IN THE FLORIDA SUPREME COURT

STATE OF FLORIDA Defendant/Appellant	:	
V.	:	Case No. 66,449 Cir. No. CA84-2568
FRONTIER ACRES COMMUNITY DEVELOPMENT DISTRICT PASCO COUNTY, FLORIDA, Plaintiff/Appellee	:	Bond Validation Appeal

APPELLANT'S INITIAL BRIEF

ON APPEAL FROM THE CIRCUIT COURT OF
THE SIXTH JUDICIAL CIRCUIT, PASCO COUNTY

JAMES T. RUSSELL
State Attorney for the Sixth
Judicial Circuit, Pasco County

C. Marie King
Assistant State Attorney
P.O. Box 5028
Clearwater, Florida 33518
(813) 530-6221

Attorney for Appellant

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STATEMENT OF THE CASE

The State of Florida appeals the final judgment filed December 21, 1984, in Pasco County validating $16,000.00 Special Assessment Capital Improvement Bonds of Frontier Acres Community Development District. (Appendix exhibit 1, final judgment). This Court has jurisdiction pursuant to Sec. 75.08, Fla. Stats. (1973), Art. V, Sec. 3(b)(2), Fla. Const. (1968), and Rule 9.030(a)(1)(i), Fla.R.App.Proc.

On September 7, 1984, Frontier Acres Community Development District, Pasco County, Florida (hereafter Frontier Acres) filed a complaint for validation of bonds, case no. 84-2568 Div. B (Ap. ex.2), and the Circuit Court issued its Order to Show Cause (Ap. ex. 3). The State's Response was filed October 25, 1984, (Ap. ex. 4). The Cause was set for hearing on October 8, 1984, at which time it was continued by Frontier Acres. (Ap. ex. 5). The continued hearing was held October 26, 1984. Evidence was submitted, testimony taken, and the hearing again continued by Frontier Acres for supplementation of the record (Ap. ex. 6). The hearing was concluded on December 20, 1984 (Ap. ex. 7).

STATEMENT OF THE FACTS

Frontier Acres proceeded on May 1, 1984 pursuant to Sec. 190.005(2) Fla. Stats. (1983) to establish a Community Development District of approximately 187 acres for 306 recreational vehicle rental lots and 900 mobile home rental lots (Ap. ex. 8, County Commission meeting of July 24, 1984, page 3) by filing its Petition with the Pasco County Commission (exhibit A attached to Ap. ex. 2, the Complaint). The Petition was signed by Rouben E. Halprin, President of The Village-Tampa, Inc., which corporation was alleged in the Petition to be "the fee simple owner of one hundred percent (100%) of the property within the proposed district...." The Petition included a metes and bounds description of the external boundaries of the property for the proposed district, the designated five initial members for the Board of Supervisors, the name of the proposed district, a map of the proposed district, a proposed timetable for construction of the district services, estimated cost of the entire construction, and a statement that the "proposed capital improvements set forth are compatible with the Pasco County comprehensive land use plane."

Those proposed capital improvements set forth in the Petition are:

> "RV park including recreation hall, swimming pool, streets, water and sewer" to be completed within two years,

> "Phases I through IV including streets and drainage, water distribution, and sewage system" to be completed within four years, and
>
> "Phases V through VIII, including streets and drainage, water distribution, and sewage system" to be completed within eight years.

The estimated cost in the Petition of completing those proposed services for the proposed district was $7,000,000.00.

The Petition did not include a statement as to the number of acres in the proposed District, nor the proposed use of the acreage. At the commission meeting of July 24, 1984, the County Commission was told that there were 187 acres in the proposed District, and that it was to be developed for 306 R.V. rental lots and 900 mobile home rental lots (Ap. ex. 8). The Petition included no

> "designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Local Government Comprehensive Planning Act of 1975"

as required by Sec. 190.005(1)(a)(7), Fla. Stats. (1983). The Petition included no indication of the extent of the public and private uses of the proposed District.

The Pasco County Commission agreed to approve the District by Ordinance only on two conditions: 1) that the developer "guarantee payment of any bonded indebtedness on the property," and 2) that "it must remain a rental project" as long as

the bonds are outstanding. (Ap. ex. 8 and 9).

Pasco County Commission passed its Ordinance no. 84-11 on September 4, 1984, creating the requested Fontier Acres Community Development District (ex. C to the Complaint, Ap. ex. 2).

On September 7, 1984, Chairman Rouben E. Halprin for Frontier Acres Community Development District signed the District's Resolution for the issuance of $16,000,000 Special Assessment Capital Improvement Bonds "for the purpose of acquiring and constructing a system of streets, drainage, water distribution, sewage system, recreation hall and swimming pool within Frontier Acres Community Development District, "(ex. D to the Complaint, Ap. ex. 2).

At the validation hearing, the District Engineer, Robert Richard Sprinkle, who is also a member of the District's Board of Supervisor's, testified that the Project would cost $8,632,209.00 to complete. (Ap. ex. 6, p.12) The District's petition to the County had placed the statutorily required estimated cost of the same proposed services at $7,000,000.00. The District Secretary, Project Coordinator, and member of the Board, Mr. Gary Porter testified that of the 184.27 acres in the District, 20 acres would be developed for the recreational vehicle park and 164 for the mobile home lot rentals. He calculated that there would be 14 miles of road constructed. (Ap. ex. 6, p. 16-17)

SUMMARY OF ARGUMENT

The Circuit Court erred in validating the $16,000,000 Special Assessment Bonds for the Frontier Acres District Project because the statute by which the District organized, Chapter 190, Fla. Stats. (1983 and 1984 Supp.) is unconstitutional in that it denies nonproperty owners the right to vote solely on the basis of their status of not being landowners. The District provides varied governmental services which will equally affect all residents. Instead, Chapter 190 even permits a landowner corporation, as in the instant District, to elect the Board of Supervisors, which is the governing board of the District, and which issued the Bonds in the instant case.

The Court erred in validating the Bonds because they were insufficiently shown to be for a valid public purpose. The nature of the Project is development of a rental recreational vehicle and mobile home facility on 184 acres by installing the R.V. park's recreation hall, swimming pool, streets, water and sewer within the first two years, and the same facilities for the remaining 164 acres mobile home rental park within the next eight years after that.

The Court further erred in validating the Bonds for the District because it was not duly authorized pursuant to Chapter 190, by virtue of not providing an economic impact statement in the Petition for creation of the District. The economic impact statement is a legislatively required condition for consideration of the Petition of a proposed district under 1,000 acres after

the effective date of the 1984 Amendments to Chapter 190. The District took the position in the lower court that it need not comply with the 1984 Amendment because its Petition was filed with the County prior to the effective date of the amendments. The legislature specifically made the Amendments applicable, however, to any District not already in existence before the effective date and did not base the applicability on the filing of the Petition. The County was, therefore, not empowered to consider the proposed District's Petition without inclusion of the legislatively required economic impact statement.

The Court erred in validating the Bonds even though the conditions thereof provide that the Project and Resolution can be changed in material respects. Government Bonds can only be validated for a valid public purpose which is to be conclusively resolved in the validation proceeding pursuant to Chapter 75, Fla. Stats. If the Project and Bond Resolution can be completely changed, the validation proceeding becomes a nullity.

ARGUMENT

ISSUE I: SECTION 190.006(2), FLA. STATS. (1983) IS AN UNCONSTITUTIONAL DENIAL OF DUE PROCESS AND THE EQUAL PROTECTION CLAUSE IN THAT IT A) RESTRICTS THE RIGHT TO VOTE, AND B) PERMITS A CORPORATION TO VOTE.

A.) Chapter 190, Fla. Stats. is unconstitutional in that Sec. 190.006(2) Fla. Stats. limits election of the District's Board of Supervisors to the landowners, who have one vote per acre, or fraction thereof, rather than one vote per man. Whether the 1983 or 1984 Amendment of Chapter 190 governs this District and Bond Validation is contested by the parties, and presented in Issue III hereafter. It is relevant to this issue only as to Sec. 190.006(3), which provides in the 1983 version for election in a District with less than 5,000 acres of the Board of Supervisors by the electorate after six years, and in the 1984 version for general election after the same six years, or sooner "[i]f the board proposes to exercise the ad valorem taxing power authorized by s. 190.021,..." Sec. 190.006(2) is unchanged by the 1984 amendment other than as qualified by Sec. 190.006(3). It is the State's position that Sec. 190.006(2) is unconstitutional in either the 1983 or 1984 versions, and more so under the 1983 version which is relied on by Frontier Acres in Issue III hereafter.

Chapter 190 permits creation of independent units of local government which are afforded many government powers. The U.S. Supreme Court has interpreted the U.S. Constitution as requiring all governmental units to afford a vote to every eligible voter

whether or not they own land. Cipriano v. City of Houma, 395 U.S. 701, 89 S.Ct. 1897 23 L.Ed. 2d 647 (1969); Police Jury of the Parrish of Vermilion v. Hebert, 404 U.S. 807, 92 S.Ct. 52, 30 L.Ed 2d 39 (1971), reversing 245 So.2d 349 (La. 1971). Hill v. Stone, 421 U.S. 289, 95 S.Ct. 1637, 44 L.Ed 2d 172 (1975).

The landmark cases in this area concern the necessity for apportionment of representation in a bicameral state legislature on a population basis, or the "one-man, one-vote" rule established in Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed. 2d 506 (1964). In Avery v. Midland County, Texas, 390 U.S. 474, 88 S.Ct. 1114, 20 L.Ed. 2d 45 (1968), the Court unequivocally held that the states' political subdivisions must comply with the Equal Protection Clause in providing every person a voice in the elective process. "The Equal Protection Clause reaches the exercise of state power however manifested, whether exercised directly or through subdivisions of the state." Avery at 479, 88 S.Ct. 1117-1118. Avery held that any delegation of a law-making, or policy and decisionmaking power, to a unit of local government must also carry with it the right of the people to be heard in that local government. Avery at 480,481, 88 S.Ct. 1118.

An exception is made for a single purpose special district, Ball v. James, 451 U.S. 355, 101 S.Ct. 1811, 68 L.Ed 2d 150 (1983), or for residents lacking a special interest in the subject matter of an election. Salyer Land Co. v. Tulare Lake Basin Water Storage Dist., 410 U.S 719, 93 S.Ct. 1224, 35

L.Ed 2d 659 (1973). Associated Enter., Inc. v. Toltec Watershed Imp. Dist., 410 U.S. 744, 93 S.Ct. 1237, 35 L.Ed.2d 675 (1973). In the Tulare Lake Basin and the Toltec Watershed cases, supra, the Court found that the sole special purpose of the districts benefited the land involved more than the people in the area who were not landowners. That the landowners bore the entire costs of the district legitimately excluded the nonowners from electing the governing board. In Ball v. James, supra, the Court did not require the "one-man, one-vote" standard only because it found, much as it had in Tulare Lake, supra, that the special water management district did not "administer such normal functions of government as the maintenance of streets, the operation of schools, or sanitation,.." or utilities, all things which Chapter 190 permits a community development district to do, and three out of four of these which Frontier Acres specifically seeks to do.

A district which is to provide water, on the other hand, has been held to require the vote of all eligible residents regardless of their ownership of real property. Wright v. Town Board of Carlton, 41 App Div 2d 290, 342 NYS2d 577 (1973). Residents have an equal interest in the utilities, Cipriano v. Houma, supra, streets, Police Jury of the Parish of Vermilion, supra, and their sanitation services, Romano v. Redman, 60 Misc.2d 859, 304 NYS2d 261 (1969); City of Phoenix, Arizona v. Kolodziejski, 399 U.S. 204, 90 S.Ct. 1990, 26 L.Ed. 523 (1970), all of which are part of the instant Project based on Ch. 190, Fla. Stats.

The issuance of bonds for financing public improvements has similarly required the vote of nonproperty, as well as, property owners in elections for approval of the bonds. In Cipriano v. Houma, supra, the Court found unconstitutional a Louisiana statute that would have allowed only taxable property owners to vote on a revenue bond issue for a utilities project. The Court concluded that all residents were affected by the utility system and would have to pay the utility bills at the rate necessary to repay the outstanding bonds. In City of Phoenix, Arizona v. Kolodziejski, supra, the Court held unconstitutional an Arizona statute and state constitutional provision permitting only tax paying property owners to vote in elections for general obligation bonds for muncipal improvements, such as sewage system and recreational parks. The instant District, Frontier Acres, similarly seeks to provide utilities and municipal improvements financed by a bond issue approved by a vote of the nonelected, nonrepresentative board, designated by the landowner corporation.

The Court summarily reversed Louisiana's limitation on the right of the electorate at large to vote for a road bond indebtedness and the property tax to be levied in Police Jury of the Parish of Vermilion, supra. The Court merely cited Cipriano, supra; Phoenix v. Kolodziejski, supra; and Parish School Board of the Parish of St. Charles v. Stewart, 400 U.S. 884, 91 S.Ct. 136, 27 L.Ed.2d 129 (1970), all unsuccessfully distinguished in the Louisiana Supreme Court's reversed decision. The Parish School Board case had already struck down Louisiana's law per-

mitting only property taxpayers to vote on the issuance of general obligation bonds. Police Jury of the Parish of Vermilion, additionally struck down the right of the state to restrict the vote to the property taxpayers affected because, as written in a dissenting opinion of the Louisiana opinion,

> "non-property owners have a substantial interest in tax elections for improvements, since they have a substantial interest in the improvements and since indirectly (through increased cost of rents and services) they too will pay the tax." Police Jury of the Parish of Vermilion, 245 So.2d 349, 356 (La. 1971).

In Hill v. Stone, 421 U.S. 298, 95 S.Ct. 1637, 44 L.Ed 2d 172 (1975). The Court struck down a Texas plan for weighting the property owners vote on a bond issue to finance library construction and improvements to the city transportation system, with Justice Marshall writing that

> "As long as the election in question is not one of special interest, any classification restricting the franchise on grounds other than residence, age, and citizenship cannot stand unless the district or State can demonstrate that the classification serves a compelling state interest." Hill v. Stone, at 297, 95 S. Ct. at 1643.

The Texas election utilizing 2 ballot boxes, one for property owners and the other for nonproperty owners, was found to be unreasonable because the property owners' ballots could veto the nonproperty owners' votes. Any general bond issue is of general, not special, interest, the Court repeated, citing City of Phoenix v. Kolodziejski, supra. This is true, Hill v. Stone, added, even though "the debit service will be paid entirely out of property taxes as in Fort Worth." Hill v. Stone, Id.

Chapter 190's voting scheme whereby the board of supervisors of a district of less than 1000 acres is initially designated by the landowners, and elected 90 days thereafter by the landowners, either for the first six years (1983 statute) or when ad valorem taxes are to be assessed, whichever comes first (1984 amendment), does not meet the Equal Protection Clause requirement of one-man, one-vote. The test as set forth in the most recent expression of the Court is

> "whether the purpose of the District is sufficiently specialized and narrow and whether its activities bear on landowners so disproportionately as to distinguish the District from those public entities whose more general government functions demand application of the Reynolds principle." Ball v. James at 362, 101 S. Ct. 1816.

Chapter 190 permits creation of independent units of local government with broad governmental functions. As described by the legislature in the 1984 Amendment, the Community Development Districts were envisioned as "providing a solution to the state's planning, management and financing needs" 190.002(1)(a), and as a "reasonable alternative...to manage and finance basic services for community development." 190.002(2)(b). Chapter 190 constitutes a delegation of governmental authority without the requisite right of equal representation in the election process.

B.) We have not yet come, in America, to letting a corporation run the government. Chapter 190 comes close to permitting that result, however. The 100% landowner of the Frontier Acres District is the corporation The Village-Tampa, Inc. which, pursuant to Sec. 190.006(2), Fla. Stats. (1983), appointed the original Board of Supervisors. If The Village Tampa, Inc., remained

the sole landowner after 90 days,[1] it again would, pursuant to Sec. 190.006(2), in both the 1983 and 1984 amended versions, have the right to elect the Board of Supervisors. Sec. 190.003(12), in both the 1983 and 1984 amended versions, defines a landowner to include a private corporation, as is The Village-Tampa, Inc.

In describing how a property tax was passed on to nonproperty owners, requiring the equal right to vote for both groups, the Court in City of Phoenix, Arizona v. Kolodziejski, supra, at 211, 90 S.Ct. 1995, further reflected that even the "property taxes on commercial property, much of which is owned by corporations having no vote," is passed on in the form of prices charged for goods and services to both property and nonproperty owners alike. Emphasis added.

Article VI, Sec. 2, Fla. Const. defines an elector as an eligible citizen, not as a corporation.

ISSUE II. CHAPTER 190, FLA. STATS. IS UNCONSTITUTIONAL AS APPLIED TO FRONTIER ACRES BECAUSE ISSUANCE OF THE BONDS IS NOT FOR A PUBLIC PURPOSE.

The Project for which the bonds were issued, of constructing streets, drainage, water distribution, sewage system, recreation halls and swimming pools for development of 306 recreational vehicle rental lots and 900 mobile home lots for lease on 184 acres owned by a private corporation, is not a public purpose as required by Art. VII, Sec. 10, Fla. Const.

[1] The District's Agreement with the Pasco County Commission as a condition of passing the Petition for creation of the District would require The Village-Tampa, Inc. to remain the sole landowner. (Agreement at Ap. ex. 9)

This Court has previously held that "public bodies cannot appropriate public funds indiscrimately, or for the benefit of private parties, where there is not a reasonable and adequate public interest". State v. Housing Finance Authority of Polk County, 376 So.2d 1158, 1160 (Fla. 1979); accord, Linscott v. Orange County Industrial Development Authority, 443 So.2d 97 (Fla. 1983). While the issuing authority may rely on the opinion of qualified bond counsel, its determination that proposed revenue bonds are exempt from federal taxation is subject to review by the Courts for compliance with the public purpose requirements of Art. VII, Sec. 10(c), Fla. Const. State v. County of Dade, 250 So.2d 875, 878, 879 (Fla. 1971). See also, State v. City of Miami, 379 So.2d 651 (Fla. 1980), in which the facts which were considered by the Circuit Court were reviewed by the Florida Supreme Court to decide whether to affirm the finding of public purpose.

In Linscott, supra, the Court noted that private enterprise could serve a sufficient public prupose, although short of affording a paramount public purpose, so long as no pledge of the public credit was involved. In Linscott, the regional headquarters for a private insurance company was approved as private economic development sufficiently serving a public purpose where the bonds issued were payable solely from the revenues of the capital project. In the instant bond issues, there is no revenue producing arrangement involved. The bonds are special assessment bonds to be paid by assessing the sole

landowner, The Village Tampa, Inc. a private corporation. The bond issue is nothing more than a tax free loan to the developer of a private commercial venture in an amount of twice what it is estimated the construction will cost. This is not a housing development bond nor in compliance with state or federal guidelines for tax exempt housing bonds. The sole landowner, private corporation, seeks to "develop" an R.V. lot rental park and a mobile home lot rental park, to construct roads within the 184 acre rental park, a sewage and water treatment facility and to put in swimming pools and recreational buildings to enhance the rental parks. Although this Court reversed itself to approve the bond financing of a private motel as enhancing the tourist industry in State v. Orange County Industrial Development Authority, 417 So.2d 959 (Fla. 1982), Frontier Acres is not alleged to be, nor justifiable as, a tourist facility. It is a private business with insufficient public benefit to justify using public bond proceeds for the private benefit. Cf. Orange County Industrial Development Authority v. State, 427 So.2d 174 (Fla. 1983).

The legislature has required inclusion in the initial Petition for creation of a community development district of a "designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district ...." Sec. 190.005(1)(a)(7), Fla. Stat. (1983) This information was not included in Frontier Acres Petition to

Pasco County. The County Commission was without authority to consider the Petition without this information to substantiate any finding of public purpose. The Pasco County Commission's Ordinance accepting the Petition for Creation of the Frontier Acres District contained no finding of public purpose.

ISSUE III. THE COURT ERRED IN VALIDATING BONDS FOR THE DISTRICT BECAUSE THE COUNTY WAS WITHOUT AUTHORITY TO GRANT PETITION FOR CREATION OF THE DISTRICT THAT DID NOT CONTAIN AN ECONOMIC IMPACT STATEMENT AS REQUIRED BY SEC. 190.005(1)(b)8., FLA. STATS. (1984 SUPP.)

The 1984 Amendmant to Chapter 190 includes the requirement for "an economic impact statement in accordance with the requirements of s. 120.54(2)" to be included in the petition for creation of any community development district. Sec. 190.005(1)(a)8., Fla. Stats. (1984 Supp.) This requirement was not in the 1983 statute. Frontier Acres' Petition for creation of the district did not include an economic impact statement as required by the 1984 amendment. The County had no authority to consider, at a date beyond the effective date of the 1984 amendment, the Frontier Acres Petition, without an economic impact statement.

Frontier Acres filed its Petition with the County on or aobut May 1, 1984. Frontier Acres published the required 4-consecutive-weeks notice for the County's required public hearing on June 19, June 26, July 3, and July 10. The 1984 amendment to Chapter 190 was effective June 29, 1984. Ch. 84-360 Laws of Fla. The County's public hearing was scheduled for July

17 and continued to July 24, 1984. The petition for creation of the Frontier Acres District was granted by Pasco County Ordinance of September 4, 1984, and the District's bond resolution passed on September 7, 1984.

The 1984 amendment to Chapter 190, effective June 29, 1984, specifically addresses its applicability.

> "Preemption; sole authority-- (1). This act shall constitute the sole authorization for future establishment of independent community development districts which have any of the specialized functions and powers provided by this act. (2) This act shall not affect any community development district or other special districts existing on the effective date of this act and existing community development districts shall be subject to the provisions of Chapter 80-407, Laws of Florida." Sec. 190.004(1) and (2), Fla. Stats. (1984 Supp.)

The Frontier Acres District was obviously not existing as of June 29, 1984, the effective date of the 1984 amendment. The 1984 amendment was applicable to its creation and not the 1983 law (Ch. 80-407).

The legislatively required information to be included in the petition for creation of a community development district is mandatory. "The petition shall contain the same information as required in paragraph (1)(a)." Sec. 190.005(2)(a), emphasis added. This Court has held that legislative use of the word "shall" is to be given its plain, mandatory meaning.

The Frontier Acres Petition, filed with the County before the effective date of the 1984 Amendment, could not be considered by the County on a date after the effective date of the 1984 amendment, because the Petition did not meet the requirements of the 1984 amendment.

ISSUE IV: THE COURT ERRED IN VALIDATING BONDS FOR A PROJECT AND RESOLUTION THAT CAN BE CHANGED WHETHER WITH OR WITHOUT THE CONSENT OF THE BONDHOLDERS

A. the Trust Indenture provides for Supplemental Indentures by the District and the Trustee without consent of the bondholders "upon the request of the District to amend the Project and Project description to add to or change the Project." (Exhibit E to Ap. ex. 2, Trust Indenture Art. XI, §1101, p. 32) This does not protect the bondholders by limiting the Project for which the bond issue will be applied.

Any bonds issued pursuant to Chapter 190 must be validated in accordance with requirements of Chapter 75, Fla. Stats. The conclusiveness afforded validation proceedings by Chapter 75 does not permit the material change of the Project even were the bondholders to agree to it. The notice requirements are to put any interested person on notice of the nature of the Project. These legistlative requirements are abrogated if the Project can be completely changed after validation.

B. The Resolution provides that: "No material modification or amendment of the Resolution ... may be made without the consent in writing of the holders of two-thirds ...of the Bonds...." (Exhibit D to Ap. ex. 2, Resolution Sec. 16, p. 12). Regardless of the consent of the bondholders, if the Resolution and the Trust Indenture can be changed in material respects, it nullifies the requirements for validation.

The scope of judicial inquiry for bond validation proceeding includes "whether the public body had authority to incur

the obligation, whether the purpose of the obligation is legal, and whether the proceedings authorizing the obligation were proper." State v. City of Daytona Beach, 431 So.2d 981, 983, (Fla. 1983); accord State v. Leon County, Florida, 410 So.2d 1347 (Fla. 1982); State v. City of Sunrise, 354 So.2d 1206 (Fla. 1978). If the purpose of the obligation can be changed after the validation proceedings, the court has not reviewed whether or purpose is legal.

CONCLUSION

Wherefore, the Court erred in validating the bond issue because the issuing authority was not legally constituted, did not have authority to issue the bonds, and the proceedings authorizing the obligation were not proper. Chapter 190 is unconstitutional in restricting the right to vote and unconstitutional as applied to the Frontier Acres Project. The Petition for creation of the District contained no economic impact statement nor indication of the extent of public use for the proposed District. The Project and Bond Resolution can be changed in material regard, making the validation totally ineffective. The validation should be reversed and Chapter 190 declared unconstitutional on its face and as applied.

Respectfully submitted,

JAMES T. RUSSELL, State Attorney
Sixth Judicial Circuit of Florida

C. Marie King

C. Marie King

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Robert L. Williams, Esq., Suite B., 2100 S. Tamiami Trail, Venice Florida 33595, and to Ken van Assenderp, Esq.,

Young, van Assenderp, Varnadoe , & Benton, P.A., Gallie's Hall, 225 So. Adams St., Tallahassee, Florida 32302, by certified mail this 6th day of February, 1985.

JAMES T. RUSSELL, State Attorney
Sixth Judicial Circuit of Florida

C. Marie King
C. Marie King