

By Representative K. Pruitt

1                                   A bill to be entitled  
2           An act relating to the St. Lucie County Erosion  
3           District; amending ch. 67-2001, Laws of  
4           Florida; providing the board of the district  
5           shall be the St. Lucie County Commission;  
6           providing for meetings and applicability of ch.  
7           189, F.S.; providing definitions; providing  
8           district powers; providing that employees of  
9           the district shall be considered employees of  
10          St. Lucie County; providing that contracts for  
11          services, supplies and materials shall be  
12          entered into as provided by the act and general  
13          law; providing district board authorizations to  
14          amend, abolish, or consolidate existing  
15          district zone boundaries and determine benefits  
16          for the purpose of levying ad valorem taxes;  
17          providing district board authorization to levy  
18          and collect non-ad valorem assessments;  
19          providing district board authorization for  
20          issuance of bonds pursuant to general law and  
21          this act; providing that the purchase of  
22          commodities and services shall be in accordance  
23          with the purchasing policies of St. Lucie  
24          County; repealing sections 25 and 26 of ch.  
25          67-2001, Laws of Florida, relating to a  
26          required referendum for the creation of the  
27          district; providing an effective date.  
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29   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Sections 1 through 24 of chapter 67-2001,  
2 Laws of Florida, are amended to read:

3           (Substantial rewording of sections 1 through 24. See  
4           sections 1 through 24 of chapter 67-2001, Laws of  
5           Florida, for present text.)

6           Section 1. This act may be known and cited as the "St.  
7 Lucie County Erosion District Act."

8           Section 2. It is hereby declared as a matter of  
9 legislative determination that tidal waves and currents, high  
10 waters, flood waters, and other causes have given rise to soil  
11 and beach erosion problems in St. Lucie County and that it is  
12 the intent and purpose of this act to provide means to  
13 alleviate such conditions in said county.

14           Section 3. There is hereby created and established a  
15 body corporate and politic in St. Lucie County, Florida,  
16 exercising essential governmental functions for the purpose  
17 hereinafter set forth, to be known as the "St. Lucie County  
18 Erosion District." Said district shall have the power to sue;  
19 to contract; to adopt and use a corporate seal and alter the  
20 same; and to purchase, hold, lease, or otherwise acquire and  
21 convey such real property and personal property and interests  
22 therein as may be necessary or proper to carry out the  
23 purposes of this act.

24           Section 4. The territorial boundaries of the district  
25 shall coincide with the territorial boundaries of St. Lucie  
26 County and shall include all lands and property within the  
27 county, including lands and property within incorporated areas  
28 of the county, within any district in the county and within  
29 the unincorporated area of the county.

30           Section 5. The governing body of the St. Lucie County  
31 Erosion District shall be known and designated as the "Board

1 of Commissioners of the St. Lucie County Erosion District,"  
2 and shall be made up ex officio of the five county  
3 commissioners of St. Lucie County, who shall serve ex officio  
4 as the governing body. As soon as practicable after this act  
5 becomes law, the board shall meet and organize by the election  
6 from their number, a chair and a vice chair. The chair and  
7 vice chair shall each hold office at the will of the board and  
8 until their successor is duly elected. The chair shall preside  
9 at all meetings of the district and perform such duties as the  
10 erosion district may prescribe. The vice chair shall perform  
11 the duties of the chair in the absence of the chair. The board  
12 shall hold at least one regular meeting per month. Special  
13 meetings shall be held pursuant to chapter 189, Florida  
14 Statutes. In the event of a bona fide emergency situation, a  
15 meeting to deal with the emergency may be held as necessary,  
16 with reasonable notice, so long as it is subsequently ratified  
17 by the board. Three members of the board shall constitute a  
18 quorum to transact business.

19 Section 6. As used in this act, unless the context  
20 otherwise requires:

21 (a) "District" means the St. Lucie County Erosion  
22 District created by this act.

23 (b) "County board" means the Board of County  
24 Commissioners of St. Lucie County.

25 (c) "District board" or "board" means the Board of  
26 County Commissioners of St. Lucie County constituting the  
27 governing body of said district as provided in this act.

28 (d) "Erosion prevention facilities" means and includes  
29 any seawalls, groins, pumping stations, breakwaters, dams,  
30 bulkheads, fills, floodways, or any and all other works or  
31 structures of any type whatsoever necessary or useful in the

1 protection of the lands, including beaches, within said  
2 district from tidal waves, tidal currents, high waters, flood  
3 waters and other causes of beach and soil erosion, and any  
4 other purposes appurtenant, necessary or incidental thereto,  
5 and shall include all real and personal property and any  
6 interests therein, rights, easements, and franchises of any  
7 nature whatsoever relating to any such erosion prevention  
8 facilities and necessary or convenient for the construction,  
9 acquisition, reconstruction, improvement, operation, and  
10 maintenance thereof.

11 (e) "Cost" as applied to erosion prevention facilities  
12 includes the cost of construction, reconstruction,  
13 acquisition, improvement, operation, or maintenance of said  
14 facilities; the cost of all labor, materials, machinery, and  
15 equipment; the cost of all lands and interest therein, real or  
16 personal property, rights, easements, and franchises of any  
17 nature whatsoever; financing charges; interest prior to and  
18 during construction and after the completion of the  
19 acquisition, construction, reconstruction, or improvement of  
20 such erosion prevention facilities; the creation of initial  
21 reserve or debt service funds; bond discount, if any; cost of  
22 plans and specifications, surveys, and estimates of costs and  
23 revenues; cost of engineering, financial, and legal services;  
24 and all other expenses necessary or incidental in determining  
25 the feasibility or practicability of such acquisition,  
26 construction, reconstruction, or improvement; administrative  
27 expenses and such other expenses as may be necessary or  
28 incidental to financing authorized by this act, including  
29 reimbursement of the county or any other person, firm, or  
30 corporation for any moneys advanced to said district for any  
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1 expenses incurred by said district in connection with any of  
2 the foregoing items of cost, or the creation of such district.

3 (f) "Secretary/Treasurer" means the clerk of the  
4 circuit court of St. Lucie County, Florida, who shall serve ex  
5 officio as secretary and treasurer of the erosion district and  
6 shall give to the board a good and sufficient surety bond in  
7 the sum of \$1,000, conditioned upon his or her faithfully  
8 performing the duties of the office and well and truly  
9 accounting for all moneys of the erosion district coming into  
10 his or her custody or control. The premium of this bond shall  
11 be paid out of the funds of the erosion district, and the bond  
12 shall be approved by the board and shall be filed in the  
13 office of the State Comptroller at Tallahassee. The treasurer  
14 shall be the custodian of all funds belonging to the board and  
15 the erosion district, and such funds may be disbursed only  
16 upon the order of the board, signed by the secretary and  
17 countersigned by the chairman of the board. The board is  
18 authorized to select as a depository, any bank or trust  
19 company organized under the laws of the United States or the  
20 State of Florida and authorized pursuant to general law to  
21 accept deposit of county funds. Such funds shall be deposited  
22 by the treasurer in such depository upon such terms and  
23 conditions as the board may deem just and reasonable, and may  
24 be deposited in the name of St. Lucie County as long as they  
25 are properly accounted for by the treasurer.

26 (g) "Bonds" means any evidence of indebtedness issued  
27 and delivered by the district for consideration and includes  
28 without limitation revenue bonds, general obligation bonds,  
29 limited tax bonds, non-ad valorem assessment bonds, notes, and  
30 other obligations.

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1           (h) "Non-ad valorem assessment" means only those  
2 assessments which are not based upon millage and which can  
3 become alien against a homestead as permitted in s. 4, Art. X  
4 of the State Constitution.

5           Section 7. The district board for and on behalf of  
6 said district created hereunder, in addition to and  
7 supplementing other powers granted in this act, is hereby  
8 authorized and empowered:

9           (a) To adopt rules and regulations for its own  
10 government and proceedings and to adopt an official seal for  
11 the district and for complete exercise of jurisdiction and  
12 control over district operations, projects, and facilities.

13           (b) To employ engineers, attorneys, accountants,  
14 financial, or other experts and such other agents and  
15 employees as said district board may require or deem necessary  
16 to effectuate the purposes of this act, or to contract for any  
17 of such services. All employees of the district shall be  
18 considered employees of St. Lucie County who shall be assigned  
19 to the district, and whose salary and other costs of  
20 employment shall be paid by the county from funds held on  
21 behalf of the district. Such employees, except collective  
22 bargaining unit employees, shall be subject to the personnel  
23 rules and regulations, and shall participate in the employee  
24 benefit and retirement benefit plans of St. Lucie County.  
25 Collective bargaining unit employees of the district shall be  
26 members of a collective bargaining unit of St. Lucie County  
27 employees pursuant to general law.

28           (c) To acquire, construct, reconstruct, improve,  
29 operate, or maintain erosion prevention facilities in and for  
30 said district, including the acquisition of any erosion  
31 prevention facilities heretofore constructed by any person,

1 firm, corporation, or other body, or heretofore partially  
2 constructed by any person, firm, corporation, or other body,  
3 and the completion of such erosion prevention facilities by  
4 such district, and to have the exclusive control and  
5 jurisdiction of such erosion prevention facilities; to issue  
6 its bonds to pay all or any part of the cost of such  
7 acquisition, construction, reconstruction, improvement,  
8 operation, or maintenance of such erosion prevention  
9 facilities.

10 (d) To levy and assess ad valorem taxes without  
11 limitation of rate or amount on all taxable property within  
12 said district for the purpose of paying principal of and  
13 interest on any bonds issued pursuant to this act or for the  
14 operation and maintenance of such erosion prevention  
15 facilities or other corporate purposes of said district.

16 (e) To assess, levy, and collect non-ad valorem  
17 assessments upon property within the district as authorized by  
18 this act and general law.

19 (f) To regulate the acquisition, construction,  
20 reconstruction, improvement, or maintenance of erosion  
21 prevention facilities within the district, and to grant or  
22 deny permits for the construction of any erosion prevention  
23 facilities in said district. However, if said erosion  
24 prevention facilities are to be located in whole or in part  
25 within the territorial boundaries of any municipality, the  
26 approval of the governing body of such municipality shall also  
27 be obtained before the issuance by the district of a permit  
28 for the construction of such erosion prevention facilities.  
29 The district shall have authority to enjoin any unauthorized  
30 construction or work done which does not comply with any  
31 permit issued in any court of competent jurisdiction, and a

1 certified copy of the resolution of the district denying a  
2 permit for such construction shall constitute prima facie  
3 evidence in all courts that such construction would be  
4 detrimental to the prevention of erosion.

5 (g) To enter upon any lands, either within or without  
6 the district, through its officials, agents, or employees, or  
7 through contractors and their officials, agents, or employees  
8 in the performance of work or services for the district, in  
9 order to make surveys and examinations to accomplish the  
10 necessary purposes of the district, including preliminary  
11 surveys and other work. The district shall be liable for any  
12 actual damages done in connection therewith, and no  
13 unnecessary damage shall be done. The provisions of this  
14 subsection may be enforced by the district in any court of  
15 competent jurisdiction.

16 (h) To acquire in the name of the district by  
17 purchase, gift, or the exercise of the right of eminent domain  
18 such lands and rights and interest therein, including lands  
19 under water and riparian rights and to acquire such personal  
20 property as it may deem necessary in connection with the  
21 acquisition, construction, reconstruction, improvement,  
22 maintenance, or operation of such erosion prevention  
23 facilities and to hold and dispose of all real and personal  
24 property under its control.

25 (i) To exercise exclusive jurisdiction, control, and  
26 supervision over any erosion prevention facilities owned,  
27 operated, and maintained by the district and to make and  
28 enforce such rules and regulations for the maintenance and  
29 operation of such erosion prevention facilities as in the  
30 judgment of the district board are necessary or desirable for  
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1 the efficient operation of such erosion prevention facilities  
2 in accomplishing the purposes of this act.

3 (j) To acquire, hold, and improve beachfront lands as  
4 a part of erosion prevention facilities, and to operate such  
5 beachfront lands for public purposes, including public bathing  
6 facilities, and to comply with any agreements made with the  
7 Federal Government relative to such beachfront lands for which  
8 financial assistance has been given to the district by the  
9 Federal Government.

10 (k) To join with any other districts, cities, towns,  
11 counties, or other political subdivisions, public agencies, or  
12 authorities in the exercise of common powers.

13 (l) To enter into contracts for the purchase of  
14 services, supplies, materials, and equipment pursuant to this  
15 act and general law.

16 (m) Subject to such provisions and restrictions as may  
17 be set forth in the resolution authorizing or securing any  
18 bonds issued under the provisions of this act, to enter into  
19 contracts or agreements with the United States of America or  
20 any agency or instrumentality thereof, the state or any agency  
21 or instrumentality thereof, or with any county, municipality,  
22 district, authority, or political subdivision, private  
23 corporation, partnership, association, or individual providing  
24 for or relating to erosion prevention facilities and any other  
25 matters relevant thereto or otherwise necessary to effect the  
26 purposes of this act, and to receive and accept from the  
27 United States of America, or any agency or instrumentality  
28 thereof, the state or any agency or instrumentality thereof,  
29 or any other public body, grants or loans for or in aid of the  
30 planning, construction, reconstruction, improvement, or  
31 financing of any erosion prevention facilities and to receive

1 and accept aid or contributions or loans from any other source  
2 of either money, property, labor, or other things of value, to  
3 be held, used, and applied only for the purpose for which such  
4 grants, contributions, or loans may be made. Said district  
5 shall have power to provide funds in order to qualify for  
6 financial and other assistance by federal, state, or other  
7 governmental agencies or political subdivisions and to do and  
8 perform all acts necessary to obtain any required federal or  
9 state permits for the carrying out of the purposes provided in  
10 this act, and to adopt all proceedings and perform all acts  
11 necessary to comply with and perform all such contracts or  
12 agreement, referred to in this subsection.

13 (n) To rent, lease, and sell, exchange, transfer, or  
14 otherwise dispose of, or to grant options for any such  
15 purposes with respect to any real or personal property or  
16 interest therein.

17 (o) To make and execute financing agreements,  
18 lease-purchase agreements, contracts, deeds, and other  
19 instruments necessary or convenient to the exercise of its  
20 powers and functions, including contracts with persons, firms,  
21 corporations, federal, state, and local governmental agencies  
22 and instrumentalities, and to cooperate with such persons with  
23 reference to any of the powers hereby granted.

24 (p) To provide adequate insurance on all real and  
25 personal property, equipment, employees, and other personnel.

26 (q) To do all other acts and things necessary or  
27 proper in the exercise of the powers herein granted.

28 Section 8. (1) It is hereby found, determined and  
29 declared that all of the lands and real estate within said  
30 district will be benefited by the acquisition, construction,  
31 improvement, or maintenance of erosion prevention facilities

1 authorized by this act and the full faith and credit and ad  
2 valorem taxing power of said district without limitation as to  
3 rate or amount shall be pledged for the payment of the  
4 principal of and interest on any bonds issued by said district  
5 pursuant to this act. It is further found, determined, and  
6 declared that for the purposes of the levy and collection of  
7 ad valorem taxes within said district, the lands and real  
8 estate therein shall be and are hereby classified and divided  
9 into four zones which are hereby designated as zones A, B, C  
10 and D and said zones shall have the following boundaries:

11 (a) Zone A--Beginning at the intersection of the south  
12 line of section 7, township 35 south, range 41 east and the  
13 Atlantic Ocean; thence northeasterly along the Atlantic Ocean  
14 to the centerline of the Fort Pierce ship channel; thence  
15 southwesterly along the centerline of said channel to the  
16 centerline of the intracoastal waterway; thence southeasterly  
17 along said centerline to its intersection with the south line  
18 of section 12, township 35 south, range 40 east extended;  
19 thence east along said extension and the south line of said  
20 section 12 to the southeast corner of said section 12; thence  
21 east along the south line of section 7, township 35 south,  
22 range 41 east to the point of beginning.

23 (b) Zone B--Beginning at the intersection of the south  
24 line of section 7, township 35 south, range 41 east and the  
25 Atlantic Ocean; thence southeasterly along the Atlantic Ocean  
26 to the south line of section 22, township 36 south, range 41  
27 east; thence west along the south line of said section 22 and  
28 the extension thereof to the centerline of the intracoastal  
29 waterway; thence northwesterly along the centerline of the  
30 intracoastal waterway to its intersection with the south line  
31 of section 12, township 35 south, range 40 east extended;

1 thence east along said extension and the south line of said  
2 section 12 to the southeast corner of said section 12; thence  
3 east along the southline of section 7, township 35 south,  
4 range 41 east to the point of beginning.

5 (c) Zone C--Except for lands in zones A and B, all  
6 lands east of a line beginning on the north county line at the  
7 northwest corner of section 3, township 34 south, range 38  
8 east; thence south to the southwest corner of section 34,  
9 township 34 south, range 38 east; east to the southeast corner  
10 of section 35, township 34 south, range 38 east; south to the  
11 southwest corner of section 12, township 36 south, range 38  
12 east; east to the northwest corner of section 15, township 36  
13 south, range 39 east; south to the southwest corner of section  
14 34, township 37 south, range 39 east, at the south county  
15 line.

16 (d) Zone D--All lands in St. Lucie county west of zone  
17 C.

18 (2) It is further hereby found, determined, and  
19 declared that as between the lands and real estate located  
20 within said zone A to D, inclusive, the percentages of the  
21 total benefits which such lands and real estate located within  
22 such zones, will receive from the acquisition, construction,  
23 reconstruction, improvement, or maintenance of the erosion  
24 prevention facilities authorized by this act are as follows:

25 Zone A--Five and nine tenths percent

26 Zone B--One and three tenths percent

27 Zone C--Eighty-three and four tenths percent

28 Zone D--Nine and four tenths percent

29 (3) Any ad valorem taxes in said district, for the  
30 payment of debt service or reserves on bonds or other  
31 obligations issued by said district or for the operation and

1 maintenance of the erosion prevention facilities and other  
2 corporate purposes of said district, shall be levied in each  
3 zone in ratio to the percentage of benefits set out above for  
4 said zone A to D, both inclusive, and of the total amount of  
5 such ad valorem taxes levied on the taxable property in said  
6 district at any time, the separate amounts to be levied in  
7 each of such zones shall be the percentage set out for such  
8 zones above of such total amount. In the event that the full  
9 amounts of such taxes so levied in any zone shall not be  
10 collected in any year, the deficit shall be paid from general  
11 funds of the district or shall be levied in the succeeding  
12 year on all taxable property of the entire district, and the  
13 district shall be mandatorily obligated to levy and collect ad  
14 valorem taxes without limitations as to rate or amount on all  
15 taxable property in the entire district to the full extent  
16 necessary to pay all principal of and interest on any bonds or  
17 other obligations issued by said district, or such operation  
18 and maintenance and other corporate purposes of the district.  
19 The amount of any deficit in collections in any zone in any  
20 year shall, however, notwithstanding that such deficit may  
21 have been made up from general funds of the district or from  
22 ad valorem taxes levied on all taxable property in the entire  
23 district, be levied in each succeeding year on all taxable  
24 property in the zone in which such deficit occurs until such  
25 deficit has been made up in full and all amounts reimbursed to  
26 the general funds of the district or to the owners of taxable  
27 property in other zones for payments made on account of such  
28 deficits, it being the express intention of this act as far as  
29 the payment of debt service on any bonds or other obligations  
30 of the district or such operation and maintenance and other  
31 corporate purposes of the district are concerned, the entire

1 taxable property in all of said district shall be subject to  
2 the levy of ad valorem taxes without limit as to rate or  
3 amount for the full payment of all such debt service and  
4 operation and maintenance and other corporate purposes of said  
5 district, but that as between the zones within such entire  
6 district, the district shall continue to levy and relevy  
7 sufficient ad valorem taxes on the taxable property in the  
8 zone in which a deficit occurs until any amounts which may  
9 have been previously paid by any other zone to make up such  
10 deficit have been paid in full. Any such reimbursement to the  
11 owners of taxable property of any zone for amounts collected  
12 in such zone for any deficits in any other zone may be in the  
13 form of reductions in the amount of taxes to be collected in  
14 such zone, but only after the amount of such reimbursement  
15 shall be available in cash for application to debt service on  
16 such bonds or other obligations or for the operation and  
17 maintenance or other corporate purposes of the district.

18 (4) Upon the effective date of this act, the district  
19 board shall be authorized to amend by resolution existing zone  
20 boundaries, abolish, or consolidate existing zones, create new  
21 zones, and determine the percentage benefit accruing to lands  
22 within said zones as a result of district projects, programs,  
23 and activities. Any ad valorem taxes levied for district  
24 purposes shall be levied in each zone in proportion to the  
25 percentage of benefits determined by the board for the new,  
26 amended, or consolidated zones.

27 (5) All such taxes shall be levied and collected as a  
28 separate special tax and the county board, as the governing  
29 body of such district, shall certify in each year to the  
30 property appraiser of the county the total amount of the ad  
31 valorem taxes to be levied in such district and the separate

1 amount to be levied in each of said zones in each year and the  
2 said property appraiser shall levy and collect such special  
3 taxes at the same time and in the same manner as other general  
4 county taxes are collected. Such taxes, when collected by the  
5 county tax collector, shall be paid and turned over to the  
6 proper officials for the district for application in the  
7 manner provided in this act.

8           Section 9. The board is hereby authorized and  
9 empowered by resolution to assess, levy, and collect non-ad  
10 valorem assessments for the acquisition, construction,  
11 reconstruction, rehabilitation, development, improvement,  
12 maintenance, repair, management, or operation of district  
13 facilities authorized by this act. Such special assessments  
14 shall be levied only on benefited real property at a rate  
15 based upon the special benefit accruing to such property, from  
16 the acquisition, construction, reconstruction, rehabilitation,  
17 development, improvement, maintenance, repair, management, or  
18 operation. Cost may include the cost of all labor and  
19 materials, the cost of all lands, property rights, easements,  
20 and franchises acquired, expenses associated with the issuance  
21 of bonds secured in whole or in part by non-ad valorem  
22 assessments, including, but not limited to, financing charges,  
23 the establishment of reasonable reserves and/or the purchase  
24 of insurance and surety bonds, interest prior to and during  
25 construction and for 1 year after completion of construction,  
26 discount on the sale of bonds, costs of plans and  
27 specifications, surveys of estimates of costs and revenues,  
28 cost of engineering, financial, and legal services, and all  
29 other expenses necessary or incident to determining the  
30 feasibility or practicability of the undertaking,  
31 administrative expense, and such other expense as may be

1 necessary or incidental to the financing authorized by this  
2 act. Non-ad valorem assessments shall be liens, coequal with  
3 the lien of all state, county, district, and municipal taxes,  
4 superior in dignity to all other liens, titles, and claims,  
5 until paid, shall bear interest at the rate prescribed by law  
6 for ad valorem taxes, and shall be levied and collected using  
7 the procedures provided in chapter 197, Florida Statutes, or  
8 such other method as the district may prescribe.

9           Section 10. (1) The district board for and on behalf  
10 of the district is authorized to provide by resolution from  
11 time to time for the issuance of general obligation bonds,  
12 limited tax revenue bonds, revenue bonds, and non-ad valorem  
13 assessment bonds to pay all or part of the cost of  
14 acquisition, construction, reconstruction, rehabilitation,  
15 development, or improvement of any projects, facilities, or  
16 activities provided for in this act, or for the purpose of  
17 refunding any such bonds of the district which are then  
18 outstanding, including any redemption premium thereon and any  
19 interest accrued or to accrue to the date of redemption. The  
20 district board shall also have the authority to provide by  
21 resolution for the issuance of other obligations to pay all or  
22 part of the cost of maintenance, repair, management, or  
23 operation of district projects, facilities, or activities.  
24 However, the issuance of general obligation bonds or limited  
25 tax revenue bonds shall have been approved at an election of  
26 the qualified electors who reside in such district, such  
27 election to be called, noticed, and conducted as provided by  
28 law. The bonds of each issue shall be dated, shall bear  
29 interest at such rate or rates as shall not exceed the maximum  
30 bond interest rate provided by general law, shall mature at  
31 such time or times not exceeding 40 years from the date or



1 dates of the bonds as may be determined by the board and may  
2 be redeemable before maturity, at the option of the board,  
3 under such terms and conditions and at such prices as may be  
4 fixed by the board prior to the issuance of such bonds. The  
5 board shall determine the form of such bonds, including any  
6 interest coupons to be attached thereto, and shall fix the  
7 denomination or denominations of such bonds and the place or  
8 places of payment of principal and interest, which may be at  
9 any bank or trust company within or without the state. Such  
10 authorizing resolution may further provide that such bonds may  
11 be executed manually or by the engraved, lithographed, or  
12 facsimile signature of the chairman of the board. The seal of  
13 the district may be affixed or lithographed, engraved, or  
14 otherwise reproduced in facsimile on such bonds and shall be  
15 attested by the manual or facsimile signature of the secretary  
16 or treasurer of said district; provided that the signature of  
17 at least one of the officials executing such bonds, including  
18 the registrar authenticating such bonds, shall be a manual  
19 signature. In case any officer whose signature or facsimile of  
20 at least one of the officials executing such bonds shall cease  
21 to be such officer before the delivery of such bonds, such  
22 signature or facsimile thereof shall nevertheless be valid and  
23 sufficient for all purposes the same as if he had remained in  
24 office until such delivery. Such bonds may be issued in coupon  
25 or registered form as the board may determine in such  
26 authorizing resolution and provision may be made for the  
27 registration of any coupon bonds as to principal alone and  
28 also as to principal and interest, and for the reconversion of  
29 coupon bonds or of any bond registered as to principal and  
30 interest. The board may sell such bonds either at public or  
31 private sale and for such price as it may determine to be for

1 the best interests of the district, but no such sale may be  
2 made at a price that requires the payment of interest in  
3 excess of the maximum bond interest rate provided by general  
4 law.

5 (2) The proceeds of the sale of any general obligation  
6 bonds, limited tax bonds, revenue bonds, and non-ad valorem  
7 assessment bonds shall be used solely for the payment of the  
8 costs, including engineering, financial, and legal expenses,  
9 of the acquisition, construction, reconstruction,  
10 rehabilitation, development, maintenance, or improvement of  
11 such facilities or the refunding of bonds outstanding, and  
12 proceeds from the issuance of other obligations of the  
13 district may additionally be used to pay the costs of repair,  
14 management, maintenance, or operation of district facilities.  
15 The proceeds of bonds issued under the authority of this  
16 section shall be disbursed in such manner and under such  
17 restrictions as the board may provide in the authorizing  
18 resolution. Prior to the preparation or issuance of definitive  
19 bonds, the board may, under like restrictions, issue interim  
20 receipts or temporary notes or other forms or such temporary  
21 obligations with or without coupons, exchangeable for  
22 definitive bonds when such bonds have been executed and are  
23 available for delivery. The board may also provide for the  
24 replacement of any bonds which have become mutilated,  
25 destroyed, or lost upon proper indemnification.

26 (3) The board may provide that the bonds issued  
27 hereunder shall be payable from and secured by a pledge of any  
28 one or more of the following sources:

29 (a) Revenues of any one or more district facilities  
30 now owned or hereafter acquired or constructed by the  
31 district.

1           (b) Proceeds from the sale or lease of all or any part  
2 of any district facilities now or hereafter owned by the  
3 district, as such facilities may be extended, enlarged, or  
4 improved.

5           (c) Any money received by the district from the United  
6 States or any agency or instrumentality thereof or from any  
7 other governmental agency or person in connection with any  
8 district facilities or in repayment of any advances made by  
9 the district for all or any part of the cost of any district  
10 facilities.

11           (d) The full faith, credit, and taxing power of the  
12 district, or limited ad valorem taxes levied by the district,  
13 and such bonds may be additionally secured by a pledge of  
14 revenues, sale or lease proceeds or money received by the  
15 district from the United States or any agency or  
16 instrumentality thereof or other governmental agency or person  
17 as herein authorized. The board may provide that such bonds  
18 shall be payable as to principal and interest in the first  
19 instance from such revenues, sale, or lease proceeds or money  
20 received by the district from the United States or any agency  
21 or instrumentality thereof or any other person.

22           (e) The proceeds of any sale or lease of district  
23 facilities or property, after paying all costs in connection  
24 therewith.

25           (f) The proceeds of any non-ad valorem assessments  
26 levied pursuant to this act.

27           Section 11. In the discretion of the board, any bonds  
28 issued under the provisions of this act may be secured by a  
29 trust agreement by and between the district and a corporate  
30 trustee, which may be any trust company or bank having the  
31 powers of a trust company within or without the state. Such

1 trust agreement or the resolution providing for the issuance  
2 of such bonds may contain such provisions for protecting and  
3 enforcing the rights and remedies of the bondholders as may be  
4 reasonable and proper and not in violation of law, including  
5 covenants setting forth the duties of the district in relation  
6 to the acquisition, construction, reconstruction, improvement,  
7 maintenance, repair, lease, operation, and insurance of any  
8 district projects, facilities, or activities in connection  
9 with which such bonds shall have been authorized, the custody,  
10 safeguarding, or application of all moneys, and conditions or  
11 limitations with respect to the issuance of additional bonds.  
12 It shall be lawful for any bank or trust company incorporated  
13 under the laws of Florida which may act as depository of the  
14 proceeds of bonds or of revenue or other funds to furnish such  
15 indemnifying bonds or to pledge such securities as may be  
16 required by the board. Any such trust agreement or resolution  
17 may set forth the rights and remedies of the bondholders and  
18 of the trustee under any such trust agreement, and may  
19 restrict the individual right of action by bondholders. In  
20 addition to the foregoing, any such trust agreement or  
21 resolution may contain such other provisions as the board may  
22 deem reasonable and proper for the security of the  
23 bondholders. All expenses incurred in carrying out the  
24 provisions of such trust agreement or resolution shall be  
25 treated as a part of the costs of the operation of the  
26 district facilities.

27           Section 12. Prior to the issuance of any bonds, the  
28 district board may, in its discretion, publish a notice at  
29 least once in a newspaper published in the County of St. Lucie  
30 and circulating in the district, stating the date of adoption  
31 of the resolution authorizing such bonds, and the amount,

1 maximum rate of interest and maturity of such bonds and the  
2 purposes in general terms for which such bonds are to be  
3 issued, and further stating that any action or proceeding  
4 questioning the validity of such bonds or of the creation of  
5 said district, or of the proceedings authorizing the issuance  
6 thereof, or of any covenants made therein, must be instituted  
7 within 20 days after the first publication of such notice, or  
8 the validity of such bonds or of the creation of said  
9 district, or of such proceedings or covenants shall not be  
10 thereafter questioned in any court whatsoever. If no such  
11 action or proceeding is so instituted within such 20-day  
12 period then the validity of such bonds, the creation of said  
13 district, and such proceedings and covenants shall be  
14 conclusive, and all persons or parties whosoever shall be  
15 forever barred from questioning the validity of such bonds,  
16 the creation of said district, or such proceedings or  
17 covenants in any court whatsoever.

18 Section 13. All bonds issued hereunder shall be and  
19 constitute, and have all the qualities and incidents of  
20 negotiable instruments under the law merchant and the  
21 negotiable instruments law of Florida, and shall not be  
22 invalid for any irregularity or defect in the proceedings for  
23 the issuance and sale thereof and shall be incontestable in  
24 the hands of bona fide purchasers for value. No proceedings in  
25 respect to the issuance of such bonds shall be necessary  
26 except such as are required by this act. The provisions of  
27 this act shall constitute an irrevocable contract between said  
28 district and the holders of such bonds or coupons thereof  
29 issued pursuant to the provisions hereof. Any holder of such  
30 bonds may either at law or in equity, by suit, action or  
31 mandamus, force and compel the performance of the duties

1 required by this act or of any of the officers or persons  
2 herein mentioned in relation to said bonds, or the levy,  
3 assessment, collection, and enforcement and application of the  
4 taxes pledged for the payment of the principal and interest  
5 thereof.

6           Section 14. The exercise of the powers conferred by  
7 this act constitutes the performance of essential public  
8 functions and any erosion prevention facilities acquired,  
9 constructed, reconstructed, or improved under the provisions  
10 of this act constitute public property used for public  
11 purposes.

12           Section 15. All bonds issued pursuant to this act  
13 shall be and constitute legal investments for state, county,  
14 municipal, and all other public funds and for banks, savings  
15 banks, insurance companies, executors, administrators,  
16 trustees, and all other fiduciaries; and shall also be and  
17 constitute securities eligible as collateral security for all  
18 state, county, municipal, or other public funds.

19           Section 16. Said district shall have power to enter  
20 into agreements for the delivery of any bonds at one time or  
21 from time to time as full or partial payment for the services  
22 of any engineer or work done by any contractor who may have  
23 been retained or hired or been awarded a contract for the  
24 construction of all or any part of such erosion prevention  
25 facilities. However, such bonds so delivered for payment of  
26 such services or work performed shall have been authorized and  
27 issued in the manner provided in this act and shall otherwise  
28 conform to the provisions hereof.

29           Section 17. Insofar as the exercise of any power or  
30 authority granted by this act shall involve the purchase or  
31 procurement of commodities or services, the board shall

1 exercise such power in accordance with the purchasing and  
2 procurement rules, regulations, ordinances, practices, and  
3 procedures of St. Lucie County as the same may exist from time  
4 to time. The district shall requisition such commodities and  
5 services through such purchasing agents as the county may from  
6 time to time appoint, and such requisitions or contract may be  
7 issued or entered into in the name of St. Lucie County. The  
8 costs of such purchases, procurements, and contract of the  
9 district shall be paid with funds of the district.

10 Section 18. (1) In addition to the ad valorem taxes  
11 authorized to be levied to pay the principal of and interest  
12 on bonds issued hereunder, said district is authorized to levy  
13 a special ad valorem maintenance tax of a sufficient number of  
14 mills upon the dollar of assessed valuation of taxable  
15 property in the district to pay for the maintenance and  
16 operation of such erosion prevention facilities and other  
17 corporate purposes of said district. However, such special  
18 maintenance tax shall in no event exceed 1 mill in any 1 year  
19 for Zone A, eight-tenths of a mill in any 1 year for Zone B,  
20 six-tenths of a mill in any 1 year for Zone C, and four-tenths  
21 of a mill in any 1 year for Zone D. Such special maintenance  
22 tax shall be levied and collected in the manner provided  
23 herein for ad valorem taxes levied and collected for debt  
24 service on bonds issued pursuant to this act and in accordance  
25 with the provisions of section 8.

26 (2) Upon the effective date of this act, the district  
27 board shall be authorized to levy an ad valorem maintenance  
28 tax within new, amended or consolidated zones established  
29 pursuant to section 8(4). Such ad valorem maintenance tax  
30 millage rate within such zones shall be a rate determined by  
31 the board to provide each zones' proportionate share of

1 maintenance tax revenue. Such proportionate share shall be the  
2 percentage benefit accruing to lands within such zones as  
3 determined pursuant to section 8(4). Such taxes shall be  
4 levied and collected in the manner provided within section 8.

5         Section 19. Any contract entered into by said district  
6 shall be deemed to have been made for the benefit of any  
7 holders of bonds issued pursuant to this act to the extent  
8 necessary, and the terms of any such contract shall be  
9 enforceable by such bondholders in any appropriate legal  
10 proceeding. Any such contract if made with another public body  
11 or municipality may be enforceable without the requirement of  
12 formal consideration.

13         Section 20. The County of St. Lucie or any  
14 municipality or other political subdivision is authorized to  
15 sell, lease, grant or convey any real or personal property to  
16 said district and any such sale, grant, lease or conveyance  
17 may be made without formal consideration. The County of St.  
18 Lucie shall further have power to advance any moneys available  
19 to the district to pay any of the preliminary expenses of the  
20 district, including engineering, legal, or financial services  
21 or any other purposes necessary in the planning and beginning  
22 of construction or erosion prevention facilities authorized by  
23 this act. However, all such moneys so advanced shall be repaid  
24 to the county from the proceeds of any bonds issued pursuant  
25 to this act, or from ad valorem taxes levied in said district  
26 for operation and maintenance of erosion prevention facilities  
27 and other corporate purposes of the district.

28         Section 21. The district board shall have power to  
29 establish and create such departments, boards, or other  
30 agencies as it shall deem necessary or desirable in the  
31 performance of any acts or other things necessary in the



1 exercise of the powers provided in this act, and may delegate  
2 to such departments, boards, or other agencies such  
3 administrative duties and other powers as may be deemed  
4 necessary and desirable in the exercise of the powers provided  
5 in this act. However, the issuance of bonds, levy of taxes,  
6 and authorization of the acquisition, construction,  
7 reconstruction, or improvement of erosion prevention  
8 facilities shall be authorized by resolution or resolutions  
9 duly adopted by the district board.

10 Section 22. All district property shall be exempt from  
11 levy and sale by virtue of an execution and no execution or  
12 other judicial process shall issue against such property nor  
13 shall any judgment against a district be a charge or lien on  
14 its property or taxes or other revenue; provided that nothing  
15 herein contained shall apply to or limit the rights of  
16 bondholders to pursue any remedy for the enforcement and  
17 collection of any taxes pledged for any bonds issued  
18 hereunder.

19 Section 23. The State of Florida does hereby pledge to  
20 and covenant and agree with the holders of any bonds issued  
21 pursuant to this act, that it will not limit or alter the  
22 rights hereby vested in said district to acquire, construct,  
23 reconstruct, improve, maintain, and operate said erosion  
24 prevention facilities and to levy and collect ad valorem taxes  
25 as provided herein, and to fulfill the terms of any agreement  
26 made with the holders of such bonds or other obligations, and  
27 will not in any way impair the rights or remedies of such  
28 holders, and will not modify in any way the exemptions from  
29 taxation provided for in this act, until all such bonds,  
30 together with interest thereon, and with interest on any  
31 unpaid installments of interest, and all costs and expenses in

1 connection with any action or proceeding by or on behalf of  
2 such holders, are fully met and discharged.

3 Section 24. The provisions of this act shall be  
4 liberally construed to effect its purposes and shall be deemed  
5 cumulative, supplemental, and alternative authority for the  
6 exercise of the powers provided herein. The exercise of the  
7 powers provided in this act and the issuance of bonds  
8 hereunder shall not be subject to the limitations or  
9 provisions of any other law or laws except as expressly  
10 provided herein.

11 Section 25. In case any one or more of the sections or  
12 provisions of this act, or the application of such sections or  
13 provisions to any situations, circumstances, or person, shall  
14 for any reason be held to be unconstitutional or invalid, such  
15 unconstitutionality or invalidity shall not affect any other  
16 sections or provisions of this act or the application of such  
17 sections or provisions of this act or the application of such  
18 sections or provisions to any other situation, circumstances,  
19 or person, and it is intended that this act shall be construed  
20 and applied as if such section or provision so held  
21 unconstitutional or invalid had not been included in this act.

22 Section 2. Sections 25 and 26 of chapter 67-2001, Laws  
23 of Florida, are hereby repealed.

24 Section 3. This act shall take effect upon becoming a  
25 law.

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