

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the St. Lucie County Erosion District;
8 providing for codification of special laws relating to the
9 district; amending, codifying, reenacting, and repealing
10 all prior special acts; preserving current authority;
11 providing definitions; providing the board of the district
12 shall be the St. Lucie County Commission; providing for
13 meetings and applicability of ch. 189, F.S.; providing
14 district powers; providing that employees of the district
15 shall be considered employees of St. Lucie County;
16 providing that contracts for services, supplies, and
17 materials shall be entered into as provided by the charter
18 and general law; providing district board authorization to
19 amend, abolish, or consolidate existing district zone
20 boundaries and determine benefits for the purpose of
21 levying ad valorem taxes; providing district board
22 authorization to levy and collect non-ad valorem
23 assessments; providing district board authorization for

HB 711

2004
CS

24 issuance of bonds pursuant to general law and this act;
 25 providing that the purchase of commodities and services
 26 shall be in accordance with the purchasing policies of St.
 27 Lucie County; providing for severability; repealing
 28 chapters 67-2001 and 97-354, Laws of Florida; providing an
 29 effective date.

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

32
 33 Section 1. Pursuant to section 189.429, Florida Statutes,
 34 this act constitutes the codification of all special acts
 35 relating to the St. Lucie County Erosion District, located in
 36 St. Lucie County. It is the intent of the Legislature to provide
 37 a single, comprehensive special act charter for the district,
 38 including all current legislative authority granted to the
 39 district by its several legislative enactments and any
 40 additional authority granted by this act, chapter 189, Florida
 41 Statutes, and chapters 67-2001 and 97-354, Laws of Florida, as
 42 amended from time to time. It is further the intent of this act
 43 to preserve all district authority, including the authority to
 44 annually assess and levy against the taxable property in the
 45 district.

46 Section 2. Chapters 67-2001 and 97-354, Laws of Florida,
 47 are amended, codified, reenacted, and repealed as herein
 48 provided.

49 Section 3. The St. Lucie County Erosion District is re-
 50 created and the charter for the district is re-created and
 51 reenacted to read:

HB 711

2004
CS

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

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

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

62 (1) "District" means the St. Lucie County Erosion
 63 District.

64 (2) "County board" means the Board of County Commissioners
 65 of St. Lucie County.

66 (3) "District board" or "board" means the Board of County
 67 Commissioners of St. Lucie County constituting the governing
 68 body of said district.

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

80 or convenient for the construction, acquisition, reconstruction,
 81 improvement, operation, and maintenance thereof.

82 (5) "Cost" as applied to erosion prevention facilities
 83 includes the cost of construction, reconstruction, acquisition,
 84 improvement, operation, or maintenance of said facilities; the
 85 cost of all labor, materials, machinery, and equipment; the cost
 86 of all lands and interest therein, real or personal property,
 87 rights, easements, and franchises of any nature whatsoever;
 88 financing charges; interest prior to and during construction and
 89 after the completion of the acquisition, construction,
 90 reconstruction, or improvement of such erosion prevention
 91 facilities; the creation of initial reserve or debt service
 92 funds; bond discount, if any; cost of plans and specifications,
 93 surveys, and estimates of costs and revenues; cost of
 94 engineering, financial, and legal services; all other expenses
 95 necessary or incidental in determining the feasibility or
 96 practicability of such acquisition, construction,
 97 reconstruction, or improvement; and administrative expenses and
 98 such other expenses as may be necessary or incidental to
 99 financing authorized by this act, including reimbursement of the
 100 county or any other person, firm, or corporation for any moneys
 101 advanced to said district for any expenses incurred by said
 102 district in connection with any of the foregoing items of cost,
 103 or the creation of such district.

104 (6) "Secretary/treasurer" means the Clerk of the Circuit
 105 Court of St. Lucie County, who shall serve ex officio as
 106 secretary and treasurer of the erosion district. The treasurer
 107 shall be the custodian of all funds belonging to the board and

HB 711

2004
CS

108 the erosion district, and such funds may be disbursed only upon
 109 the order of the board, signed by the secretary and
 110 countersigned by the chair of the board. The board is authorized
 111 to select as a depository any bank or trust company organized
 112 under the laws of the United States or the state and authorized
 113 pursuant to general law to accept deposit of county funds. Such
 114 funds shall be deposited by the treasurer in such depository
 115 upon such terms and conditions as the board may deem just and
 116 reasonable, and may be deposited in the name of St. Lucie County
 117 as long as they are properly accounted for by the treasurer.

118 (7) "Bonds" means any evidence of indebtedness issued and
 119 delivered by the district for consideration and includes,
 120 without limitation, revenue bonds, general obligation bonds,
 121 limited tax bonds, non-ad valorem assessment bonds, notes, and
 122 other obligations.

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

127 Section 4. District establishment; status; powers.--There
 128 is hereby created and established in St. Lucie County a
 129 dependent special district, to be known as the St. Lucie County
 130 Erosion District. The district is a body corporate and politic,
 131 exercising essential governmental functions for the purposes
 132 hereinafter set forth. The district's powers shall include the
 133 power to sue; to contract; to adopt and use a corporate seal and
 134 alter the same; to purchase, hold, lease, or otherwise acquire
 135 and convey such real property and personal property and

136 interests therein; and any other authority granted by chapter
 137 189, Florida Statutes, or other applicable general law, as they
 138 may be amended from time to time, as may be necessary or proper
 139 to carry out the purposes of this act.

140 Section 5. Boundaries.--The territorial boundaries of the
 141 district shall coincide with the territorial boundaries of St.
 142 Lucie County and shall include all lands and property within the
 143 county, including lands and property within incorporated areas
 144 of the county, within any district in the county, and within the
 145 unincorporated area of the county.

146 Section 6. Governing board; creation; organization.--The
 147 governing body of the St. Lucie County Erosion District shall be
 148 known and designated as the "Board of Commissioners of the St.
 149 Lucie County Erosion District," and shall be made up ex officio
 150 of the five county commissioners of St. Lucie County, who shall
 151 serve ex officio as the governing body. The chair and vice chair
 152 shall each hold office at the will of the board and until their
 153 successor is duly elected by the board. The chair and vice chair
 154 serving at the time of the effective date of this act shall
 155 continue to serve until their terms expire and their successors
 156 are duly elected. The chair shall preside at all meetings of the
 157 district and perform such duties as the district may prescribe.
 158 The vice chair shall perform the duties of the chair in the
 159 absence of the chair. The board shall hold at least one regular
 160 meeting per month. Special meetings shall be held pursuant to
 161 chapter 189, Florida Statutes, as it may be amended from time to
 162 time. In the event of a bona fide emergency, a meeting to deal
 163 with the emergency may be held as necessary, with reasonable

HB 711

2004
CS

164 notice, so long as it is subsequently ratified by the board.
 165 Three members of the board shall constitute a quorum to transact
 166 business.

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

171 (1) To adopt rules and regulations for its own government
 172 and proceedings and to adopt an official seal for the district
 173 and for complete exercise of jurisdiction and control over
 174 district operations, projects, and facilities.

175 (2) To employ engineers, attorneys, accountants, financial
 176 or other experts, and such other agents and employees as the
 177 district board may require or deem necessary to effectuate the
 178 purposes of this act, or to contract for any of such services.
 179 All employees of the district shall be considered employees of
 180 St. Lucie County who shall be assigned to the district, and
 181 whose salary and other costs of employment shall be paid by the
 182 county from funds held on behalf of the district. Such
 183 employees, except collective bargaining unit employees, shall be
 184 subject to the personnel rules and regulations and shall
 185 participate in the employee benefit and retirement benefit plans
 186 of St. Lucie County. Collective bargaining unit employees of the
 187 district shall be members of a collective bargaining unit of St.
 188 Lucie County employees pursuant to general law.

189 (3) To acquire, construct, reconstruct, improve, operate,
 190 or maintain erosion prevention facilities in and for the
 191 district, including the acquisition of any erosion prevention

HB 711

2004
CS

192 facilities constructed by any person, firm, corporation, or
 193 other body, or partially constructed by any person, firm,
 194 corporation, or other body, and the completion of such erosion
 195 prevention facilities by such district; to have the exclusive
 196 control and jurisdiction of such erosion prevention facilities;
 197 and to issue its bonds to pay all or any part of the cost of
 198 such acquisition, construction, reconstruction, improvement,
 199 operation, or maintenance of such erosion prevention facilities.

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

206 (5) To assess, levy, and collect non-ad valorem
 207 assessments upon property within the district as authorized by
 208 this act and chapters 189 and 197, Florida Statutes, as they may
 209 be amended from time to time.

210 (6) To regulate the acquisition, construction,
 211 reconstruction, improvement, or maintenance of erosion
 212 prevention facilities within the district, and to grant or deny
 213 permits for the construction of any erosion prevention
 214 facilities in the district. However, if the erosion prevention
 215 facilities are to be located in whole or in part within the
 216 territorial boundaries of any municipality, the approval of the
 217 governing body of such municipality shall also be obtained
 218 before the issuance by the district of a permit for the
 219 construction of such erosion prevention facilities. The district

HB 711

2004
CS

220 shall have authority to enjoin any unauthorized construction or
 221 work done which does not comply with any permit issued in any
 222 court of competent jurisdiction, and a certified copy of the
 223 resolution of the district denying a permit for such
 224 construction shall constitute prima facie evidence in all courts
 225 that such construction would be detrimental to the prevention of
 226 erosion.

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

237 (8) To acquire in the name of the district by purchase,
 238 gift, or the exercise of the right of eminent domain such lands
 239 and rights and interest therein, including lands under water and
 240 riparian rights, and to acquire such personal property as it may
 241 deem necessary in connection with the acquisition, construction,
 242 reconstruction, improvement, maintenance, or operation of such
 243 erosion prevention facilities and to hold and dispose of all
 244 real and personal property under its control.

245 (9) To exercise exclusive jurisdiction, control, and
 246 supervision over any erosion prevention facilities owned,
 247 operated, and maintained by the district and to make and enforce

HB 711

2004
CS

248 such rules and regulations for the maintenance and operation of
 249 such erosion prevention facilities as in the judgment of the
 250 district board are necessary or desirable for the efficient
 251 operation of such erosion prevention facilities in accomplishing
 252 the purposes of this act.

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

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

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

266 (13) Subject to such provisions and restrictions as may be
 267 set forth in the resolution authorizing or securing any bonds
 268 issued under the provisions of this act, to enter into contracts
 269 or agreements with the United States or any agency or
 270 instrumentality thereof, the state or any agency or
 271 instrumentality thereof, or any county, municipality, district,
 272 authority, or political subdivision, private corporation,
 273 partnership, association, or individual providing for or
 274 relating to erosion prevention facilities and any other matters
 275 relevant thereto or otherwise necessary to effect the purposes

HB 711

2004
CS

276 of this act, and to receive and accept from the United States,
 277 or any agency or instrumentality thereof, the state or any
 278 agency or instrumentality thereof, or any other public body,
 279 grants or loans for or in aid of the planning, construction,
 280 reconstruction, improvement, or financing of any erosion
 281 prevention facilities and to receive and accept aid or
 282 contributions or loans from any other source of either money,
 283 property, labor, or other things of value, to be held, used, and
 284 applied only for the purpose for which such grants,
 285 contributions, or loans may be made. The district shall have
 286 power to provide funds in order to qualify for financial and
 287 other assistance by federal, state, or other governmental
 288 agencies or political subdivisions and to do and perform all
 289 acts necessary to obtain any required federal or state permits
 290 for the carrying out of the purposes provided in this act, and
 291 to adopt all proceedings and perform all acts necessary to
 292 comply with and perform all such contracts or agreements
 293 referred to in this subsection.

294 (14) To rent, lease, and sell, exchange, transfer, or
 295 otherwise dispose of, or to grant options for any such purposes
 296 with respect to any real or personal property or interest
 297 therein.

298 (15) To make and execute financing agreements, lease-
 299 purchase agreements, contracts, deeds, and other instruments
 300 necessary or convenient to the exercise of its powers and
 301 functions, including contracts with persons, firms,
 302 corporations, and federal, state, and local governmental

HB 711

2004
CS

303 agencies and instrumentalities, and to cooperate with such
 304 persons with reference to any of the powers hereby granted.

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

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

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

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

323 (a) Zone A: Beginning at the intersection of the south
 324 line of section 7, township 35 south, range 41 east and the
 325 Atlantic Ocean; thence northeasterly along the Atlantic Ocean to
 326 the centerline of the Fort Pierce ship channel; thence
 327 southwesterly along the centerline of said channel to the
 328 centerline of the intracoastal waterway; thence southeasterly
 329 along said centerline to its intersection with the south line
 330 of section 12, township 35 south, range 40 east extended; thence

HB 711

2004
CS

331 east along said extension and the south line of said section 12
 332 to the southeast corner of said section 12; thence east along
 333 the south line of section 7, township 35 south, range 41 east to
 334 the point of beginning.

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

348 (c) Zone C: Except for lands in Zones A and B, all lands
 349 east of a line beginning on the north county line at the
 350 northwest corner of section 3, township 34 south, range 38 east;
 351 thence south to the southwest corner of section 34, township 34
 352 south, range 38 east; east to the southeast corner of section
 353 35, township 34 south, range 38 east; south to the southwest
 354 corner of section 12, township 36 south, range 38 east; east to
 355 the northwest corner of section 15, township 36 south, range 39
 356 east; south to the southwest corner of section 34, township 37
 357 south, range 39 east, at the south county line.

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

HB 711

2004
CS

359 (e) Zone E: All lands within District boundaries.
 360 (2) It is further hereby found, determined, and declared
 361 that as between the lands and real estate located within said
 362 Zones A to D, inclusive, the percentages of the total benefits
 363 which such lands and real estate located within such zones will
 364 receive from the acquisition, construction, reconstruction,
 365 improvement, or maintenance of the erosion prevention facilities
 366 authorized by this act are as follows:
 367 (a) Zone A: Five and nine-tenths percent.
 368 (b) Zone B: One and three-tenths percent.
 369 (c) Zone C: Eighty-three and four-tenths percent.
 370 (d) Zone D: Nine and four-tenths percent.
 371 (3) As authorized by subsection (5), Zone E, created
 372 pursuant to County Commission Resolution 97-05, was established
 373 for the purpose of funding the district's share of the costs of
 374 the United States Army Corp of Engineers Fort Pierce Florida
 375 Shore Protection Project and future projects for which the board
 376 determines the lands and real estate within Zone E receive 100
 377 percent of project benefits.
 378 (4) Any ad valorem taxes assessed by the district for the
 379 payment of debt service or reserves on bonds or other
 380 obligations issued by the district or for the operation and
 381 maintenance of the erosion prevention facilities and other
 382 corporate purposes of the district shall be levied in each zone
 383 in ratio to the percentage of benefits set out above for said
 384 Zones A through D, inclusive, and, of the total amount of such
 385 ad valorem taxes levied on the taxable property in the district
 386 at any time, the separate amounts to be levied in each of such

HB 711

2004
CS

387 zones shall be the percentage set out for such zones above of
388 such total amount. In the event that the full amounts of taxes
389 levied in any zone shall not be collected in any year, the
390 deficit shall be paid from general funds of the district or
391 shall be levied in the succeeding year on all taxable property
392 of the entire district, and the district shall be mandatorily
393 obligated to levy and collect ad valorem taxes without
394 limitations as to rate or amount on all taxable property in the
395 entire district to the full extent necessary to pay all
396 principal of and interest on any bonds or other obligations
397 issued by the district, or such operation and maintenance and
398 other corporate purposes of the district. The amount of any
399 deficit in collections in any zone in any year shall, however,
400 notwithstanding that such deficit may have been made up from
401 general funds of the district or from ad valorem taxes levied on
402 all taxable property in the entire district, be levied in each
403 succeeding year on all taxable property in the zone in which
404 such deficit occurs until such deficit has been made up in full
405 and all amounts reimbursed to the general funds of the district
406 or to the owners of taxable property in other zones for payments
407 made on account of such deficits, it being the express intent of
408 this act as far as the payment of debt service on any bonds or
409 other obligations of the district or such operation and
410 maintenance and other corporate purposes of the district are
411 concerned, the entire taxable property in all of the district
412 shall be subject to the levy of ad valorem taxes without limit
413 as to rate or amount for the full payment of all such debt
414 service and operation and maintenance and other corporate

HB 711

2004
CS

415 purposes of said district, but that as between the zones within
 416 such entire district, the district shall continue to levy and
 417 relevy sufficient ad valorem taxes on the taxable property in
 418 the zone in which a deficit occurs until any amounts which may
 419 have been previously paid by any other zone to make up such
 420 deficit have been paid in full. Any reimbursement to the owners
 421 of taxable property of any zone for amounts collected in such
 422 zone for any deficits in any other zone may be in the form of
 423 reductions in the amount of taxes to be collected in such zone,
 424 but only after the amount of such reimbursement shall be
 425 available in cash for application to debt service on such bonds
 426 or other obligations or for the operation and maintenance or
 427 other corporate purposes of the district.

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

437 (6) All such taxes shall be levied and collected as a
 438 separate special tax and the county board, as the governing body
 439 of such district, shall certify in each year to the property
 440 appraiser of the county the total amount of the ad valorem taxes
 441 to be levied in such district and the separate amount to be
 442 levied in each of said zones in each year and the said property

HB 711

2004
CS

443 appraiser shall levy and collect such special taxes at the same
 444 time and in the same manner as other general county taxes are
 445 collected. Such taxes, when collected by the county tax
 446 collector, shall be paid and turned over to the proper officials
 447 of the district for application in the manner provided in this
 448 act.

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

HB 711

2004
CS

471 expenses necessary or incidental to determining the feasibility
 472 or practicability of the undertaking, administrative expense,
 473 and such other expense as may be necessary or incidental to the
 474 financing authorized by this act. Non-ad valorem assessments
 475 shall be liens, coequal with the lien of all state, county,
 476 district, and municipal taxes, superior in dignity to all other
 477 liens, titles, and claims, until paid, shall bear interest at
 478 the rate prescribed by law for ad valorem taxes, and shall be
 479 levied and collected using the procedures provided in chapter
 480 197, Florida Statutes, as it may be amended from time to time,
 481 or such other method as the district may prescribe.

482 Section 10. Bond issuance.--

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

HB 711

2004
CS

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

HB 711

2004
CS

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

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

HB 711

2004
CS

555 available for delivery. The board may also provide for the
 556 replacement of any bonds which have become mutilated, destroyed,
 557 or lost upon proper indemnification.

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

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

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

566 (c) Any money received by the district from the United
 567 States or any agency or instrumentality thereof or from any
 568 other governmental agency or person in connection with any
 569 district facilities or in repayment of any advances made by the
 570 district for all or any part of the cost of any district
 571 facilities.

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

HB 711

2004
CS

583 (e) The proceeds of any sale or lease of district
 584 facilities or property, after paying all costs in connection
 585 therewith.

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

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

HB 711

2004
CS

611 agreement, and may restrict the individual right of action by
 612 bondholders. In addition to the foregoing, any such trust
 613 agreement or resolution may contain such other provisions as the
 614 board may deem reasonable and proper for the security of the
 615 bondholders. All expenses incurred in carrying out the
 616 provisions of such trust agreement or resolution shall be
 617 treated as a part of the costs of the operation of the district
 618 facilities.

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

HB 711

2004
CS

638 Section 13. Bond covenants.--All bonds issued hereunder
 639 shall be and constitute and have all the qualities and incidents
 640 of negotiable instruments under the law merchant and the
 641 negotiable instruments law of Florida, and shall not be invalid
 642 for any irregularity or defect in the proceedings for the
 643 issuance and sale thereof and shall be incontestable in the
 644 hands of bona fide purchasers for value. No proceedings in
 645 respect to the issuance of such bonds shall be necessary except
 646 such as are required by this act. The provisions of this act
 647 shall constitute an irrevocable contract between said district
 648 and the holders of such bonds or coupons thereof issued pursuant
 649 to the provisions hereof. Any holder of such bonds may either at
 650 law or in equity, by suit, action, or mandamus, force and compel
 651 the performance of the duties required by this act or of any of
 652 the officers or persons herein mentioned in relation to said
 653 bonds, or the levy, assessment, collection, and enforcement and
 654 application of the taxes pledged for the payment of the
 655 principal and interest thereof.

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

662 Section 15. Bonds as legal investments.--All bonds issued
 663 pursuant to this act shall be and constitute legal investments
 664 for state, county, municipal, and all other public funds and for
 665 banks, savings banks, insurance companies, executors,

HB 711

2004
CS

666 administrators, trustees, and all other fiduciaries; and shall
 667 also be and constitute securities eligible as collateral
 668 security for all state, county, municipal, or other public
 669 funds.

670 Section 16. Bonds as payments.--The district shall have
 671 the power to enter into agreements for the delivery of any bonds
 672 at one time or from time to time as full or partial payment for
 673 the services of any engineer or work done by any contractor who
 674 may have been retained or hired or been awarded a contract for
 675 the construction of all or any part of such erosion prevention
 676 facilities. However, such bonds so delivered for payment of such
 677 services or work performed shall have been authorized and issued
 678 in the manner provided in this act and shall otherwise conform
 679 to the provisions hereof.

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

693 Section 18. Maintenance tax.--

HB 711

2004
CS

694 (1) In addition to the ad valorem taxes authorized to be
 695 levied to pay the principal of and interest on bonds issued
 696 hereunder, the district is authorized to levy a special ad
 697 valorem maintenance tax of a sufficient number of mills upon the
 698 dollar of assessed valuation of taxable property in the district
 699 to pay for the maintenance and operation of such erosion
 700 prevention facilities and other corporate purposes of the
 701 district. However, such special maintenance tax shall in no
 702 event exceed one mill in any one year for Zone A, eight-tenths
 703 of a mill in any one year for Zone B, six-tenths of a mill in
 704 any one year for Zone C, four-tenths of a mill in any one year
 705 for Zone D, and two mills in any one year for Zone E. Such
 706 special maintenance tax shall be levied and collected in the
 707 manner provided herein for ad valorem taxes levied and collected
 708 for debt service on bonds issued pursuant to this act and in
 709 accordance with the provisions of section 8.

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

720 Section 19. District contracts.--Any contract entered into
 721 by the district shall be deemed to have been made for the

HB 711

2004
CS

722 benefit of any holders of bonds issued pursuant to this act to
 723 the extent necessary, and the terms of any such contract shall
 724 be enforceable by such bondholders in any appropriate legal
 725 proceeding. Any such contract if made with another public body
 726 or municipality may be enforceable without the requirement of
 727 formal consideration.

728 Section 20. Real property; personal property; advancement
 729 of funds.--The County of St. Lucie, any municipality, or any
 730 other political subdivision is authorized to sell, lease, grant,
 731 or convey any real or personal property to the district and any
 732 such sale, grant, lease, or conveyance may be made without
 733 formal consideration. The County of St. Lucie shall further have
 734 the power to advance any moneys available to the district to pay
 735 any of the preliminary expenses of the district, including
 736 engineering, legal, or financial services or any other purposes
 737 necessary in the planning and beginning of construction or
 738 erosion prevention facilities authorized by this act. However,
 739 all such moneys so advanced shall be repaid to the county from
 740 the proceeds of any bonds issued pursuant to this act, or from
 741 ad valorem or maintenance taxes levied in the district for
 742 operation and maintenance of erosion prevention facilities and
 743 other corporate purposes of the district.

744 Section 21. Authority to delegate.--The district board
 745 shall have the power to establish and create such departments,
 746 boards, or other agencies as it shall deem necessary or
 747 desirable in the performance of any acts or other things
 748 necessary in the exercise of the powers provided in this act,
 749 and may delegate to such departments, boards, or other agencies

HB 711

2004
CS

750 such administrative duties and other powers as may be deemed
 751 necessary and desirable in the exercise of the powers provided
 752 in this act. However, the issuance of bonds, levy of taxes, and
 753 authorization of the acquisition, construction, reconstruction,
 754 or improvement of erosion prevention facilities shall be
 755 authorized by resolution or resolutions duly adopted by the
 756 district board.

757 Section 22. Exemption from taxation.--All district
 758 property shall be exempt from levy and sale by virtue of an
 759 execution and no execution or other judicial process shall issue
 760 against such property, nor shall any judgment against the
 761 district be a charge or lien on its property or taxes or other
 762 revenue; provided, however, that nothing contained herein shall
 763 apply to or limit the rights of bondholders to pursue any remedy
 764 for the enforcement and collection of any taxes pledged for any
 765 bonds issued hereunder.

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

HB 711

2004
CS

778 installments of interest, and all costs and expenses in
 779 connection with any action or proceeding by or on behalf of such
 780 holders, are fully met and discharged.

781 Section 24. Liberal construction.--The provisions of this
 782 act shall be liberally construed to effect its purposes and
 783 shall be deemed cumulative, supplemental, and alternative
 784 authority for the exercise of the powers provided herein.

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

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

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