipality, sufficiently contiguous lands located within the
1229 county or municipality which the petitioner anticipates adding to the boundaries of the
1230 district within ten years after the effective date of the resolution or ordinance establishing
1231 the district may also be identified. If such sufficiently contiguous land is identified, the
1232 petition shall include a legal description of each additional parcel within the sufficiently
1233 contiguous land, the current owner of the parcel, the acreage of the parcel, and the current
1234 land use designation of the parcel. At least 14 days before the hearing required under
1235 paragraph (4) of subsection (a) of Code Section 36-93-4, the petitioner shall give the
1236 current owner of each such parcel notice of filing the petition to establish the district, the
1237 date and time of the public hearing on the petition, and the name and address of the
1238 petitioner. A parcel shall not be included in the district without the written consent of the
1239 owner of the parcel; and

1240 (6)(A) After establishment of a district, the district board may petition the county or
1241 municipality to amend the boundaries of the district to include a previously identified
1242 parcel that was a proposed addition to the district before its establishment. No filing
1243 fee shall be charged for such petition. Each such petition shall include:

1244 (i) A description of the property to be added to the boundaries of the district by metes
1245 and bounds description, plat or block and lot reference, rectangular survey system, or
1246 any combination thereof;

1247 (ii) Written consent of all owners of the parcel to be added;

- 1248 (iii) A map of the district including the parcel to be added;
1249 (iv) A description of the development proposed on the additional parcel; and
1250 (v) A copy of the original petition identifying the parcel to be added.
- 1251 (B) Before filing with the county or municipality, the district board shall provide the
1252 petition to the owner of the proposed additional parcel.
- 1253 (C) Once the petition is determined sufficient and complete, the county or municipality
1254 shall process the addition of the parcel to the district as an amendment to the ordinance
1255 or resolution that established the district.
- 1256 (D) The district board shall cause to be published in the legal organ of the applicable
1257 county, counties, municipality, or municipalities a notice of the intent to amend the
1258 ordinance or resolution that established the district. The notice shall be in addition to
1259 any notice required for adoption of the resolution or ordinance amendment. The notice
1260 shall include a general description of the land to be added to the district and the date
1261 and time of the scheduled hearing to amend the ordinance. The district board shall
1262 deliver, including by mail or hand delivery, the notice of the hearing on the ordinance
1263 amendment to the owner of the parcel at least 14 days before the scheduled hearing.
- 1264 (E) The amendment of a district by the addition of a parcel pursuant to this paragraph
1265 does not alter the transition from landowner voting to qualified elector voting pursuant
1266 to Code Section 36-93-5, even if the total size of the district after the addition of the
1267 parcel exceeds 5,000 acres. Upon adoption of the ordinance expanding the district, the
1268 district board shall cause to be recorded a notice of boundary amendment which reflects
1269 the new boundaries of the district.
- 1270 (F) This subsection is intended to facilitate the orderly addition of lands to a district
1271 under certain circumstances and does not preclude the addition of lands to any district
1272 using the procedures in the other provisions of this Code section.
- 1273 (b) A district shall remain in existence unless:

- 1274 (1) The district is merged with another district as provided in subsection (c) of this Code
1275 section;
- 1276 (2) All of the specific community development systems, facilities, and services that such
1277 district is authorized to perform have been transferred to a service delivery provider in
1278 the manner provided in subsections (d) and (e) of this Code section; or
- 1279 (3) The district is dissolved as provided in subsection (f) or (g) of this Code section.
- 1280 (c) A district may merge with other districts upon filing a petition for merger, which
1281 petition shall include the elements set forth in paragraph (2) of subsection (a) of Code
1282 Section 36-93-4 and which shall be evaluated using the criteria set forth in paragraph (5)
1283 of subsection (a) of Code Section 36-93-4. The filing fee shall be as set forth in
1284 paragraph (3) of subsection (a) of Code Section 36-93-4. In addition, the petition shall
1285 state whether a new district is to be established or whether one district will be the surviving
1286 district. A new district formed by a merger pursuant to this subsection shall assume all
1287 indebtedness of, and receive title to, all property owned by the preexisting districts, and the
1288 rights of creditors and liens upon property are not impaired by such merger. Any claim
1289 existing or action or proceeding pending by or against any district that is a party to the
1290 merger may be continued as if the merger had not occurred, or the surviving district may
1291 be substituted in the proceeding for the district that ceased to exist. Prior to filing a
1292 petition, the districts desiring to merge shall enter into a merger agreement and shall
1293 provide for the proper allocation of the indebtedness so assumed and the manner in which
1294 such debt shall be retired. The approval of the merger agreement and the petition by the
1295 board of supervisors of a district shall constitute consent of the landowners within the
1296 district.
- 1297 (d) Upon the request of the board of a district, a service delivery provider may adopt a
1298 resolution or ordinance providing for and entering into a contract for the transfer of a
1299 specific district service or infrastructure from a district to the service delivery provider.

1300 (e) Upon the transfer of all of the community development services of a district to a
1301 service delivery provider, the district shall be terminated in accordance with a plan of
1302 termination which shall be adopted by the board of supervisors and filed with the clerk of
1303 the superior court.

1304 (f) If, within five years after the effective date of the rule or ordinance establishing a
1305 district, a landowner has not received a building permit authorizing construction of a
1306 building or structure within the district, the district shall be automatically dissolved.

1307 (g) If a district has no outstanding financial obligations and no operating or maintenance
1308 responsibilities, upon the petition of the district, the district may be dissolved by a
1309 resolution or ordinance of the appropriate general purpose local government.

1310 (h) Prior to any dissolution, debts and other obligations of a district shall be fully paid or
1311 payment otherwise provided for.

1312 36-93-27.

1313 Subsequent to the establishment of a district under this chapter, each contract for the sale
1314 of a parcel of real property and each contract for the sale of a residential unit within the
1315 district shall include, immediately prior to the space reserved in the contract for the
1316 signature of the purchaser, the following disclosure statement in boldface and conspicuous
1317 type which is larger than the type in the remaining text of the contract: 'THE PROPERTY
1318 YOU ARE ABOUT TO PURCHASE IS WITHIN THE (Name of District) COMMUNITY
1319 DEVELOPMENT DISTRICT. THE (Name of District) COMMUNITY DEVELOPMENT
1320 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS ON THIS
1321 PROPERTY FOR THE COSTS OF ALL IMPROVEMENTS, FACILITIES,
1322 INFRASTRUCTURE, AND DEVELOPMENTS. THESE ASSESSMENTS PAY THE
1323 CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN
1324 PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET
1325 ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES

1326 AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL
1327 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
1328 ASSESSMENTS PROVIDED FOR BY LAW. THIS DISCLOSURE AND THE
1329 CONTRACT FOR SALE IN WHICH IT APPEARS SHALL BE ENFORCEABLE IN
1330 ANY COURT OF COMPETENT JURISDICTION.'

1331 36-93-28.

1332 Within 30 days after the effective date of a rule or ordinance establishing a community
1333 development district under this chapter, the district shall cause to be recorded in the
1334 property records in the county in which it is located a 'Notice of Establishment of the
1335 (Name of District) Community Development District.' The notice shall, at a minimum,
1336 include the legal description of the district and a copy of the disclosure statement specified
1337 in Code Section 36-93-8.

1338 36-93-29.

1339 (a) A service delivery provider that is the designated provider of a service for the area in
1340 which a district is to be located pursuant to a service delivery strategy under Article 2 of
1341 Chapter 70 of this title shall receive a copy of the petition to create a district that is filed
1342 with the applicable general purpose local government within five days of submission by
1343 the petitioner to the applicable general purpose local government. The petitioner shall
1344 address and provide such copy to the mayor, sole commissioner, county commission chair,
1345 or director of the service delivery provider, as applicable, by statutory overnight delivery.
1346 The service delivery provider shall have the right of first refusal to provide the service to
1347 the district. Such right of first refusal shall be exercised, and such decision shall be
1348 communicated to the applicable general purpose local government, no fewer than ten days
1349 before its public hearing on the petition. If the service delivery provider exercises its right
1350 to serve the district, it shall enter into a contract with the district, such contract to include

1351 the requirement that the service delivery provider provide its service within the district in
1352 conformity with a mutually agreed-upon timetable of service. A service delivery provider's
1353 requirement that the infrastructure meet the existing standards used within the service area
1354 shall not constitute a refusal to provide service to the district. Likewise, a service delivery
1355 provider's requirement that the district construct, or pay the costs of construction of, any
1356 infrastructure inside or outside of the district necessary to provide service to the district
1357 shall not constitute a refusal to provide such service. Such construction or costs of
1358 construction may include any infrastructure required to connect district infrastructure to the
1359 service delivery provider's existing infrastructure and the costs of any modification,
1360 improvement, or construction of infrastructure necessary to provide service to the district.
1361 The district shall only be required to construct or pay for construction of infrastructure
1362 project costs that are proportionately associated with the infrastructure necessary to serve
1363 the anticipated usage within the district. Finally, a service delivery provider's delay in
1364 providing service due to a lack of permit capacity or due to documented intended use of
1365 existing permit capacity shall not constitute a refusal to provide service to the district.
1366 (b) Water or sewer fees charged to customers located outside the geographic boundaries
1367 of a service delivery provider and within the boundaries of a district shall not be arbitrarily
1368 higher than the fees charged to customers receiving such service which are located within
1369 the geographic boundaries of the service delivery provider.
1370 (c) If a board disputes the water and sewer rate differentials imposed within the district by
1371 the designated service provider, the board may hold a public hearing for the purpose of
1372 reviewing the rate differential. Following the preparation of a rate study by a qualified
1373 independent engineer, the district board may challenge the rate differentials on behalf of
1374 its residents in a court of competent jurisdiction. Prior to such challenge, the dispute shall
1375 be submitted to some form of alternative dispute resolution."

1376

SECTION 2.

1377 This Act shall become effective on January 1, 2027, only if an amendment to the
1378 Constitution to provide for the creation of and comprehensive regulation of community
1379 development districts is ratified by the voters at the November, 2026, state-wide general
1380 election. If such an amendment is not so ratified, then this Act shall not become effective
1381 and shall stand repealed on January 1, 2027.

1382

SECTION 3.

1383 All laws and parts of laws in conflict with this Act are repealed.