

HB 0711

2004

A bill to be entitled

An act relating to the St. Lucie County Erosion District; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; preserving current authority; providing definitions; providing the board of the district shall be the St. Lucie County Commission; providing for meetings and applicability of chapter 189, Florida Statutes; providing district powers; providing that employees of the district shall be considered employees of St. Lucie County; providing that contracts for services, supplies, and materials shall be entered into as provided by the charter and general law; providing district board authorization to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; providing that the purchase of commodities and services shall be in accordance with the purchasing policies of St. Lucie County; providing for severability; repealing chapters 67-2001 and 97-354, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts

HB 0711

2004

30 relating to the St. Lucie County Erosion District, located in
 31 St. Lucie County. It is the intent of the Legislature to provide
 32 a single, comprehensive special act charter for the district,
 33 including all current legislative authority granted to the
 34 district by its several legislative enactments and any
 35 additional authority granted by this act, chapter 189, Florida
 36 Statutes, and chapters 67-2001 and 97-354, Laws of Florida, as
 37 amended from time to time. It is further the intent of this act
 38 to preserve all district authority, including the authority to
 39 annually assess and levy against the taxable property in the
 40 district.

41 Section 2. Chapters 67-2001 and 97-354, Laws of Florida,
 42 are amended, codified, reenacted, and repealed as herein
 43 provided.

44 Section 3. The St. Lucie County Erosion District is re-
 45 created and the charter for the district is re-created and
 46 reenacted to read:

47 Section 1. Popular name.--This act may be known by the
 48 popular name the "St. Lucie County Erosion District Act."

49 Section 2. Legislative statement.--It is hereby declared
 50 as a matter of legislative determination that tidal waves and
 51 currents, high waters, floodwaters, and other causes have given
 52 rise to soil and beach erosion problems in St. Lucie County and
 53 that it is the intent and purpose of this act to provide means
 54 to alleviate such conditions in the county.

55 Section 3. Definitions.--As used in this act, unless the
 56 context otherwise requires:

57 (1) "District" means the St. Lucie County Erosion
 58 District.

HB 0711

2004

59 (2) "County board" means the Board of County Commissioners
 60 of St. Lucie County.

61 (3) "District board" or "board" means the Board of County
 62 Commissioners of St. Lucie County constituting the governing
 63 body of said district.

64 (4) "Erosion prevention facilities" means and includes any
 65 seawalls, groins, pumping stations, breakwaters, dams,
 66 bulkheads, fills, floodways, or any and all other works or
 67 structures of any type whatsoever necessary or useful in the
 68 protection of the lands, including beaches, within said district
 69 from tidal waves, tidal currents, high waters, floodwaters, and
 70 other causes of beach and soil erosion, and any other purposes
 71 appurtenant, necessary, or incidental thereto, and shall include
 72 all real and personal property and any interests therein,
 73 rights, easements, and franchises of any nature whatsoever
 74 relating to any such erosion prevention facilities and necessary
 75 or convenient for the construction, acquisition, reconstruction,
 76 improvement, operation, and maintenance thereof.

77 (5) "Cost" as applied to erosion prevention facilities
 78 includes the cost of construction, reconstruction, acquisition,
 79 improvement, operation, or maintenance of said facilities; the
 80 cost of all labor, materials, machinery, and equipment; the cost
 81 of all lands and interest therein, real or personal property,
 82 rights, easements, and franchises of any nature whatsoever;
 83 financing charges; interest prior to and during construction and
 84 after the completion of the acquisition, construction,
 85 reconstruction, or improvement of such erosion prevention
 86 facilities; the creation of initial reserve or debt service
 87 funds; bond discount, if any; cost of plans and specifications,

HB 0711

2004

88 surveys, and estimates of costs and revenues; cost of
 89 engineering, financial, and legal services; all other expenses
 90 necessary or incidental in determining the feasibility or
 91 practicability of such acquisition, construction,
 92 reconstruction, or improvement; and administrative expenses and
 93 such other expenses as may be necessary or incidental to
 94 financing authorized by this act, including reimbursement of the
 95 county or any other person, firm, or corporation for any moneys
 96 advanced to said district for any expenses incurred by said
 97 district in connection with any of the foregoing items of cost,
 98 or the creation of such district.

99 (6) "Secretary/treasurer" means the Clerk of the Circuit
 100 Court of St. Lucie County, who shall serve ex officio as
 101 secretary and treasurer of the erosion district. The treasurer
 102 shall be the custodian of all funds belonging to the board and
 103 the erosion district, and such funds may be disbursed only upon
 104 the order of the board, signed by the secretary and
 105 countersigned by the chair of the board. The board is authorized
 106 to select as a depository any bank or trust company organized
 107 under the laws of the United States or the state and authorized
 108 pursuant to general law to accept deposit of county funds. Such
 109 funds shall be deposited by the treasurer in such depository
 110 upon such terms and conditions as the board may deem just and
 111 reasonable, and may be deposited in the name of St. Lucie County
 112 as long as they are properly accounted for by the treasurer.

113 (7) "Bonds" means any evidence of indebtedness issued and
 114 delivered by the district for consideration and includes,
 115 without limitation, revenue bonds, general obligation bonds,
 116 limited tax bonds, non-ad valorem assessment bonds, notes, and

HB 0711

2004

117 other obligations.

118 (8) "Non-ad valorem assessments" means only those
 119 assessments which are not based upon millage and which can
 120 become a lien against a homestead as permitted in section 4,
 121 Article X of the State Constitution.

122 Section 4. District establishment; status; powers.--There
 123 is hereby created and established in St. Lucie County a
 124 dependent special district, to be known as the St. Lucie County
 125 Erosion District. The district is a body corporate and politic,
 126 exercising essential governmental functions for the purposes
 127 hereinafter set forth. The district's powers shall include the
 128 power to sue; to contract; to adopt and use a corporate seal and
 129 alter the same; to purchase, hold, lease, or otherwise acquire
 130 and convey such real property and personal property and
 131 interests therein; and any other authority granted by chapter
 132 189, Florida Statutes, or other applicable general law, as they
 133 may be amended from time to time, as may be necessary or proper
 134 to carry out the purposes of this act.

135 Section 5. Boundaries.--The territorial boundaries of the
 136 district shall coincide with the territorial boundaries of St.
 137 Lucie County and shall include all lands and property within the
 138 county, including lands and property within incorporated areas
 139 of the county, within any district in the county, and within the
 140 unincorporated area of the county.

141 Section 6. Governing board; creation; organization.--The
 142 governing body of the St. Lucie County Erosion District shall be
 143 known and designated as the "Board of Commissioners of the St.
 144 Lucie County Erosion District," and shall be made up ex officio
 145 of the five county commissioners of St. Lucie County, who shall

HB 0711

2004

146 serve ex officio as the governing body. The chair and vice chair
 147 shall each hold office at the will of the board and until their
 148 successor is duly elected by the board. The chair and vice chair
 149 serving at the time of the effective date of this act shall
 150 continue to serve until their terms expire and their successors
 151 are duly elected. The chair shall preside at all meetings of the
 152 district and perform such duties as the district may prescribe.
 153 The vice chair shall perform the duties of the chair in the
 154 absence of the chair. The board shall hold at least one regular
 155 meeting per month. Special meetings shall be held pursuant to
 156 chapter 189, Florida Statutes, as it may be amended from time to
 157 time. In the event of a bona fide emergency, a meeting to deal
 158 with the emergency may be held as necessary, with reasonable
 159 notice, so long as it is subsequently ratified by the board.
 160 Three members of the board shall constitute a quorum to transact
 161 business.

162 Section 7. District powers.--The district board for and on
 163 behalf of the district, in addition to and supplementing other
 164 powers granted in this act, and any other applicable general
 165 law, is hereby authorized and empowered:

166 (1) To adopt rules and regulations for its own government
 167 and proceedings and to adopt an official seal for the district
 168 and for complete exercise of jurisdiction and control over
 169 district operations, projects, and facilities.

170 (2) To employ engineers, attorneys, accountants, financial
 171 or other experts, and such other agents and employees as the
 172 district board may require or deem necessary to effectuate the
 173 purposes of this act, or to contract for any of such services.
 174 All employees of the district shall be considered employees of

HB 0711

2004

175 St. Lucie County who shall be assigned to the district, and
 176 whose salary and other costs of employment shall be paid by the
 177 county from funds held on behalf of the district. Such
 178 employees, except collective bargaining unit employees, shall be
 179 subject to the personnel rules and regulations and shall
 180 participate in the employee benefit and retirement benefit plans
 181 of St. Lucie County. Collective bargaining unit employees of the
 182 district shall be members of a collective bargaining unit of St.
 183 Lucie County employees pursuant to general law.

184 (3) To acquire, construct, reconstruct, improve, operate,
 185 or maintain erosion prevention facilities in and for the
 186 district, including the acquisition of any erosion prevention
 187 facilities constructed by any person, firm, corporation, or
 188 other body, or partially constructed by any person, firm,
 189 corporation, or other body, and the completion of such erosion
 190 prevention facilities by such district; to have the exclusive
 191 control and jurisdiction of such erosion prevention facilities;
 192 and to issue its bonds to pay all or any part of the cost of
 193 such acquisition, construction, reconstruction, improvement,
 194 operation, or maintenance of such erosion prevention facilities.

195 (4) To levy and assess ad valorem taxes without limitation
 196 of rate or amount on all taxable property within said district
 197 for the purpose of paying the principal of and interest on any
 198 bonds issued pursuant to this act or for the operation and
 199 maintenance of such erosion prevention facilities or other
 200 corporate purposes of said district.

201 (5) To assess, levy, and collect non-ad valorem
 202 assessments upon property within the district as authorized by
 203 this act and chapters 189 and 197, Florida Statutes, as they may

HB 0711

2004

204 be amended from time to time.

205 (6) To regulate the acquisition, construction,
 206 reconstruction, improvement, or maintenance of erosion
 207 prevention facilities within the district, and to grant or deny
 208 permits for the construction of any erosion prevention
 209 facilities in the district. However, if the erosion prevention
 210 facilities are to be located in whole or in part within the
 211 territorial boundaries of any municipality, the approval of the
 212 governing body of such municipality shall also be obtained
 213 before the issuance by the district of a permit for the
 214 construction of such erosion prevention facilities. The district
 215 shall have authority to enjoin any unauthorized construction or
 216 work done which does not comply with any permit issued in any
 217 court of competent jurisdiction, and a certified copy of the
 218 resolution of the district denying a permit for such
 219 construction shall constitute prima facie evidence in all courts
 220 that such construction would be detrimental to the prevention of
 221 erosion.

222 (7) To enter upon any lands, either within or without the
 223 district, through its officials, agents, or employees, or
 224 through contractors and their officials, agents, or employees in
 225 the performance of work or services for the district, in order
 226 to make surveys and examinations to accomplish the necessary
 227 purposes of the district, including preliminary surveys and
 228 other work. The district shall be liable for any actual damages
 229 done in connection therewith, and no unnecessary damage shall be
 230 done. The provisions of this subsection may be enforced by the
 231 district in any court of competent jurisdiction.

232 (8) To acquire in the name of the district by purchase,

HB 0711

2004

233 gift, or the exercise of the right of eminent domain such lands
 234 and rights and interest therein, including lands under water and
 235 riparian rights, and to acquire such personal property as it may
 236 deem necessary in connection with the acquisition, construction,
 237 reconstruction, improvement, maintenance, or operation of such
 238 erosion prevention facilities and to hold and dispose of all
 239 real and personal property under its control.

240 (9) To exercise exclusive jurisdiction, control, and
 241 supervision over any erosion prevention facilities owned,
 242 operated, and maintained by the district and to make and enforce
 243 such rules and regulations for the maintenance and operation of
 244 such erosion prevention facilities as in the judgment of the
 245 district board are necessary or desirable for the efficient
 246 operation of such erosion prevention facilities in accomplishing
 247 the purposes of this act.

248 (10) To acquire, hold, and improve beachfront lands as a
 249 part of erosion prevention facilities, and to operate such
 250 beachfront lands for public purposes, including public bathing
 251 facilities, and to comply with any agreements made with the
 252 Federal Government relative to such beachfront lands for which
 253 financial assistance has been given to the district by the
 254 Federal Government.

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

258 (12) To enter into contracts for the purchase of services,
 259 supplies, materials, and equipment pursuant to this act and
 260 general laws, as they may be amended from time to time.

261 (13) Subject to such provisions and restrictions as may be

HB 0711

2004

262 set forth in the resolution authorizing or securing any bonds
 263 issued under the provisions of this act, to enter into contracts
 264 or agreements with the United States or any agency or
 265 instrumentality thereof, the state or any agency or
 266 instrumentality thereof, or any county, municipality, district,
 267 authority, or political subdivision, private corporation,
 268 partnership, association, or individual providing for or
 269 relating to erosion prevention facilities and any other matters
 270 relevant thereto or otherwise necessary to effect the purposes
 271 of this act, and to receive and accept from the United States,
 272 or any agency or instrumentality thereof, the state or any
 273 agency or instrumentality thereof, or any other public body,
 274 grants or loans for or in aid of the planning, construction,
 275 reconstruction, improvement, or financing of any erosion
 276 prevention facilities and to receive and accept aid or
 277 contributions or loans from any other source of either money,
 278 property, labor, or other things of value, to be held, used, and
 279 applied only for the purpose for which such grants,
 280 contributions, or loans may be made. The district shall have
 281 power to provide funds in order to qualify for financial and
 282 other assistance by federal, state, or other governmental
 283 agencies or political subdivisions and to do and perform all
 284 acts necessary to obtain any required federal or state permits
 285 for the carrying out of the purposes provided in this act, and
 286 to adopt all proceedings and perform all acts necessary to
 287 comply with and perform all such contracts or agreements
 288 referred to in this subsection.

289 (14) To rent, lease, and sell, exchange, transfer, or
 290 otherwise dispose of, or to grant options for any such purposes

HB 0711

2004

291 with respect to any real or personal property or interest
 292 therein.

293 (15) To make and execute financing agreements, lease-
 294 purchase agreements, contracts, deeds, and other instruments
 295 necessary or convenient to the exercise of its powers and
 296 functions, including contracts with persons, firms,
 297 corporations, and federal, state, and local governmental
 298 agencies and instrumentalities, and to cooperate with such
 299 persons with reference to any of the powers hereby granted.

300 (16) To provide adequate insurance on all real and
 301 personal property, equipment, employees, and other personnel.

302 (17) To do all other acts and things necessary or proper
 303 in the exercise of the powers herein granted.

304 Section 8. Ad valorem assessments; zones.--

305 (1) It is hereby found, determined, and declared that all
 306 of the lands and real estate within the district will be
 307 benefited by the acquisition, construction, improvement, or
 308 maintenance of erosion prevention facilities authorized by this
 309 act, and the full faith and credit and ad valorem taxing power
 310 of the district, without limitation as to rate or amount, shall
 311 be pledged for the payment of the principal of and interest on
 312 any bonds issued by the district pursuant to this act. It is
 313 further found, determined, and declared that for the purposes of
 314 the levy and collection of ad valorem taxes within the district,
 315 the lands and real estate therein are classified and divided
 316 into five zones which are hereby designated as Zones A, B, C, D,
 317 and E, with the zones having the following boundaries:

318 (a) Zone A: Beginning at the intersection of the south
 319 line of section 7, township 35 south, range 41 east and the

HB 0711

2004

320 Atlantic Ocean; thence northeasterly along the Atlantic Ocean to
 321 the centerline of the Fort Pierce ship channel; thence
 322 southwesterly along the centerline of said channel to the
 323 centerline of the intracoastal waterway; thence southeasterly
 324 along said centerline to its intersection with the south line
 325 of section 12, township 35 south, range 40 east extended; thence
 326 east along said extension and the south line of said section 12
 327 to the southeast corner of said section 12; thence east along
 328 the south line of section 7, township 35 south, range 41 east to
 329 the point of beginning.

330 (b) Zone B: Beginning at the intersection of the south
 331 line of section 7, township 35 south, range 41 east and the
 332 Atlantic Ocean; thence southeasterly along the Atlantic Ocean to
 333 the south line of section 22, township 36 south, range 41 east;
 334 thence west along the south line of said section 22 and the
 335 extension thereof to the centerline of the intracoastal
 336 waterway; thence northwesterly along the centerline of the
 337 intracoastal waterway to its intersection with the south line of
 338 section 12, township 35 south, range 40 east extended; thence
 339 east along said extension and the south line of said section 12
 340 to the southeast corner of said section 12; thence east along
 341 the southline of section 7, township 35 south, range 41 east to
 342 the point of beginning.

343 (c) Zone C: Except for lands in Zones A and B, all lands
 344 east of a line beginning on the north county line at the
 345 northwest corner of section 3, township 34 south, range 38 east;
 346 thence south to the southwest corner of section 34, township 34
 347 south, range 38 east; east to the southeast corner of section
 348 35, township 34 south, range 38 east; south to the southwest

HB 0711

2004

349 corner of section 12, township 36 south, range 38 east; east to
 350 the northwest corner of section 15, township 36 south, range 39
 351 east; south to the southwest corner of section 34, township 37
 352 south, range 39 east, at the south county line.

353 (d) Zone D: All lands in St. Lucie County west of Zone C.

354 (e) Zone E: All lands within District boundaries.

355 (2) It is further hereby found, determined, and declared
 356 that as between the lands and real estate located within said
 357 Zones A to D, inclusive, the percentages of the total benefits
 358 which such lands and real estate located within such zones will
 359 receive from the acquisition, construction, reconstruction,
 360 improvement, or maintenance of the erosion prevention facilities
 361 authorized by this act are as follows:

362 (a) Zone A: Five and nine-tenths percent.

363 (b) Zone B: One and three-tenths percent.

364 (c) Zone C: Eighty-three and four-tenths percent.

365 (d) Zone D: Nine and four-tenths percent.

366 (3) As authorized by subsection (5), Zone E, created
 367 pursuant to County Commission Resolution 97-05, was established
 368 for the purpose of funding the district's share of the costs of
 369 the United States Army Corp of Engineers Fort Pierce Florida
 370 Shore Protection Project and future projects for which the board
 371 determines the lands and real estate within Zone E receive 100
 372 percent of project benefits.

373 (4) Any ad valorem taxes assessed by the district for the
 374 payment of debt service or reserves on bonds or other
 375 obligations issued by the district or for the operation and
 376 maintenance of the erosion prevention facilities and other
 377 corporate purposes of the district shall be levied in each zone

HB 0711

2004

378 in ratio to the percentage of benefits set out above for said
 379 Zones A through D, inclusive, and, of the total amount of such
 380 ad valorem taxes levied on the taxable property in the district
 381 at any time, the separate amounts to be levied in each of such
 382 zones shall be the percentage set out for such zones above of
 383 such total amount. In the event that the full amounts of taxes
 384 levied in any zone shall not be collected in any year, the
 385 deficit shall be paid from general funds of the district or
 386 shall be levied in the succeeding year on all taxable property
 387 of the entire district, and the district shall be mandatorily
 388 obligated to levy and collect ad valorem taxes without
 389 limitations as to rate or amount on all taxable property in the
 390 entire district to the full extent necessary to pay all
 391 principal of and interest on any bonds or other obligations
 392 issued by the district, or such operation and maintenance and
 393 other corporate purposes of the district. The amount of any
 394 deficit in collections in any zone in any year shall, however,
 395 notwithstanding that such deficit may have been made up from
 396 general funds of the district or from ad valorem taxes levied on
 397 all taxable property in the entire district, be levied in each
 398 succeeding year on all taxable property in the zone in which
 399 such deficit occurs until such deficit has been made up in full
 400 and all amounts reimbursed to the general funds of the district
 401 or to the owners of taxable property in other zones for payments
 402 made on account of such deficits, it being the express intent of
 403 this act as far as the payment of debt service on any bonds or
 404 other obligations of the district or such operation and
 405 maintenance and other corporate purposes of the district are
 406 concerned, the entire taxable property in all of the district

HB 0711

2004

407 shall be subject to the levy of ad valorem taxes without limit
 408 as to rate or amount for the full payment of all such debt
 409 service and operation and maintenance and other corporate
 410 purposes of said district, but that as between the zones within
 411 such entire district, the district shall continue to levy and
 412 relevy sufficient ad valorem taxes on the taxable property in
 413 the zone in which a deficit occurs until any amounts which may
 414 have been previously paid by any other zone to make up such
 415 deficit have been paid in full. Any reimbursement to the owners
 416 of taxable property of any zone for amounts collected in such
 417 zone for any deficits in any other zone may be in the form of
 418 reductions in the amount of taxes to be collected in such zone,
 419 but only after the amount of such reimbursement shall be
 420 available in cash for application to debt service on such bonds
 421 or other obligations or for the operation and maintenance or
 422 other corporate purposes of the district.

423 (5) Upon the effective date of this act, the district
 424 board shall be authorized to amend by resolution existing zone
 425 boundaries, abolish or consolidate existing zones, create new
 426 zones, and determine the percentage benefit accruing to lands
 427 within said zones as a result of district projects, programs,
 428 and activities. Any ad valorem taxes levied for district
 429 purposes shall be levied in each zone in proportion to the
 430 percentage of benefits determined by the board for the new,
 431 amended, or consolidated zones.

432 (6) All such taxes shall be levied and collected as a
 433 separate special tax and the county board, as the governing body
 434 of such district, shall certify in each year to the property
 435 appraiser of the county the total amount of the ad valorem taxes

HB 0711

2004

436 to be levied in such district and the separate amount to be
437 levied in each of said zones in each year and the said property
438 appraiser shall levy and collect such special taxes at the same
439 time and in the same manner as other general county taxes are
440 collected. Such taxes, when collected by the county tax
441 collector, shall be paid and turned over to the proper officials
442 of the district for application in the manner provided in this
443 act.

444 Section 9. Non-ad valorem assessments.--The board is
445 hereby authorized and empowered by resolution to assess, levy,
446 and collect non-ad valorem assessments for the acquisition,
447 construction, reconstruction, rehabilitation, development,
448 improvement, maintenance, repair, management, or operation of
449 district facilities authorized by this act pursuant to chapters
450 189 and 197, Florida Statutes, as they may be amended from time
451 to time. Such assessments shall be levied only on benefited real
452 property at a rate based upon the special benefit accruing to
453 such property from the acquisition, construction,
454 reconstruction, rehabilitation, development, improvement,
455 maintenance, repair, management, or operation. Cost may include
456 the cost of all labor and materials, the cost of all lands,
457 property rights, easements, and franchises acquired, expenses
458 associated with the issuance of bonds secured in whole or in
459 part by non-ad valorem assessments, including, but not limited
460 to, financing charges, the establishment of reasonable reserves
461 and/or the purchase of insurance and surety bonds, interest
462 prior to and during construction and for 1 year after completion
463 of construction, discount on the sale of bonds, costs of plans
464 and specifications, surveys of estimates of costs and revenues,

HB 0711

2004

465 cost of engineering, financial and legal services, and all other
466 expenses necessary or incidental to determining the feasibility
467 or practicability of the undertaking, administrative expense,
468 and such other expense as may be necessary or incidental to the
469 financing authorized by this act. Non-ad valorem assessments
470 shall be liens, coequal with the lien of all state, county,
471 district, and municipal taxes, superior in dignity to all other
472 liens, titles, and claims, until paid, shall bear interest at
473 the rate prescribed by law for ad valorem taxes, and shall be
474 levied and collected using the procedures provided in chapter
475 197, Florida Statutes, as it may be amended from time to time,
476 or such other method as the district may prescribe.

477 Section 10. Bond issuance.--

478 (1) The district board for and on behalf of the district
479 is authorized to provide by resolution from time to time for the
480 issuance of general obligation bonds, limited tax revenue bonds,
481 revenue bonds, and non-ad valorem assessment bonds to pay all or
482 part of the cost of acquisition, construction, reconstruction,
483 rehabilitation, development, or improvement of any projects,
484 facilities, or activities provided for in this act, or for the
485 purpose of refunding any such bonds of the district which are
486 then outstanding, including any redemption premium thereon and
487 any interest accrued or to accrue to the date of redemption. The
488 district board shall also have the authority to provide by
489 resolution for the issuance of other obligations to pay all or
490 part of the cost of maintenance, repair, management, or
491 operation of district projects, facilities, or activities.
492 However, the issuance of general obligation bonds shall have
493 been approved at an election of the qualified electors who

HB 0711

2004

494 reside in such district, such election to be called, noticed,
495 and conducted as provided by law. The bonds of each issue shall
496 be dated, shall bear interest at such rate or rates as shall not
497 exceed the maximum bond interest rate provided by general law,
498 shall mature at such time or times not exceeding 40 years from
499 the date or dates of the bonds as may be determined by the
500 board, and may be redeemable before maturity, at the option of
501 the board, under such terms and conditions and at such prices as
502 may be fixed by the board prior to the issuance of such bonds.
503 The board shall determine the form of such bonds, including any
504 interest coupons to be attached thereto, and shall fix the
505 denomination or denominations of such bonds and the place or
506 places of payment of principal and interest, which may be at any
507 bank or trust company within or without the state. Such
508 authorizing resolution may further provide that such bonds may
509 be executed manually or by the engraved, lithographed, or
510 facsimile signature of the chair of the board. The seal of the
511 district may be affixed or lithographed, engraved, or otherwise
512 reproduced in facsimile on such bonds and shall be attested by
513 the manual or facsimile signature of the secretary or treasurer
514 of the district; provided, however, that the signature of at
515 least one of the officials executing such bonds, including the
516 registrar authenticating such bonds, shall be a manual
517 signature. In case any officer who executes such bonds shall
518 cease to be such officer before the delivery of such bonds, such
519 officer's manual signature or facsimile signature shall
520 nevertheless be valid and sufficient for all purposes the same
521 as if he or she had remained in office until such delivery. Such
522 bonds may be issued in coupon or registered form as the board

HB 0711

2004

523 may determine in such authorizing resolution and provision may
 524 be made for the registration of any coupon bonds as to principal
 525 alone and also as to principal and interest, and for the
 526 reconversion of coupon bonds or of any bond registered as to
 527 principal and interest. The board may sell such bonds either at
 528 public or private sale and for such price as it may determine to
 529 be for the best interests of the district, but no such sale may
 530 be made at a price that requires the payment of interest in
 531 excess of the maximum bond interest rate provided by general
 532 law.

533 (2) The proceeds of the sale of any general obligation
 534 bonds, limited tax bonds, revenue bonds, and non-ad valorem
 535 assessment bonds shall be used solely for the payment of the
 536 costs, including engineering, financial, and legal expenses, of
 537 the acquisition, construction, reconstruction, rehabilitation,
 538 development, maintenance, or improvement of such facilities or
 539 the refunding of bonds outstanding, and proceeds from the
 540 issuance of other obligations of the district may additionally
 541 be used to pay the costs of repair, management, maintenance, or
 542 operation of district facilities. The proceeds of bonds issued
 543 under the authority of this section shall be disbursed in such
 544 manner and under such restrictions as the board may provide in
 545 the authorizing resolution. Prior to the preparation or issuance
 546 of definitive bonds, the board may, under like restrictions,
 547 issue interim receipts or temporary notes or other forms or such
 548 temporary obligations, with or without coupons, exchangeable for
 549 definitive bonds when such bonds have been executed and are
 550 available for delivery. The board may also provide for the
 551 replacement of any bonds which have become mutilated, destroyed,

HB 0711

2004

552 or lost upon proper indemnification.

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

556 (a) Revenues of any one or more district facilities now
 557 owned or hereafter acquired or constructed by the district.

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

561 (c) Any money received by the district from the United
 562 States or any agency or instrumentality thereof or from any
 563 other governmental agency or person in connection with any
 564 district facilities or in repayment of any advances made by the
 565 district for all or any part of the cost of any district
 566 facilities.

567 (d) The full faith, credit, and taxing power of the
 568 district, or limited ad valorem taxes levied by the district,
 569 and such bonds may be additionally secured by a pledge of
 570 revenues, sale or lease proceeds, or money received by the
 571 district from the United States or any agency or instrumentality
 572 thereof or other governmental agency or person as herein
 573 authorized. The board may provide that such bonds shall be
 574 payable as to principal and interest in the first instance from
 575 such revenues, sale, or lease proceeds or money received by the
 576 district from the United States or any agency or instrumentality
 577 thereof or any other person.

578 (e) The proceeds of any sale or lease of district
 579 facilities or property, after paying all costs in connection
 580 therewith.

HB 0711

2004

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

583 Section 11. Bond trust agreement.--In the discretion of
584 the board, any bonds issued under the provisions of this act may
585 be secured by a trust agreement by and between the district and
586 a corporate trustee, which may be any trust company or bank
587 having the powers of a trust company within or without the
588 state. Such trust agreement or the resolution providing for the
589 issuance of such bonds may contain such provisions for
590 protecting and enforcing the rights and remedies of the
591 bondholders as may be reasonable and proper and not in violation
592 of law, including covenants setting forth the duties of the
593 district in relation to the acquisition, construction,
594 reconstruction, improvement, maintenance, repair, lease,
595 operation, and insurance of any district projects, facilities,
596 or activities in connection with which such bonds shall have
597 been authorized, the custody, safeguarding, or application of
598 all moneys, and conditions or limitations with respect to the
599 issuance of additional bonds. It shall be lawful for any bank or
600 trust company incorporated under the laws of Florida, which may
601 act as depository of the proceeds of bonds or of revenues, or
602 other funds, to furnish such indemnifying bonds or to pledge
603 such securities as may be required by the board. Any such trust
604 agreement or resolution may set forth the rights and remedies of
605 the bondholders and of the trustee under any such trust
606 agreement, and may restrict the individual right of action by
607 bondholders. In addition to the foregoing, any such trust
608 agreement or resolution may contain such other provisions as the
609 board may deem reasonable and proper for the security of the

HB 0711

2004

610 bondholders. All expenses incurred in carrying out the
 611 provisions of such trust agreement or resolution shall be
 612 treated as a part of the costs of the operation of the district
 613 facilities.

614 Section 12. Notice of bonds issuance.--Prior to the
 615 issuance of any bonds, the district board may, in its
 616 discretion, publish a notice at least once in a newspaper
 617 published in the County of St. Lucie and circulating in the
 618 district stating the date of adoption of the resolution
 619 authorizing such bonds and the amount, maximum rate of interest,
 620 and maturity of such bonds and the purposes in general terms for
 621 which such bonds are to be issued, and further stating that any
 622 action or proceeding questioning the validity of such bonds, or
 623 of the proceedings authorizing the issuance thereof, or of any
 624 covenants made therein, must be instituted within 20 days after
 625 the first publication of such notice or the validity of such
 626 bonds or of such proceedings or covenants shall not be
 627 thereafter questioned in any court whatsoever. If no such action
 628 or proceeding is so instituted within such 20-day period, then
 629 the validity of such bonds and such proceedings and covenants
 630 shall be conclusive, and all persons or parties whosoever shall
 631 be forever barred from questioning the validity of such bonds or
 632 such proceedings or covenants in any court whatsoever.

633 Section 13. Bond covenants.--All bonds issued hereunder
 634 shall be and constitute and have all the qualities and incidents
 635 of negotiable instruments under the law merchant and the
 636 negotiable instruments law of Florida, and shall not be invalid
 637 for any irregularity or defect in the proceedings for the
 638 issuance and sale thereof and shall be incontestable in the

HB 0711

2004

639 hands of bona fide purchasers for value. No proceedings in
 640 respect to the issuance of such bonds shall be necessary except
 641 such as are required by this act. The provisions of this act
 642 shall constitute an irrevocable contract between said district
 643 and the holders of such bonds or coupons thereof issued pursuant
 644 to the provisions hereof. Any holder of such bonds may either at
 645 law or in equity, by suit, action, or mandamus, force and compel
 646 the performance of the duties required by this act or of any of
 647 the officers or persons herein mentioned in relation to said
 648 bonds, or the levy, assessment, collection, and enforcement and
 649 application of the taxes pledged for the payment of the
 650 principal and interest thereof.

651 Section 14. Public purpose declaration.--The exercise of
 652 the powers conferred by this act constitutes the performance of
 653 essential public functions and any erosion prevention facilities
 654 acquired, constructed, reconstructed, or improved under the
 655 provisions of this act constitute public property used for
 656 public purposes.

657 Section 15. Bonds as legal investments.--All bonds issued
 658 pursuant to this act shall be and constitute legal investments
 659 for state, county, municipal, and all other public funds and for
 660 banks, savings banks, insurance companies, executors,
 661 administrators, trustees, and all other fiduciaries; and shall
 662 also be and constitute securities eligible as collateral
 663 security for all state, county, municipal, or other public
 664 funds.

665 Section 16. Bonds as payments.--The district shall have
 666 the power to enter into agreements for the delivery of any bonds
 667 at one time or from time to time as full or partial payment for

HB 0711

2004

668 the services of any engineer or work done by any contractor who
 669 may have been retained or hired or been awarded a contract for
 670 the construction of all or any part of such erosion prevention
 671 facilities. However, such bonds so delivered for payment of such
 672 services or work performed shall have been authorized and issued
 673 in the manner provided in this act and shall otherwise conform
 674 to the provisions hereof.

675 Section 17. District authority to purchase or
 676 procure.--Insofar as the exercise of any power or authority
 677 granted by this act shall involve the purchase or procurement of
 678 commodities or services, the board shall exercise such power in
 679 accordance with the purchasing and procurement rules,
 680 regulations, ordinances, practices, and procedures of St. Lucie
 681 County as the same may exist from time to time. The district
 682 shall requisition such commodities and services through such
 683 purchasing agents as the county may from time to time appoint,
 684 and such requisitions or contract may be issued or entered into
 685 in the name of St. Lucie County. The costs of such purchases,
 686 procurements, and contract of the district shall be paid with
 687 funds of the district.

688 Section 18. Maintenance tax.--

689 (1) In addition to the ad valorem taxes authorized to be
 690 levied to pay the principal of and interest on bonds issued
 691 hereunder, the district is authorized to levy a special ad
 692 valorem maintenance tax of a sufficient number of mills upon the
 693 dollar of assessed valuation of taxable property in the district
 694 to pay for the maintenance and operation of such erosion
 695 prevention facilities and other corporate purposes of the
 696 district. However, such special maintenance tax shall in no

HB 0711

2004

697 event exceed one mill in any one year for Zone A, eight-tenths
 698 of a mill in any one year for Zone B, six-tenths of a mill in
 699 any one year for Zone C, four-tenths of a mill in any one year
 700 for Zone D, and two mills in any one year for Zone E. Such
 701 special maintenance tax shall be levied and collected in the
 702 manner provided herein for ad valorem taxes levied and collected
 703 for debt service on bonds issued pursuant to this act and in
 704 accordance with the provisions of section 8.

705 (2) Upon the effective date of this act, the district
 706 board shall be authorized to levy an ad valorem maintenance tax
 707 within new, amended, or consolidated zones established pursuant
 708 to subsection (4) of section 8. Such ad valorem maintenance tax
 709 millage rate within such zones shall be a rate determined by the
 710 board to provide each zones' proportionate share of maintenance
 711 tax revenue. Such proportionate share shall be the percentage
 712 benefit accruing to lands within such zones as determined
 713 pursuant to subsection (4) of section 8. Such taxes shall be
 714 levied and collected in the manner provided within section 8.

715 Section 19. District contracts.--Any contract entered into
 716 by the district shall be deemed to have been made for the
 717 benefit of any holders of bonds issued pursuant to this act to
 718 the extent necessary, and the terms of any such contract shall
 719 be enforceable by such bondholders in any appropriate legal
 720 proceeding. Any such contract if made with another public body
 721 or municipality may be enforceable without the requirement of
 722 formal consideration.

723 Section 20. Real property; personal property; advancement
 724 of funds.--The County of St. Lucie, any municipality, or any
 725 other political subdivision is authorized to sell, lease, grant,

HB 0711

2004

726 or convey any real or personal property to the district and any
 727 such sale, grant, lease, or conveyance may be made without
 728 formal consideration. The County of St. Lucie shall further have
 729 the power to advance any moneys available to the district to pay
 730 any of the preliminary expenses of the district, including
 731 engineering, legal, or financial services or any other purposes
 732 necessary in the planning and beginning of construction or
 733 erosion prevention facilities authorized by this act. However,
 734 all such moneys so advanced shall be repaid to the county from
 735 the proceeds of any bonds issued pursuant to this act, or from
 736 ad valorem or maintenance taxes levied in the district for
 737 operation and maintenance of erosion prevention facilities and
 738 other corporate purposes of the district.

739 Section 21. Authority to delegate.--The district board
 740 shall have the power to establish and create such departments,
 741 boards, or other agencies as it shall deem necessary or
 742 desirable in the performance of any acts or other things
 743 necessary in the exercise of the powers provided in this act,
 744 and may delegate to such departments, boards, or other agencies
 745 such administrative duties and other powers as may be deemed
 746 necessary and desirable in the exercise of the powers provided
 747 in this act. However, the issuance of bonds, levy of taxes, and
 748 authorization of the acquisition, construction, reconstruction,
 749 or improvement of erosion prevention facilities shall be
 750 authorized by resolution or resolutions duly adopted by the
 751 district board.

752 Section 22. Exemption from taxation.--All district
 753 property shall be exempt from levy and sale by virtue of an
 754 execution and no execution or other judicial process shall issue

HB 0711

2004

755 against such property, nor shall any judgment against the
 756 district be a charge or lien on its property or taxes or other
 757 revenue; provided, however, that nothing contained herein shall
 758 apply to or limit the rights of bondholders to pursue any remedy
 759 for the enforcement and collection of any taxes pledged for any
 760 bonds issued hereunder.

761 Section 23. Covenant not to impair.--The state does hereby
 762 pledge to and covenant and agree with the holders of any bonds
 763 issued pursuant to this act that it will not limit or alter the
 764 rights hereby vested in said district to acquire, construct,
 765 reconstruct, improve, maintain, and operate said erosion
 766 prevention facilities and to levy and collect ad valorem taxes
 767 as provided herein, and to fulfill the terms of any agreement
 768 made with the holders of such bonds or other obligations, and
 769 will not in any way impair the rights or remedies of such
 770 holders, and will not modify in any way the exemptions from
 771 taxation provided for in this act, until all such bonds,
 772 together with interest thereon, and with interest on any unpaid
 773 installments of interest, and all costs and expenses in
 774 connection with any action or proceeding by or on behalf of such
 775 holders, are fully met and discharged.

776 Section 24. Liberal construction.--The provisions of this
 777 act shall be liberally construed to effect its purposes and
 778 shall be deemed cumulative, supplemental, and alternative
 779 authority for the exercise of the powers provided herein. The
 780 exercise of the powers provided in this act and the issuance of
 781 bonds hereunder shall not be subject to the limitations or
 782 provisions of any other law or laws except as expressly provided
 783 herein.

HB 0711

2004

784 Section 25. Severability.--In case any one or more of the
785 sections or provisions of this act, or the application of such
786 sections or provisions to any situations, circumstances, or
787 persons, shall for any reason be held to be unconstitutional or
788 invalid, such unconstitutionality or invalidity shall not affect
789 any other sections or provisions of this act or the application
790 of such sections or provisions of this act or the application of
791 such sections or provisions to any other situations,
792 circumstances, or persons, and it is intended that this act
793 shall be construed and applied as if such section or provision
794 so held unconstitutional or invalid had not been included in
795 this act.

796 Section 4. Chapters 67-2001 and 97-354, Laws of Florida,
797 are repealed.

798 Section 5. This act shall take effect upon becoming a law.