

By Representative C. Green

1                                   A bill to be entitled  
2           An act relating to the Captiva Erosion  
3           Prevention District; codifying and reenacting  
4           the district's charter, chapter 71-730, Laws of  
5           Florida, as amended; providing legislative  
6           intent; validating the district as a beach and  
7           shore preservation authority under the  
8           provisions of chapter 161, Florida Statutes;  
9           providing definitions; defining the boundaries  
10          of the district; providing for the general  
11          powers of the district; providing for the  
12          election of the district governing board;  
13          providing for a district beach and shore  
14          preservation program; providing for benefit  
15          categories or zones; providing for the levy and  
16          collection of ad valorem taxes on all taxable  
17          property within the district; providing for  
18          issuance of general obligation bonds; providing  
19          for the levy of special assessments against  
20          land specially benefitted within the district;  
21          providing for the issuance of bonds and other  
22          evidence of indebtedness with referendum  
23          approval; providing for refunding bonds;  
24          providing for additional power to contract;  
25          providing for severability; providing for  
26          effect in cases of conflict; providing for  
27          repeal of prior special acts relating to the  
28          Captiva Erosion Prevention District; providing  
29          an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Pursuant to chapter 97-255, Laws of  
2 Florida, this act constitutes the codification of all special  
3 acts relating to the Captiva Erosion Prevention District. It  
4 is the intent of the Legislature in enacting this law to  
5 provide a single, comprehensive special act charter for the  
6 district, including all current legislative authority granted  
7 to the district by its several legislative enactments and any  
8 additional authority granted by this act. It is further the  
9 intent of this act to preserve all district authority and  
10 powers.

11           Section 2. Chapters 71-730, 76-403, 81-413, and  
12 88-449, Laws of Florida, relating to the Captiva Erosion  
13 Prevention District, are codified, reenacted, amended, and  
14 repealed as herein provided.

15           Section 3. The Captiva Erosion Prevention District is  
16 re-created as an independent special shore preservation  
17 district and the charter for such district is re-created and  
18 reenacted to read:

19           Section 1. Legislative Finding; Validation of  
20 District.--The Captiva Erosion Prevention District is hereby  
21 declared to be a valid and existing beach and shore  
22 preservation district re-created and reestablished under the  
23 provisions of section 161.32, Florida Statutes, and shall  
24 exercise powers and duties of a beach and shore preservation  
25 authority and independent special district in the geographic  
26 area defined in Section 3, as provided for by this act.

27           Section 2. Definitions.--In construing this act, where  
28 the context does not clearly indicate otherwise, the word,  
29 phrase, or term:

30           (1) "District" means the Captiva Erosion Prevention  
31 District.

- 1           (2) "County" means Lee County, Florida.
- 2           (3) "District Board" means the duly elected Board of  
3 Commissioners constituting the governing body of the District.
- 4           (4) "Erosion Prevention Projects" or "Project" shall  
5 mean and shall include any seawalls, groins, breakwaters,  
6 bulkheads, fills, and other works, structures, equipment or  
7 other facilities used for beach renourishment or erosion  
8 control as defined by s. 161.021(3), Florida Statutes, and in  
9 each case necessary or useful in the protection of the lands,  
10 including beaches, within the District from tidal action and  
11 other causes of beach and coastal erosion.
- 12           (5) "Cost" as applied to the construction,  
13 reconstruction or improvement of Erosion Prevention Projects  
14 shall include the cost of construction and reconstruction; the  
15 cost of improvement of property; the cost of all labor,  
16 materials, machinery and equipment; the cost of all lands and  
17 interests therein, real or personal property, rights,  
18 easements and franchises of any nature whatsoever; financing  
19 charges; interest prior to, during, and for a period of not to  
20 exceed 1 year after completion of construction; the cost of  
21 plans, specifications, surveys, and estimates of costs and  
22 revenues; the cost of engineering, financial and legal  
23 services; the cost of preparing special assessment rolls and  
24 levying special assessments; and all other expenses necessary  
25 or incidental to such construction, reconstruction or  
26 improvement or related to the issuance of bonds in connection  
27 with the financing thereof; and administrative expenses and  
28 all other expenses as may be necessary or incidental to  
29 accomplishing the purpose of this act.
- 30           (6) "Notice by Publication" shall mean publication of  
31 a notice or resolution of the District Board in a newspaper of

1 general circulation in the County not less than 10 days before  
2 any meeting, hearing or other act for which notice to the  
3 public or notice to affected persons is required by this act.

4 (7) "Notice by Mail" shall mean mailing by United  
5 States mail a notice or resolution of the District Board or  
6 advisory committee to the persons affected, at their addresses  
7 shown on the County tax rolls, not less than 10 days before  
8 any meeting or hearing.

9 (8) "Gulffront Lands" shall mean real property  
10 contiguous to or abutting the waters or beaches of the Gulf of  
11 Mexico in the County, publicly or privately owned, upon fair  
12 and equitable principles, which is specifically benefitted by  
13 the construction, maintenance or operation of any Erosion  
14 Prevention Project or restoration of eroded beaches.

15 Section 3. Boundaries of District.--The territorial  
16 boundaries of the District shall be all of Captiva Island,  
17 Florida, more particularly described as follows:

18  
19 Commence at the corner common to sections 2,3,  
20 10 & 11, T. 46 S., R. 21 E., Lee Co., Florida;  
21 thence run Easterly along the South line of  
22 said sec. 2 to its intersection of the  
23 centerline of Blind Pass and the Northerly  
24 limits of the City of Sanibel, said  
25 intersection is the P.O.B. of the parcel or  
26 tract herein described. From said P.O.B. run  
27 Southwesterly along said centerline of Blind  
28 Pass and Northerly limits of the City of  
29 Sanibel to a point in the Gulf of Mexico which  
30 lies 300' from the M.H.T. line of Captiva  
31 Island; thence run Northwesterly along the

1        Meanders of a line in the Gulf of Mexico that  
2        lies 300' from and parallel to said M.H.T. line  
3        of Captiva Island to its intersection with the  
4        centerline of Redfish Pass; thence run Easterly  
5        along said centerline of Redfish Pass to a  
6        point 300' from the M.H.T. line of the Easterly  
7        shore of Captiva Island in the waters of Pine  
8        Island Sound; thence run Southeasterly along  
9        the meanders of a line in the waters of Pine  
10       Island Sound that lies 300' from and parallel  
11       to the M.H.T. line of Captiva Island to its  
12       intersection with the centerline of Roosevelt  
13       Channel; thence run Southerly along the  
14       Meanders of said centerline of Roosevelt  
15       Channel to its intersection with aforementioned  
16       centerline of Blind Pass and the Northerly  
17       limits of the City of Sanibel; thence run  
18       Southwesterly along said centerline of Blind  
19       Pass and Northerly limits of the City of  
20       Sanibel to the P.O.B.

21  
22       Section 4. Powers of the District.--The District may:

23       (1) Sue and be sued.

24       (2) Adopt and use a common seal and alter the same at  
25 pleasure.

26       (3) Purchase, hold, lease, sell, or otherwise acquire  
27 and convey such real and personal property, and interests  
28 therein, as may be necessary or proper to carry out the  
29 purposes of this act.

30       (4) Make rules for its own government and proceedings.

31

1       (5) Contract for services of engineers, attorneys,  
2 accountants, financial or other consultants, and such other  
3 agents and employees as the District Board may require or deem  
4 necessary to accomplish the purposes of this act in accordance  
5 with the competitive bidding requirements for beach and shore  
6 preservation authorities created under chapter 161, Florida  
7 Statutes.

8       (6) Develop and execute a logical and suitable program  
9 for comprehensive beach and shore preservation as defined by  
10 section 161.021(2), Florida Statutes, relating to the use and  
11 maintenance of the beaches and sand dunes which may be  
12 important to their preservation and enjoyment.

13       (7) Construct, reconstruct, or improve Erosion  
14 Prevention Projects in and for the District.

15       (8) Borrow funds from time to time necessary to carry  
16 out the purposes of this act.

17       (9) Exercise the power of eminent domain in the manner  
18 as provided by general law for beach and shore preservation  
19 authorities created under chapter 161, Florida Statutes.

20       (10) Exercise jurisdiction, control, and supervision  
21 over the construction of any Erosion Prevention Project,  
22 constructed or to be constructed by any person, firm, or  
23 corporation, public or private, within the District and to  
24 make and enforce such rules and regulations for the  
25 maintenance and operation of any such Projects as may in the  
26 judgment of the District Board be necessary or desirable for  
27 the efficient operation of such Project and for accomplishing  
28 the purposes of this act.

29       (11) Restrain, enjoin, or otherwise prevent any  
30 person, firm, or corporation, public or private, from  
31 establishing or constructing any Erosion Prevention Project

1 within the District without the prior written approval of the  
2 District Board. Application for such approval shall be made in  
3 writing to the District Board in accordance with rules and  
4 regulations promulgated by the District Board for that  
5 purpose.

6 (12) Restrain, enjoin, or otherwise prevent the  
7 violation of any provision of this act or of any resolution,  
8 rule, or regulation adopted pursuant to the powers granted by  
9 this act.

10 (13) Make and enter into all contracts and agreements  
11 as the District Board may determine necessary or incidental to  
12 the performance of its duties and to the execution of its  
13 powers under this act, including, but not limited to,  
14 contracts with the United States of America, the State of  
15 Florida, counties, municipalities, and other political  
16 subdivisions.

17 (14) Pay from funds available to the District under  
18 this act all reasonable and necessary expenses incurred in  
19 carrying out the purposes of this act, including reimbursement  
20 of actual travel expenses of members of the District Board or  
21 their properly designated agents incurred in connection with  
22 the performance of their official duties upon approval by the  
23 District Board.

24 (15) Receive and accept from any source, including,  
25 but not limited to the United States of America, the State of  
26 Florida, counties, municipalities, and other political  
27 subdivisions, grants for or in aid of the construction,  
28 maintenance, or operation of any Erosion Prevention Project or  
29 part thereof and to receive and accept aid or contributions  
30 from any source of either money, property, labor, or other  
31 things of value to be held, used, and applied only for the

1 purposes for which such grants or contributions may be made  
2 and to carry out the purposes of this act.

3 (16) Pursuant to section 161.36, Florida Statutes,  
4 enter upon private property for purposes of making surveys,  
5 soundings, drillings, and examinations, and such entry shall  
6 not be deemed a trespass.

7 Section 5. Election of the District Board.--

8 (1) The business and affairs of the District shall be  
9 conducted and administered by a board of five Commissioners  
10 who shall constitute the Captiva Erosion Prevention District  
11 Board and shall be qualified electors residing within the  
12 District. The members of the Board shall each serve a period  
13 of 4 years unless removed for cause by the Governor of Florida  
14 and shall receive no compensation.

15 (2) The five members of the District Board shall be  
16 elected by the qualified electors residing within the  
17 District. Members whose current terms expire in November 2000  
18 shall serve until November 2001. Members whose current terms  
19 expire in November 2001 shall serve until November 2002.  
20 Subsequent elections of District Board members under this act  
21 shall be on the first Tuesday next succeeding the first Monday  
22 in November of even-numbered years.

23 (3) Candidates seeking election to the District Board  
24 shall qualify between noon of the 50th day and noon of the  
25 46th day prior to the election. A candidate seeking election  
26 to the District Board must qualify by paying a filing fee of  
27 \$25 or by obtaining the signatures of at least 3 percent of  
28 the qualified electors residing within the District on a  
29 petition to be verified by the Lee County Supervisor of  
30 Elections. Any candidates seeking election to the District  
31 Board will open a depository and appoint a campaign treasurer



1 before accepting any contributions or expending any funds for  
2 the purpose of seeking election to the District Board.  
3 However, if the only campaign expenditure of a candidate  
4 seeking election to the District Board is the fee required for  
5 the checking of signatures on the petition for filing, and the  
6 candidate accepts no contributions and expends no other  
7 campaign funds, it will not be necessary to open a campaign  
8 depository.

9       (4) The costs of all elections or referendums  
10 conducted by the Captiva Erosion Prevention District shall be  
11 borne by the District. If a vacancy occurs on the Board due to  
12 the resignation, death, or removal of a Board member, the  
13 remaining members may appoint a qualified person to fill out  
14 the remainder of the unexpired term. Notification of all  
15 resignations, vacancies, or appointments shall be filed with  
16 the Lee County Supervisor of Elections. The Lee County  
17 Supervisor of Elections may conduct any referendum or  
18 election, if authorized by resolution of the Board.

19       Section 6. Comprehensive Beach and Shore Preservation  
20 Program.--The District shall develop and adopt a comprehensive  
21 beach and shore preservation program for the area within its  
22 jurisdiction. This program may incorporate all or part of  
23 recommendations of the United States Army Corps of Engineers  
24 and the state Department of Environmental Protection  
25 concerning beach and shore restoration and erosion control and  
26 may additionally provide to an appropriate extent for other  
27 aspects of beach and shore preservation. In conducting its  
28 studies and making its plan for beach and shore preservation,  
29 the District Board shall hold sufficient public hearings to  
30 ascertain the views and feelings of affected property owners  
31 in the various parts of the District regarding the needs to be

1 served and the manner in which they shall best be served. The  
2 Board shall give proper and reasonable consideration to all  
3 evidence received in the planning of the beach and shore  
4 preservation program.

5 Section 7. Benefit Categories or Zones.--Upon adoption  
6 of a reasonably final plan of improvement for beach and shore  
7 preservation within the District, the Board shall conduct,  
8 through the use of personnel competent and qualified in this  
9 field, an economic analysis of the proposed program,  
10 determining the nature and extent of benefits expected to  
11 accrue from the program and allocating those benefits to their  
12 proper recipients by categories or zones of comparable  
13 benefits, or follow such other method as may be deemed  
14 suitable for the purpose of this act. The District Board shall  
15 conduct in the same or similar manner a new economic analysis  
16 from time to time to better determine and allocate actual or  
17 expected benefits.

18 Section 8. Ad Valorem Taxes.--The District Board shall  
19 have the power to levy and assess an ad valorem tax not  
20 exceeding 10 mills on all taxable property in the District to  
21 pay for the maintenance, operation, and other corporate  
22 purposes of the District, to pay the principal of an interest  
23 on any general obligation bonds of the District, and to  
24 provide for any sinking or other funds established in  
25 connection with any such bonds. That portion of the ad  
26 valorem taxes used for operations, maintenance, and other  
27 corporate purposes of the District shall not exceed 5 mills  
28 during any one year.

29 Section 9. General Obligation Bonds.--

30 (1) The District Board, for and on behalf of the  
31 District, is authorized to provide from time to time for the

1 issuance of bonds to obtain funds to meet such costs of  
2 capital projects as may be required by the beach and shore  
3 preservation program; provided, however, that such issuance  
4 shall have been first approved at a duly conducted referendum  
5 election by the electors of the District as provided by  
6 general law.

7 (2) The total cumulative indebtedness of the District  
8 incurred by any and all bond issues, including general  
9 obligation, special assessment, refunding, or any other bonds,  
10 shall not exceed \$27,500,000. Hereafter, this figure shall be  
11 adjusted annually based upon the percentage increase in the  
12 Consumer Price Index in the preceding year.

13 Section 10. Special Assessments.--

14 (1) The District may provide for the construction or  
15 reconstruction of an Erosion Prevention Project or Projects  
16 and for the levying of special assessments upon benefitted  
17 property. The initial proceeding hereunder shall be the  
18 passage at any lawful meeting of the District Board of a  
19 resolution ordering the construction or reconstruction of such  
20 Projects under and subject to the provisions of this section,  
21 indicating the location and either giving a description of the  
22 Projects by their material, nature, character, and size or  
23 giving two or more such descriptions with the direction that  
24 the material, nature, character and size shall be subsequently  
25 determined in conformity with one of such descriptions. The  
26 resolution ordering any such Project may give any short and  
27 convenient designation to each Project ordered thereby, after  
28 which it shall be sufficient to refer to such Project and  
29 property by such designation in all proceedings and  
30 assessments, except in the notices provided by subsections 6  
31 and 10.

1       (2) The District Board shall divide the District's  
2 lands into major categories and zones to appropriately  
3 determine the benefit to lands from the construction,  
4 maintenance and operation of Erosion Prevention Projects and  
5 beach restoration. The Legislature finds and determines that  
6 all Gulffront Lands in the District are directly and specially  
7 benefitted by the construction, operation, and maintenance of  
8 Erosion Prevention Projects in the category and zone in which  
9 such Gulffront Lands are situated. The District may also  
10 determine that categories or zones that do not constitute  
11 Gulffront Lands may be benefitted by the construction,  
12 maintenance, and operation of Erosion Prevention Projects.

13       (3) As soon as may be practicable after the passage of  
14 the resolution described in subsection (1), the engineer for  
15 the District shall prepare, in duplicate, plans and  
16 specification of each Erosion Prevention Project ordered  
17 thereby and an estimate of the Cost thereof. Such Cost may  
18 include the printing and publishing of notices and  
19 proceedings, costs of abstracts of title, and any other  
20 expense necessary or proper in conducting the proceedings and  
21 work provided for in this section, including the estimated  
22 amount of discount, if any, upon the sale of assessment bonds  
23 or other obligations issued hereunder for which such special  
24 assessments are to be pledged.

25       (4) If the resolution shall provide alternative  
26 descriptions of material, nature, character, and size, such  
27 estimate shall include an estimate of the cost of the  
28 improvement of each such description.

29       (5) The District shall cause to be prepared, in  
30 consultation with the engineer, a tentative apportionment of  
31 the estimated total cost as between the District and the

1 Gulffront Lands and other lands that may be specially  
2 benefitted and subject to special assessment under the  
3 resolution, such apportionment to be made in accordance with  
4 the provisions of this section relating to the apportionment  
5 of cost in the preliminary assessment roll. Such tentative  
6 apportionment of estimated cost shall not be held to limit or  
7 restrict the duties of the engineer in the preparation of such  
8 preliminary roll. One of the duplicates of such plan,  
9 specification, and estimates and such tentative apportionment  
10 shall be filed with the District Board and the other duplicate  
11 shall be retained by the engineer in his or her files, all of  
12 which shall be open and subject to public inspection, upon  
13 request.

14 (6) The District Board, upon the filing with it of  
15 such plans, specifications, estimates, and tentative  
16 apportionment of cost, shall give Notice by Publication that  
17 at a regular meeting of the District Board on a certain day  
18 and hour, not earlier than ten (10) days from the publication  
19 of the notice, the District Board will hear objections of all  
20 interested persons to the confirmation of such resolution.  
21 This notice shall state in brief and general terms a  
22 description of the proposed Projects with the location thereof  
23 and shall also state that plans, specifications, estimates,  
24 and tentative apportionment of cost thereof are on file in the  
25 office of the District and the engineer of the District. It  
26 shall be the duty of the District Board to provide Notice by  
27 Mail to any person, firm, or corporation whose specially  
28 benefitted lands shall be affected at such address as shown on  
29 the last available tax roll, at least ten (10) days before the  
30 time for the hearing as stated in such notice.

31

1       (7) At the time named in such notice, or to which an  
2 adjournment may be taken by the District Board, the District  
3 Board shall receive any objections of interested persons to  
4 the confirmation of such resolution with such amendments, if  
5 any, as may be desired by the District Board and which do not  
6 cause any additional lands to be specially assessed.

7       (8) All objections to such resolution on the ground  
8 that it contains items which cannot be properly assessed  
9 against property, or that it is, for any default or defect in  
10 the passage or character of the resolution or the plans or  
11 specifications or estimate, void or voidable in whole or in  
12 part, shall be made in writing, in person or by attorney, and  
13 filed with the District Board at or before the time of such  
14 hearing.

15       (9) Promptly after the completion of the Project, the  
16 District shall cause to be prepared a preliminary assessment  
17 roll, which roll shall be filed with the District and contain  
18 the following:

19       (a) A description of the lands within the District  
20 which will benefit from the Erosion Prevention Project and the  
21 amount of such benefits to each lot or parcel of land. Such  
22 lots and parcels shall include all property, whether publicly  
23 or privately owned. There may also be given, in the  
24 discretion of the District, the name of the owner of record of  
25 each lot or parcel of such lands, where practicable.

26       (b) The total Cost of the Project, and the amount of  
27 all other expense relating to the Project whether direct or  
28 incidental.

29       (c) An apportionment between the benefitted lots and  
30 parcels, uniform in each category or zone, by one of the  
31 following methods:

1           1. Upon an ad valorem basis as to lands in a specific  
2 zone or category.

3           2. Upon a front-foot basis of lineal feet of land in a  
4 specific zone or category.

5           3. Upon an area or square-foot basis as to all lands  
6 in a specific zone or category.

7           4. Upon any other fair and equitable basis according  
8 to the special benefits received by the lands in a specific  
9 zone or category.

10           (10) The preliminary roll shall be advisory only and  
11 shall be subject to the action of the District Board as  
12 hereinafter provided. Upon the filing with the District Board  
13 of the preliminary assessment roll, the District Board shall  
14 provide Notice by Publication stating that at a meeting of the  
15 District Board to be held on a certain day and hour, not less  
16 than ten (10) days from the date of publication of the notice,  
17 which meeting may be a regular, adjourned or special meeting,  
18 all interested persons may appear and file written objections  
19 to the confirmation of such roll. Such notice shall describe  
20 the Erosion Prevention Project and the location thereof. Such  
21 meeting of the District Board shall be the first regular  
22 meeting following the completion of the notice herein  
23 required, unless the district Board shall have provided for a  
24 special meeting for such purpose.

25           (11) At the time and place stated in such notice, the  
26 District Board shall meet and receive the objections in  
27 writing of all interested persons as stated in such notice.  
28 The District Board may adjourn the hearing from time to time.  
29 After the completion thereof the District Board shall either  
30 annul or sustain or modify in whole or in part the preliminary  
31 assessment as indicated on such roll, either by resolution

1 confirming the preliminary assessment against any and all  
2 lands described therein, or by resolution canceling,  
3 increasing, or reducing the same, according to the special  
4 benefits which the District Board decides each lot or parcel  
5 of lands has received or will receive on account of such  
6 Project. If any lands which may be chargeable under this  
7 section shall have been omitted from the preliminary roll or  
8 if the preliminary assessment shall not have been made against  
9 it, the District Board may place on such roll an apportionment  
10 to such property. The District Board shall not confirm any  
11 assessment in excess of the special benefits to the property  
12 assessed, and the assessments so confirmed shall be in  
13 proportion to the special benefits. If the assessment against  
14 any lands shall be sustained or reduced or abated by the  
15 court, the county property appraiser shall note that fact on  
16 the assessment roll opposite the description of the property  
17 affected thereby. The amount of the special assessment against  
18 any lot or parcel which may be abated by the court, unless the  
19 assessment upon the entire District is abated, or the amount  
20 by which such assessment is so reduced, may be, by resolution  
21 of the District Board, made chargeable against the District at  
22 large; or, in the discretion of the District Board, a new  
23 assessment roll may be prepared and confirmed in the manner  
24 hereinabove provided for the preparation and confirmation of  
25 the original assessment roll.

26 (12) Any assessment may be paid without interest at  
27 the office of the District on or before 60 days from the date  
28 of the publication of the notice. All assessments shall be  
29 payable in equal annual installments over a period not to  
30 exceed 20 years, with interest to the extent permitted by then  
31 existing applicable law, at a rate per annum equal to 2



1 percent per annum over the interest rate on any bonds issued  
2 to finance the Project or Projects for which such special  
3 assessments have been levied, at the time specified by  
4 resolution of the District Board.

5 (13) All assessments shall constitute a lien upon the  
6 property so assessed from the date of confirmation of the  
7 resolution ordering the Project of the same nature and to the  
8 same extent as the lien for general county taxes falling due  
9 in the same year or years in which such assessment or  
10 installments thereof fall due, and any assessment or  
11 installment not paid when due shall be collectible in the same  
12 manner and at the same time as such general taxes are or may  
13 be collectible, with the same attorney's fees, interest, and  
14 penalties and under the same provisions as to forfeiture and  
15 the right of the District to purchase the property assessed as  
16 are or may be provided by law in the case of county taxes;  
17 provided, that no such sale of any property for general county  
18 taxes or for an installment or installments of any such  
19 assessment and no perfecting of title under any such sale  
20 shall divest the lien of any installment of such assessment  
21 not due at the time of the sale. Collection of such  
22 assessments, with such interest and with a reasonable  
23 attorney's fee and costs, but without penalties, may also be  
24 made by the District by proceedings in a court of equity to  
25 foreclose the lien of assessments as a lien for mortgages is  
26 or may be foreclosed under the laws of the State; or by an  
27 action in rem against the lands upon which such special  
28 assessments are liens; provided that any such proceedings to  
29 foreclose shall embrace all installments of principal  
30 remaining unpaid with accrued interest thereon, which  
31 installments shall, by virtue of the institution of such

1 proceedings, immediately become and be due and payable.  
2 Nevertheless, if, prior to any sale of the property under  
3 decree of foreclosure in such proceedings, payment be made of  
4 the installment or installments which are shown to be due  
5 under the provisions of the resolution passed pursuant to  
6 subsection (11), with interest as required by subsection (12),  
7 and by this subsection , and all costs, including attorney's  
8 fees, such payment shall have the effect of restoring the  
9 remaining installments to their original maturities as  
10 provided by the resolution passed pursuant to subsection (11),  
11 and the proceedings shall be dismissed. It shall be the duty  
12 of the District to enforce the prompt collection of  
13 assessments by one or the other of the means herein provided,  
14 and such duty may be enforced at a suit of any holder of  
15 special assessment bonds issued under this act in a court of  
16 competent jurisdiction by mandamus or other appropriate  
17 proceedings or action. Not later than 30 days after the annual  
18 sale of property for delinquent taxes of the County, or if  
19 such property or taxes are not sold by the County, then within  
20 60 days after such taxes become delinquent, it shall be the  
21 duty of the District Board to direct the attorney or attorneys  
22 who the District Board shall then designate to institute  
23 action within 3 months after such direction to enforce the  
24 collection of all special assessments for Projects made under  
25 this section and remaining due and unpaid at the time of such  
26 direction, unless theretofore sold at tax sale. Such action  
27 shall be prosecuted in the manner and under the conditions in  
28 and under which mortgages are foreclosed under the laws of the  
29 State. It shall be lawful to join in one action the collection  
30 of assessments against any or all property assessed by virtue  
31 of the same assessment roll unless the court shall deem such

1 joinder prejudicial to the interest of any defendant. The  
2 court shall allow a reasonable attorney's fee for the attorney  
3 or attorneys of the District, and the same shall be  
4 collectible as a part of or in addition to the costs of the  
5 action. At any sale pursuant to decree in any such action, the  
6 District may be a purchaser to the same extent as an  
7 individual person or corporation, except that the part of the  
8 purchase price represented by the assessments sued upon and  
9 the interest thereon need not be paid in cash. Property so  
10 acquired by the District, including the certificate of sale  
11 thereof, may be sold or otherwise disposed of, for cash or  
12 upon terms, the proceeds of such disposition to be placed in  
13 the fund provided by subsection (14); provided, that no sale  
14 or other disposition thereof shall be made unless Notice by  
15 Publication shall have been given.

16 (14) All assessments and charges made under the  
17 provisions of this section for the payment of all or any part  
18 of the cost of any Erosion Prevention Projects for which bonds  
19 shall have been issued under the provisions of this act are  
20 hereby pledged to the payment of the principal of and the  
21 interest on such bonds and shall when collected be placed in a  
22 separate fund, properly designated, which fund shall be used  
23 for no other purpose than the payment of such principal and  
24 interest.

25 (15) Each school district and other political  
26 subdivision wholly or partly within the District and each  
27 public agency or instrumentality owning specially benefitted  
28 lands within the District shall possess the same power and be  
29 subject to the same duties and liabilities in respect of  
30 assessment under this section affecting the real estate of the  
31 county, district, political subdivision, or public agency or

1 instrumentality which private owners of such lands possess or  
2 are subject to hereunder, and such real estate shall be  
3 subject to liens for said assessments in all cases where the  
4 same property would be subject had it at the time the lien  
5 attached been owned by a private owner.

6 (16) Any special assessment bonds or program for the  
7 financing of the construction, reconstruction, or maintenance  
8 of erosion prevention projects, or any combination of  
9 financing for such projects which includes assessments against  
10 property within the district shall be authorized only with the  
11 approval of a majority of the qualified electors residing in  
12 the district voting in a referendum election to be called by  
13 the district board in accordance with the provisions of  
14 general law.

15 Section 11. The District issuance of bonds, notes,  
16 bond anticipation notes, or other evidence of indebtedness.--

17 (1) The District may issue general obligation bonds,  
18 assessment bonds, revenue bonds, notes, bond anticipation  
19 notes, or other evidences of indebtedness to finance all or a  
20 part of any proposed improvements authorized to be undertaken  
21 under this act or under general or special law. The bonds  
22 shall be issued in such denominations, mature on such dates  
23 and in such amounts, and may be subject to optional and  
24 mandatory redemption as determined by resolutions adopted by  
25 the District Board. Bonds of the District may bear interest at  
26 a fixed or floating or adjustable rate and may be issued as  
27 interest bearing, interest accruing bonds, or zero coupon  
28 bonds at such rate or rates, not exceeding the maximum rate  
29 permitted by general law, as determined by resolutions by the  
30 District Board. Principal and interest shall be payable in the  
31 manner determined by the District Board. The bonds shall be

1 signed by manual or facsimile signature of the chair or  
2 vice-chair of the District Board, attested with the seal of  
3 the District and by the manual or facsimile signature of the  
4 secretary of the District Board.

5 (2) The bonds shall be payable from the non-ad valorem  
6 assessments or other non-ad valorem revenues, including,  
7 without limitation, user fees or charges or other income  
8 authorized to be levied or collected or received pursuant to  
9 this act or general law. General obligation bonds payable from  
10 ad valorem taxes may also be issued by the District, but only  
11 after compliance with s. 10, Art. VII of the State  
12 Constitution. Subject to referendum approval, a district may  
13 pledge its full faith and credit for the payment of principal  
14 and interest on such general obligation bonds and for any  
15 reserve funds provided therefor and may unconditionally and  
16 irrevocably pledge itself to levy ad valorem taxes on all  
17 property in the district to the extent necessary for the  
18 payment thereof. The District is authorized, after notice and  
19 opportunity to be heard has been afforded to those affected,  
20 to impose, charge, and collect non-ad valorem revenues in  
21 connection with any of the improvements authorized under this  
22 act and to pledge the same for the payment of bonds.

23 (3) In connection with the sale and issuance of the  
24 bonds, the District may enter into any contracts which the  
25 District Board determines to be necessary or appropriate to  
26 achieve a desirable effective interest rate in connection with  
27 the bonds by means of, but not limited to, contracts commonly  
28 known as investment contracts, funding agreements, interest  
29 rate swap agreements, currency swap agreements, forward  
30 payment conversion agreements, futures, or contracts providing  
31 for payments based on levels of, or changes in, interest

1 rates, or contracts to exchange cash flows or a series of  
2 payments, or contracts, including, without limitation,  
3 options, puts, or calls to hedge payment, rate, spread, or  
4 similar exposure. Such contracts or arrangements may also be  
5 entered into by the District in connection with, or incidental  
6 to, entering into any agreement which secures bonds or  
7 provides liquidity therefor. Such contracts and arrangements  
8 shall be made upon the terms and conditions established by the  
9 District Board, after giving due consideration for the credit  
10 worthiness of the counter parties, where applicable, including  
11 any rating by a nationally recognized rating service or any  
12 other criteria as may be appropriate.

13 (4) In connection with the sale and issuance of the  
14 bonds, or entering into any of the contracts or arrangements  
15 referred to in subsection (3), the District may enter into  
16 such credit enhancement or liquidity agreements, with such  
17 payment, interest rate, security, default, remedy, and any  
18 other terms and conditions as the District Board shall  
19 determine.

20 (5) Notwithstanding any provisions of law relating to  
21 the investment or reinvestment of surplus funds of any  
22 governmental unit, proceeds of the bonds and any money set  
23 aside or pledged to secure payment of the principal of,  
24 premium, if any, and interest on the bonds, or any of the  
25 contracts entered into pursuant to subsection (3), may be  
26 invested in securities or obligations described in the  
27 resolution providing for the issuance of bonds.

28 (6) The bonds shall be sold in any manner not  
29 inconsistent with general law, shall show the purpose for  
30 which they are issued, and shall be payable out of the money  
31 pledged therefore. The funds derived from the sale of said

1 bonds or any of them shall be used for the purpose of paying  
2 the cost of the services or improvements and such costs,  
3 expenses, fees, and salaries as may be authorized by law.  
4 (7) Non-ad valorem assessments or any portion thereof  
5 levied to pay principal on bonds issued pursuant to this act  
6 with respect to improvements financed therewith shall not  
7 exceed the benefits assessed regarding such works or  
8 improvements. If the bonds are sold at a discount, the amount  
9 of the discount shall be treated as interest, not as  
10 principal. Premiums payable upon the redemption of bonds shall  
11 also be treated as interest. Interest to accrue on account of  
12 issuing bonds shall not be construed as a part of the costs of  
13 the works or improvements in determining whether or not the  
14 costs of making such improvements are equal to, or in excess  
15 of, the benefits assessed. If the property appraiser and tax  
16 collector deduct their fees and charges from the amount of  
17 non-ad valorem assessments levied and collected, and if the  
18 landowners receive the statutorily permitted discount for  
19 early payment of such non-ad valorem assessments, the amount  
20 of such fees, charges, and discount shall not be included in  
21 the amount of non-ad valorem assessments levied by the  
22 District in determining whether such assessments are equal to,  
23 or in excess of, the benefits assessed.

24 Section 12. Refunding Bonds.--The District may,  
25 whenever in the judgment of the District Board it is advisable  
26 and in the best interests of the landowners in the District,  
27 issue bonds to refund any or all of the then outstanding  
28 bonded indebtedness of the District. The principal amount of  
29 refunding bonds may be in any amount not in excess of the  
30 benefits assessed against the lands with respect to which the  
31 refunded bonds were issued less the principal amount of the

1 refunded bonds previously paid from non-ad valorem  
2 assessments. The proceeds of such refunding bonds shall be  
3 used only to pay the principal, premium, if any, and interest  
4 on the bonds to be refunded, any discount or expense of the  
5 sale of the refunding bonds, and to provide a debt service  
6 reserve fund for the refunding bonds. The District may also  
7 use other available revenues to pay costs associated with the  
8 issuance or administration of the refunding bonds. Assessments  
9 shall be levied for the payment of the refunding bonds in the  
10 same manner as the assessments levied for the refunded bonds  
11 and the refunding bonds shall be secured by the same lien as  
12 the refunded bonds, and any additional interest which accrues  
13 on account of the refunding bonds shall be included and added  
14 to the original assessment and shall be secured by the same  
15 lien, provided any interest accrued shall not be considered as  
16 a part of the cost of construction in determining whether the  
17 assessment exceeds the benefits assessed. No proceedings shall  
18 be required for the issuance of bonds or refunding bonds other  
19 than those provided by this section and by general law. No  
20 approval of the qualified electors residing in the District  
21 shall be required for the issuance of refunding bonds except  
22 in cases where such approval is required by the Florida  
23 Constitution.

24 Section 13. Additional Power to Contract.--The  
25 District Board may contract with the County or any county  
26 contiguous to the County or municipality or district in such  
27 county to aid, assist, supervise, or direct an erosion  
28 prevention program of such county, municipality, or district.  
29 Provided, however, that the funds of the District collected in  
30 the County as herein provided shall not be used in connection  
31 with the performance of such services. The District Board is



1 authorized to accept reasonable compensation from the  
2 contiguous counties, municipalities, or districts of such  
3 counties in connection with the performance of such services.

4 Section 4. Chapters 71-730, 76-403, 81-413, and  
5 88-449, Laws of Florida, are repealed.

6 Section 5. In the event any section or provision of  
7 this act is determined to be invalid or unenforceable, such  
8 determination shall not affect the validity or enforceability  
9 of each other section and provision of this act.

10 Section 6. In the event of a conflict of the  
11 provisions of this act with the provisions of any other act,  
12 the provisions of this act shall control to the extent of such  
13 conflict.

14 Section 7. This act shall take effect upon becoming a  
15 law.

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