

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Brevard County; creating the Viera
7 Stewardship District; providing a short title; providing
8 legislative findings and intent; providing definitions;
9 stating legislative policy regarding creation of the
10 district; establishing compliance with minimum
11 requirements in s. 189.404(3), F.S., for creation of an
12 independent special district; providing for creation and
13 establishment of the district; establishing the legal
14 boundaries of the district; providing for the jurisdiction
15 and charter of the district; providing for a board of
16 supervisors and establishing membership criteria and
17 election procedures; providing for board members' terms of
18 office; providing for board meetings; providing for
19 administrative duties of the board; providing a method for
20 transition of the board from landowner control to control
21 by the resident electors of the district; providing for a
22 district manager and district personnel; providing for a
23 district treasurer, selection of a public depository, and

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24 district budgets and financial reports; providing for the
 25 general powers of the district; providing for the special
 26 powers of the district to plan, finance, and provide
 27 community infrastructure and services within the district;
 28 providing for required notices to purchasers of
 29 residential units within the district; providing
 30 severability; providing for a referendum; providing an
 31 effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Short title.--This act may be cited as the
 36 "Viera Stewardship District Act."

37 Section 2. Legislative findings and intent; definitions;
 38 policy.--

39 (1) LEGISLATIVE FINDINGS AND INTENT.--

40 (a) The extensive lands located within Brevard County and
 41 covered by this act contain many opportunities for thoughtful,
 42 comprehensive, environmentally responsible, and consistent
 43 development over a long period.

44 (b) There is a particular special need to use a
 45 specialized and limited single-purpose independent special
 46 district unit of local government for the district lands located
 47 within Brevard County and covered by this act to prevent urban
 48 sprawl by providing sustaining and freestanding infrastructure
 49 and by preventing needless and counterproductive community
 50 development when the existing urban area is not yet developed,
 51 and to prevent the needless duplication, fragmentation, and

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52 | proliferation of local government services in a proposed land
53 | use area.

54 | (c) The establishment of such a limited specialized
55 | single-purpose local government for the district lands will
56 | serve a necessary and useful public purpose by providing an
57 | efficient and effective method of ensuring the long-term
58 | stewardship of environmental and conservation resources within
59 | the district through the comprehensive management of the
60 | district's ecosystem, including, but not limited to, the
61 | implementation and administration of habitat protection and
62 | management plans approved by regulatory agencies having
63 | jurisdiction and the local governing authority.

64 | (d) The creation and establishment of the district will
65 | constitute a timely, efficient, effective, responsive, and
66 | economical method to deliver capital infrastructure, facilities,
67 | and services to accommodate the growth projected under Brevard
68 | County's comprehensive land use plan for the extensive lands
69 | comprising the district, by providing a legitimate alternative
70 | method for owning, operating, constructing, and financing such
71 | infrastructure, facilities, and services which will not
72 | overburden local general purpose governments and their
73 | taxpayers.

74 | (e) While chapter 190, Florida Statutes, provides an
75 | opportunity for community development services and facilities to
76 | be provided by the establishment of community development
77 | districts in a manner that furthers the public interest, given
78 | the vast nature of the lands covered by this act and the
79 | potentially long-term nature of its development, establishing

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80 multiple community development districts over these lands would
81 result in an inefficient, duplicative, and needless
82 proliferation of local special purpose government, contrary to
83 the public interest and the Legislature's findings in chapter
84 190, Florida Statutes. Instead, it is in the public interest
85 that the long-range provision for, and management, financing,
86 and long-term maintenance, upkeep, and operation of, services
87 and facilities to be provided for ultimate development of the
88 lands covered by this act be under one coordinated entity.

89 (f) Longer involvement of the initial landowner with
90 regard to the provision of systems, facilities, and services for
91 the district lands, coupled with a severely limited and highly
92 specialized single purpose of the district is in the public
93 interest.

94 (g) Any public or private system to provide infrastructure
95 improvements, systems, facilities, and services to these lands
96 must be focused on an unfettered, highly specialized,
97 innovative, responsive, and accountable mechanism to provide the
98 components of infrastructure at sustained levels of high quality
99 over the long term only when and as needed for such a unique
100 community in such a unique area.

101 (h) There is a need to coincide the use and special
102 attributes of various public and private alternatives for the
103 provision of infrastructure to such a community development,
104 including the limited, flexible, focused, and locally
105 accountable management and related financing capabilities of
106 independent special-purpose local government.

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107 (i) The existence and use of such a limited specialized
108 single purpose local government for the district lands, subject
109 to the respective county comprehensive plans, will result in a
110 high propensity to provide for orderly development and prevent
111 urban sprawl; protect and preserve environmental, conservation,
112 and agricultural uses and assets; enhance the market value for
113 both present and future landowners of the property consistent
114 with the need to protect private property; enhance the net
115 economic benefit to the Brevard County area, including an
116 enhanced and well-maintained tax base to the benefit of all
117 present and future taxpayers in Brevard County; and result in
118 the sharing of costs of providing certain systems, facilities,
119 and services in an innovative, sequential, and flexible manner
120 within the developing area to be serviced by the district.

121 (j) The creation and establishment of the district will
122 encourage local government financial self-sufficiency in
123 providing public facilities and in identifying and implementing
124 physically sound, innovative, and cost-effective techniques to
125 provide and finance public facilities while encouraging
126 development, use, and coordination of capital improvement plans
127 by all levels of government, pursuant to chapter 187, Florida
128 Statutes.

129 (k) The creation and establishment of the district will
130 encourage and enhance cooperation among communities that have
131 unique assets, irrespective of political boundaries, to bring
132 the private and public sectors together for establishing an
133 orderly and environmentally and economically sound plan for
134 current and future needs and growth.

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135 (l) In order to be responsive to the critical timing
136 required through the exercise of its special management
137 functions, an independent district requires financing of those
138 functions, including bondable lienable and nonlienable revenue,
139 with full and continuing public disclosure and accountability,
140 funded by landowners, both present and future, and funded also
141 by users of the systems, facilities, and services provided to
142 the land area by the district, without unduly burdening the
143 taxpayers and citizens of the state, Brevard County, or any
144 municipality therein.

145 (m) The district created and established by this act shall
146 not have or exercise any comprehensive planning, zoning, or
147 development permitting power; the establishment of the district
148 shall not be considered a development order within the meaning
149 of chapter 380, Florida Statutes; and all applicable planning
150 and permitting laws, rules, regulations, and policies of Brevard
151 County control the development of the land to be serviced by the
152 district.

153 (n) The creation by this act of the Viera Stewardship
154 District is not inconsistent with the Brevard County
155 comprehensive plan.

156 (o) It is the legislative intent and purpose that no debt
157 or obligation of the district constitute a burden on any local
158 general-purpose government without its consent.

159 (2) DEFINITIONS.--As used in this act:

160 (a) "Ad valorem bonds" means bonds which are payable from
161 the proceeds of ad valorem taxes levied on real and tangible

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162 personal property and which are generally referred to as general
163 obligation bonds.

164 (b) "Assessable improvements" means, without limitation,
165 any and all public improvements and community facilities that
166 the district is empowered to provide in accordance with this act
167 that provide a special benefit to property within the district.

168 (c) "Assessment bonds" means special obligations of the
169 district which are payable solely from proceeds of the special
170 assessments or benefit special assessments levied for assessable
171 improvements, provided that, in lieu of issuing assessment bonds
172 to fund the costs of assessable improvements, the district may
173 issue revenue bonds for such purposes payable from special
174 assessments.

175 (d) "Assessments" means those nonmillage district
176 assessments which include special assessments, benefit special
177 assessments, and maintenance special assessments and a
178 nonmillage, non-ad valorem maintenance tax if authorized by
179 general law.

180 (e) "Benefit special assessments" are district assessments
181 imposed, levied, and collected pursuant to the provisions of
182 section 6(12)(b).

183 (f) "Board of supervisors" or "board" means the governing
184 board of the district or, if such board has been abolished, the
185 board, body, or commission assuming the principal functions
186 thereof or to whom the powers given to the board by this act
187 have been given by law.

188 (g) "Bond" includes "certificate" and the provisions that
189 are applicable to bonds are equally applicable to certificates.

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190 The term "bond" includes any general obligation bond, assessment
 191 bond, refunding bond, revenue bond, and other such obligation in
 192 the nature of a bond as is provided for in this act.

193 (h) "Cost" or "costs," when used with reference to any
 194 project, includes, but is not limited to:

195 1. The expenses of determining the feasibility or
 196 practicability of acquisition, construction, or reconstruction.

197 2. The cost of surveys, estimates, plans, and
 198 specifications.

199 3. The cost of improvements.

200 4. Planning, engineering, designing, fiscal, legal, and
 201 other professional and consultant expenses and charges.

202 5. The cost of all labor, materials, machinery, and
 203 equipment.

204 6. The cost of all lands, properties, rights, easements,
 205 and franchises acquired.

206 7. Financing charges.

207 8. The creation of initial reserve and debt service funds.

208 9. Working capital.

209 10. Interest charges incurred or estimated to be incurred
 210 on money borrowed prior to and during construction and
 211 acquisition and for such reasonable period of time after
 212 completion of construction or acquisition as the board may
 213 determine.

214 11. The cost of issuance of bonds pursuant to this act,
 215 including advertisements and printing.

216 12. The cost of any bond or tax referendum held pursuant
 217 to this act and all other expenses of issuance of bonds.

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218 13. The discount, if any, on the sale or exchange of
219 bonds.

220 14. Administrative expenses.

221 15. Such other expenses as may be necessary or incidental
222 to the acquisition, disposition, transfer, construction, or
223 reconstruction of any project, to the financing thereof, or to
224 the development of any lands within the district.

225 16. Payments, contributions, dedications, and any other
226 exactions required as a condition of receiving any governmental
227 approval or permit necessary to accomplish any district purpose.

228 (i) "District" means the Viera Stewardship District.

229 (j) "District manager" means the manager of the district.

230 (k) "District roads" means highways, streets, roads,
231 alleys, sidewalks, landscaping, storm drains, bridges, and
232 thoroughfares of all kinds.

233 (l) "General obligation bonds" means bonds which are
234 secured by, or provide for their payment by, the pledge of the
235 full faith and credit and taxing power of the district, in
236 addition to those special taxes levied for their discharge and
237 such other sources as may be provided for their payment or
238 pledged as security under the resolution authorizing their
239 issuance, and for payment of which recourse may be had against
240 the general fund of the district.

241 (m) "Governing board member" means any member of the board
242 of supervisors.

243 (n) "Land development regulations" means those regulations
244 of general purpose local government, adopted under the Florida
245 Local Government Comprehensive Planning and Land Development

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246 Regulation Act, part II of chapter 163, Florida Statutes, to
247 which the district is subject and as to which the district may
248 not do anything that is inconsistent. Land development
249 regulations shall not mean specific management, engineering,
250 planning, operating, and other criteria and standards needed in
251 the daily management, implementation, and provision by the
252 district of systems, facilities, services, works, improvements,
253 projects, or infrastructure, including design criteria and
254 standards, so long as they remain subject to and are not
255 inconsistent with the applicable land development regulations.

256 (o) "Landowner" means the owner of a freehold estate as it
257 appears on the deed record, including a trustee, a private
258 corporation, and an owner of a condominium unit. "Landowner"
259 does not include a reversioner, remainderman, mortgagee, or any
260 governmental entity, who shall not be counted and need not be
261 notified of proceedings under this act. "Landowner" also means
262 the owner of a ground lease from a governmental entity, which
263 leasehold interest has a remaining term, excluding all renewal
264 options, in excess of 50 years.

265 (p) "General-purpose local government" means a county,
266 municipality, or consolidated city-county government.

267 (q) "Maintenance special assessments" are assessments
268 imposed, levied, and collected pursuant to the provisions of
269 section 6(12)(d).

270 (r) "Non-ad valorem assessment" means only those
271 assessments which are not based upon millage and which can
272 become a lien against a homestead as permitted in s. 4, Art. X
273 of the State Constitution.

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274 (s) "Powers" means powers used and exercised by the board
275 to accomplish the single, limited, and special purpose of the
276 district, including:

277 1. "General powers" means those organizational and
278 administrative powers of the district as provided in this
279 charter in order to carry out its single special purpose as a
280 local government public corporate body politic.

281 2. "Special powers" means those powers enumerated by the
282 district charter to implement its specialized systems,
283 facilities, services, projects, improvements, and infrastructure
284 and related functions in order to carry out its single
285 specialized purpose.

286 3. Any other powers, authority, or functions set forth in
287 this act or in chapter 189 or chapter 190, Florida Statutes.

288 (t) "Project" means any development, improvement,
289 property, power, utility, facility, enterprise, service, system,
290 works, or infrastructure now existing or hereafter undertaken or
291 established under the provisions of this act.

292 (u) "Qualified elector" means any person at least 18 years
293 of age who is a citizen of the United States and a legal
294 resident of the state and of the district and who registers to
295 vote with the Supervisor of Elections of Brevard County.

296 (v) "Refunding bonds" means bonds issued to refinance
297 outstanding bonds of any type and the interest and redemption
298 premium thereon. Refunding bonds shall be issuable and payable
299 in the same manner as refinanced bonds, except that no approval
300 by the electorate shall be required unless required by the State
301 Constitution.

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302 (w) "Revenue bonds" means obligations of the district that
303 are payable from revenues, including, but not limited to,
304 special assessments and benefit special assessments, derived
305 from sources other than ad valorem taxes on real or tangible
306 personal property and that do not pledge the property, credit,
307 or general tax revenue of the district.

308 (x) "Sewer system" means any plant, system, facility, or
309 property, and additions, extensions, and improvements thereto at
310 any future time constructed or acquired as part thereof, useful
311 or necessary or having the present capacity for future use in
312 connection with the collection, treatment, purification, or
313 disposal of sewage, including, but not limited to, industrial
314 wastes resulting from any process of industry, manufacture,
315 trade, or business or from the development of any natural
316 resource. "Sewer system" also includes treatment plants, pumping
317 stations, lift stations, valves, force mains, intercepting
318 sewers, laterals, pressure lines, mains, and all necessary
319 appurtenances and equipment; all sewer mains, laterals, and
320 other devices for the reception and collection of sewage from
321 premises connected therewith; and all real and personal property
322 and any interest therein, and rights, easements, and franchises
323 of any nature relating to any such system and necessary or
324 convenient for operation thereof.

325 (y) "Special assessments" means assessments as imposed,
326 levied, and collected by the district for the costs of
327 assessable improvements pursuant to the provisions of this act,
328 chapter 170, Florida Statutes, and the additional authority
329 under section 197.3631, Florida Statutes, or other provisions of

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330 general law, now or hereinafter enacted, which provide or
331 authorize a supplemental means to impose, levy, or collect
332 special assessments.

333 (z) "Taxes" or "tax" means those levies and impositions of
334 the board that support and pay for government and the
335 administration of law and that may be:

336 1. Ad valorem or property taxes based upon both the
337 appraised value of property and millage, at a rate uniform
338 within the jurisdiction; or

339 2. If and when authorized by general law, non-ad valorem
340 maintenance taxes not based on millage that are used to maintain
341 district systems, facilities, and services.

342 (aa) "Viera Stewardship District" means the unit of
343 special and single purpose local government created and
344 chartered by this act, including the creation of its charter,
345 and limited to the performance, in implementing its single
346 purpose, of those general and special powers authorized by its
347 charter under this act, the boundaries of which are set forth by
348 the act, the governing head of which is created and authorized
349 to operate with legal existence by this act, and the purpose of
350 which is as set forth in this act.

351 (bb) "Water management and control facilities" means any
352 lakes, canals, ditches, reservoirs, dams, impoundments, levees,
353 sluiceways, floodways, pumping stations, or any other works,
354 structures, or facilities for the conservation, control,
355 development, utilization, and disposal of nonpotable water, and
356 any purposes appurtenant, necessary or incidental thereto. The
357 term "water management and control facilities" includes all real

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358 and personal property and any interest therein, rights,
359 easements, and franchises of any nature relating to any such
360 water management and control facilities or necessary or
361 convenient for the acquisition, construction, reconstruction,
362 operation or maintenance thereof.

363 (cc) "Water system" means any plant, system, facility, or
364 property, and any addition, extension, or improvement thereto at
365 any future time constructed or acquired as a part thereof,
366 useful, necessary, or having the present capacity for future use
367 in connection with the development of sources, treatment,
368 purification, or distribution of water. "Water system" also
369 includes dams, reservoirs, storage tanks, mains, lines, valves,
370 pumping stations, laterals, and pipes for the purpose of
371 carrying water to the premises connected with such system, and
372 all rights, easements, and franchises of any nature relating to
373 any such system and necessary or convenient for the operation
374 thereof.

375 (3) POLICY.--Based upon its findings, ascertainments,
376 determinations, intent, purpose, and definitions, the
377 Legislature states its policy expressly:

378 (a) The district and the district charter, with its
379 general and special powers, as created in this act, are
380 essential and the best alternative for the residential,
381 commercial, and other community uses, projects, or functions in
382 the included portions of Brevard County consistent with the
383 effective comprehensive plans and designed to serve a lawful
384 public purpose.

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385 (b) The district, which is a local government and
386 political subdivision, is limited to its special purpose as
387 expressed in this act, with the power to provide, plan,
388 implement, construct, operate, maintain, repair, improve,
389 replace, manage, and finance as a local government management
390 entity its systems, facilities, services, improvements,
391 infrastructure, and projects and possessing financing powers to
392 fund its management power over the long term and with sustained
393 levels of high quality.

394 (c) The creation of the Viera Stewardship District by and
395 pursuant to this act, and its exercise of its management and
396 related financing powers to implement its limited, single, and
397 special purpose, is not a development order and does not trigger
398 or invoke any provision within the meaning of chapter 380,
399 Florida Statutes, and all applicable governmental planning,
400 environmental, and land development laws, regulations, rules,
401 policies, and ordinances apply to all development of the land
402 within the jurisdiction of the district as created by this act.
403 Moreover, the creation of the district itself shall neither
404 cause a reclassification for assessment purposes of any
405 agricultural lands within the district, nor prohibit or preclude
406 the use of any land within the district for agricultural
407 purposes or for any use related thereto.

408 (d) The district shall operate and function subject to,
409 and not inconsistent with, the comprehensive plan of Brevard
410 County and any applicable development orders, zoning
411 regulations, and other land development regulations.

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412 (e) The special and single purpose Viera Stewardship
413 District shall not have the power of a general-purpose local
414 government to adopt a comprehensive plan or related land
415 development regulation as those terms are defined in the Local
416 Government Comprehensive Planning and Land Development
417 Regulation Act.

418 (f) This act may be amended, in whole or in part, only by
419 special act of the Legislature. No amendment to this act that
420 alters the district boundaries or the general or special powers
421 of the district may be considered by the Legislature unless it
422 is accompanied by a resolution or official statement as provided
423 for in section 189.404(2)(e)4., Florida Statutes.

424 Section 3. Minimum charter requirements; creation and
425 establishment; jurisdiction; construction; charter with legal
426 description.--

427 (1) Pursuant to section 189.404(3), Florida Statutes, the
428 Legislature sets forth that the minimum requirements in
429 paragraphs (a)-(o) have been met in the identified provisions of
430 this act as follows:

431 (a) The reasons for the district are articulated in the
432 findings in section 2, and the specific functions of the
433 district are described through the powers granted to the
434 district throughout the bill. However, in summary, the general
435 purpose of the district is to provide, through a special purpose
436 governmental entity, certain capital infrastructure, facilities
437 and services which benefit the residents of the district.

438 (b) The powers, functions, and duties of the district
439 regarding ad valorem taxation, bond issuance, other revenue-

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440 raising capabilities, budget preparation and approval, liens and
441 foreclosure of liens, use of tax deeds and tax certificates as
442 appropriate for non-ad valorem assessments, and contractual
443 agreements are set forth in section 6.

444 (c) The provisions for methods for establishing the
445 district are in this section.

446 (d) The methods for amending the charter of the district
447 are set forth in section 2.

448 (e) The provisions for the membership and organization of
449 the governing board and the establishment of a quorum are in
450 section 5.

451 (f) The provisions regarding maximum compensation of each
452 board member are in section 5.

453 (g) The provisions regarding the administrative duties of
454 the governing board are found in sections 5 and 6.

455 (h) The provisions applicable to financial disclosure,
456 noticing, and reporting requirements generally are set forth in
457 sections 5 and 6.

458 (i) The provisions regarding procedures and requirements
459 for issuing bonds are set forth in section 6.

460 (j) The provisions regarding elections or referenda and
461 the qualifications of an elector of the district are in sections
462 2 and 5.

463 (k) The provisions regarding methods for financing the
464 district are generally in section 6.

465 (l) Other than taxes levied for the payment of bonds and
466 taxes levied for periods not longer than 2 years when authorized
467 by vote of the electors of the district, the provisions for the

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468 authority to levy ad valorem tax and the authorized millage rate
469 are in section 6.

470 (m) The provisions for the method or methods of collecting
471 non-ad valorem assessments, fees, or service charges are in
472 section 6.

473 (n) The provisions for planning requirements are in this
474 section and section 6.

475 (o) The provisions for geographic boundary limitations of
476 the district are set forth in sections 4 and 6.

477 (2) The Viera Stewardship District, which also may be
478 referred to as the "stewardship district," "Viera District," or
479 "district," is created and incorporated as a public body
480 corporate and politic, an independent, limited, special purpose
481 local government, an independent special district, under section
482 189.404, Florida Statutes, and as defined in this act and in
483 section 189.403(3), Florida Statutes. Any amendments to chapter
484 190, Florida Statutes, after January 1, 2006, granting
485 additional general powers, special powers, authorities, or
486 projects to a community development district by amendment to its
487 uniform charter, sections 190.006-190.041, Florida Statutes,
488 shall constitute a general power, special power, authority, or
489 function of the Viera Stewardship District. All notices for the
490 enactment by the Legislature of this special act have been
491 provided pursuant to the State Constitution, the laws of Florida
492 and the Rules of the Florida House of Representatives and of the
493 Florida Senate. Subject to the referendum requirement in section
494 9, the district, as created by this act, is established on the
495 property described in this act.

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496 (3) The territorial boundary of the district shall embrace
497 and include all of that certain real property described legally
498 in section 4.

499 (4) The jurisdiction of this district, in the exercise of
500 its general and special powers, and in the carrying out of its
501 special purposes, is both within the external boundaries of the
502 legal description of this district and extraterritorially when
503 limited to, and as authorized expressly elsewhere in, the
504 charter of the district as created in this act or applicable
505 general law. This special-purpose district is created as a
506 public body corporate and politic, and local government
507 authority and power is limited by its charter, this act, and
508 subject to the provisions of other general laws, including
509 chapter 189, Florida Statutes, except that an inconsistent
510 provision in this act shall control and the district has
511 jurisdiction to perform such acts and exercise such authorities,
512 functions, and powers as shall be necessary, convenient,
513 incidental, proper, or reasonable for the implementation of its
514 limited, single, and specialized purpose regarding the sound
515 planning, provision, acquisition, development, operation,
516 maintenance, and related financing of those public systems,
517 facilities, services, improvements, projects, and infrastructure
518 works as authorized herein, including those necessary and
519 incidental thereto.

520 (5) The exclusive charter of the Viera Stewardship
521 District is this act and, except as otherwise provided in
522 subsection (2), may be amended only by special act of the
523 Legislature.

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524 Section 4. Legal description of the Viera Stewardship
525 District.--

526 The legal description of the district, within which
527 there are no parcels of property owned by those who do
528 not wish for their property to be included within the
529 district, is as follows:

530 Commence at a 4" X 4" concrete monument at the
531 Northwest corner of Section 30, Township 25 South,
532 Range 36 East and run N89°21'55"E, along the North
533 line of said Section 30, a distance of 2,545.93 feet,
534 to an iron rod and the POINT OF BEGINNING of the
535 herein described lands; thence S08°24'33"E, a distance
536 of 748.62 feet, to an iron rod; thence S08°55'25"E, a
537 distance of 405.40 feet, to an iron rod; thence
538 S07°53'09"E, a distance of 404.42 feet, to an iron
539 rod; thence S07°41'38"E, a distance of 556.16 feet, to
540 an iron rod; thence S08°07'57"E, a distance of 556.72
541 feet, to an iron rod; thence S07°54'48"E, a distance
542 of 556.44 feet, to an iron rod; thence S08°10'16"E, a
543 distance of 880.33 feet, to an iron rod; thence
544 S07°57'39"E, a distance of 482.44 feet, to an iron
545 rod; thence S79°41'18"W, a distance of 8.69 feet, to
546 an iron rod; thence S07°38'31"E, a distance of 396.84
547 feet, to an iron rod; thence S13°30'01"W, a distance
548 of 6.84 feet, to an iron rod; thence S68°53'11"W, a
549 distance of 456.26 feet, to an iron rod; thence
550 S75°44'29"W, a distance of 86.29 feet, to an iron rod;
551 thence S64°14'40"W, a distance of 129.79 feet, to an

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552 | iron rod; thence S68°29'29"W, a distance of 703.75
553 | feet, to an iron rod; thence S03°43'55"E, a distance
554 | of 774.28 feet, to an iron rod; thence S03°43'05"E, a
555 | distance of 420.39 feet, to an iron rod; thence
556 | S17°31'55"W, a distance of 31.51 feet, to an iron rod;
557 | thence S02°10'23"W, a distance of 15.32 feet, to an
558 | iron rod; thence S84°49'06"W, a distance of 1,260.85
559 | feet, to an iron rod; thence S65°26'07"W, a distance
560 | of 553.39 feet, to an iron rod; thence S65°16'09"W, a
561 | distance of 553.65 feet, to an iron rod; thence
562 | S65°26'06"W, a distance of 552.21 feet, to an iron
563 | rod; thence S65°42'09"W, a distance of 553.14 feet, to
564 | an iron rod; thence S86°33'52"W, a distance of 560.20
565 | feet, to an iron rod; thence S86°36'43"W, a distance
566 | of 1,119.98 feet, to an iron rod; thence N15°49'12"W,
567 | a distance of 53.08 feet, to an iron rod; thence
568 | S88°41'21"W, a distance of 144.31 feet to an iron rod;
569 | thence S86°14'12"W, a distance of 360.22 feet, to an
570 | iron rod; thence S44°22'00"W, a distance of 2,194.87
571 | feet, to an iron rod; thence S02°24'20"E, a distance
572 | of 99.12 feet, to an iron rod; thence S46°55'21"W, a
573 | distance of 146.56 feet, to an iron rod; thence
574 | S65°38'19"W, a distance of 194.77 feet, to an iron
575 | rod; thence S63°42'25"W, a distance of 577.43 feet, to
576 | an iron rod; thence S69°45'01"W, a distance of 412.41
577 | feet, to an iron rod; thence N89°15'09", a distance of
578 | 79.29 feet, to an iron rod; thence S73°35'49W, a
579 | distance of 521.37 feet, to an iron rod; thence

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580 S87°25'48"W, a distance of 483.14 feet, to an iron
581 rod; thence S87°26'32"W, a distance of 966.55 feet, to
582 an iron rod; thence S87°21'06"W, a distance of 485.66
583 feet, to an iron rod; thence S62°14'38"W, a distance
584 of 444.40 feet, to an iron rod; thence S62°17'07"W, a
585 distance of 446.88 feet, to an iron rod; thence
586 S62°19'23"W, a distance of 358.90 feet, to an iron
587 rod; thence S62°27'13"W, a distance of 370.19 feet, to
588 an iron rod; thence S77°23'47"W, a distance of 411.83
589 feet, to an iron rod; thence S00°53'45"W, a distance
590 of 125.73 feet, to an iron rod; thence S00°13'05"W, a
591 distance of 658.60 feet, to an iron rod; thence
592 S00°02'40"E, a distance of 1,583.00 feet, to an iron
593 rod; thence S00°01'31"E, a distance of 543.46 feet, to
594 an iron rod; thence S06°38'41"E, a distance of 236.05
595 feet, to an iron rod; thence S00°05'15"W, a distance
596 of 1,609.02 feet, to an iron rod, thence N89°56'44"E,
597 a distance of 1,150.63 feet, to an iron rod; thence
598 N89°41'56"E, a distance of 575.37 feet, to an iron
599 rod; thence S89°48'28"E, a distance of 575.27 feet, to
600 an iron rod; thence S05°17'41"E, a distance of
601 5,150.06 feet, to an iron rod; thence S88°28'59"W, a
602 distance of 892.20 feet, to an iron rod; thence
603 S89°18'35"W, a distance of 1,352.16 feet, to an iron
604 rod; thence N88°11'42"W, a distance of 478.57 feet, to
605 an iron rod; thence S04°20'09"W, a distance of 165.35
606 feet, to an iron rod; thence S44°31'42"E, a distance
607 of 1,884.04 feet, to an iron rod; thence S44°35'30"E,

608 | a distance of 3,917.97 feet, to an iron rod; thence
 609 | S62°09'21"E, a distance of 2,317.97 feet, to an iron
 610 | rod; thence S61°05'48"E, a distance of 649.92 feet, to
 611 | an iron rod; thence N47°16'55" E, a distance of 35.75
 612 | feet, to an iron rod; thence S61°57'44"E, a distance
 613 | of 923.38 feet, to an iron rod; thence S41°26'58"E, a
 614 | distance of 273.10 feet, to an iron rod; thence
 615 | S30°04'29"E, a distance of 310.25 feet, to an iron
 616 | rod; thence S34°43'38"E, a distance of 598.07 feet, to
 617 | an iron rod; thence S26°25'22"E, a distance of 301.86
 618 | feet, to an iron rod; thence S04°19'41"E, a distance
 619 | of 773.92 feet, to an iron rod; thence S03°54'52"E, a
 620 | distance of 1,444.29 feet, to an iron rod; thence
 621 | S88°57'24"E, a distance of 504.03 feet, to an iron
 622 | rod; thence S13°21'03"W, a distance of 118.12 feet, to
 623 | an iron rod; thence S34°02'56"W, a distance of
 624 | 1,348.21 feet, to an iron rod; thence S45°13'06"W, a
 625 | distance of 1,297.85 feet, to an iron rod; thence
 626 | S63°01'28"W, a distance of 72.85 feet, to an iron rod;
 627 | thence S35°48'10"E, a distance of 45.45 feet, to an
 628 | iron rod; thence S36°43'44"E, a distance of 81.14
 629 | feet, to an iron rod; thence S43°22'10"E, a distance
 630 | of 2,416.90 feet, to an iron rod; thence S54°43'27"E,
 631 | a distance of 118.25 feet, to an iron rod; thence
 632 | S76°01'08"E, a distance of 114.63 feet, to an iron
 633 | rod; thence S89°15'48"E, a distance of 397.01 feet, to
 634 | an iron rod; thence S67°53'23"E, a distance of 92.26
 635 | feet, to a iron rod; thence S27°40'02"E, a distance of

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636 | 156.14 feet, to an iron rod; thence S64°16'29"E, a
637 | distance of 37.61 feet, to an iron rod; thence
638 | S89°15'14"E, a distance of 352.87 feet, to an iron
639 | rod; thence S85°51'17"E, a distance of 307.67 feet,
640 | to an iron rod; thence N86°54'20"E, a distance of
641 | 151.74 feet, to an iron rod; thence N76°30'06"E, a
642 | distance of 261.56 feet, to an iron rod; thence
643 | N87°06'14"E, a distance of 251.77 feet, to an iron
644 | rod; thence N88°53'08"E, a distance of 158.24 feet, to
645 | an iron rod; thence N85°02'05"E, a distance of 159.48
646 | feet, to an iron rod; thence S87°50'11"E, a distance
647 | of 174.88 feet, to an iron rod; thence S83°44'02"E, a
648 | distance of 176.43 feet, to an iron rod; thence
649 | S86°24'25"E, a distance of 258.17 feet, to an iron
650 | rod; thence S81°07'19"E, a distance of 151.23 feet, to
651 | an iron rod; thence N73°40'28"E, a distance of 247.99
652 | feet, to an iron rod; thence N84°35'54"E, a distance
653 | of 81.80 feet, to an iron rod; thence S79°39'38"E, a
654 | distance of 98.82 feet, to an iron rod; thence
655 | S67°29'44"E, a distance of 168.94 feet, to an iron
656 | rod; thence S56°25'12"E, a distance of 206.81 feet, to
657 | an iron rod; thence S70°16'15"E, a distance of 241.47
658 | feet, to an iron rod; thence S71°16'02"E, a distance
659 | of 271.51 feet, to an iron rod; thence S76°57'22"E, a
660 | distance of 144.38 feet, to an iron rod; thence
661 | S83°43'51"E, a distance of 362.54 feet, to an iron
662 | rod; thence S82°09'02"E, a distance of 428.93 feet, to
663 | an iron rod; thence S76°54'20"E, a distance of 74.04

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664 | feet, to an iron rod; thence S69°05'45"E, a distance
665 | of 73.41 feet, to an iron rod; thence S54°06'44"E, a
666 | distance of 97.18 feet, to an iron rod; thence
667 | S37°26'00"E, a distance of 287.82 feet, to an iron
668 | rod; thence S54°56'39"E, a distance of 72.06 feet, to
669 | an iron rod; thence S73°11'26"E, a distance of 65.07
670 | feet, to an iron rod; thence S79°38'52"E, a distance
671 | of 374.93 feet, to an iron rod; thence S74°51'17"E, a
672 | distance of 156.56 feet, to an iron rod; thence
673 | S60°41'38"E, a distance of 171.07 feet, to an iron
674 | rod; thence S75°22'42"E, a distance of 109.56 feet, to
675 | an iron rod; thence S52°26'28"E, a distance of 84.10
676 | feet, to an iron rod; thence S41°24'22"E, a distance
677 | of 210.47 feet, to an iron rod; thence S38°52'45"E, a
678 | distance of 174.40 feet, to an iron rod; thence
679 | S33°54'38"E, a distance of 212.94 feet, to an iron
680 | rod; thence S37°40'21"E, a distance of 119.90 feet, to
681 | an iron rod; thence S63°38'27"E, a distance of 397.23
682 | feet, to an iron rod; thence S54°42'23"E, a distance
683 | of 137.02 feet, to an iron rod; thence S66°28'00"E, a
684 | distance of 72.13 feet, to an iron rod; thence
685 | S74°03'50"E, a distance of 526.89 feet, to an iron
686 | rod; thence S65°07'14"E, a distance of 169.50 feet, to
687 | an iron rod; thence S56°11'35"E, a distance of 261.82
688 | feet, to an iron rod; thence S62°05'45"E, a distance
689 | of 141.63 feet, to an iron rod; thence S82°38'30"E, a
690 | distance of 227.95 feet, to an iron rod; thence
691 | S64°34'06"E, a distance of 134.09 feet, to an iron

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692 | rod; thence S44°50'15"E, a distance of 117.21 feet, to
 693 | an iron rod; thence S36°18'31"E, a distance of 242.72
 694 | feet, to an iron rod; thence S49°43'39"E, a distance
 695 | of 178.02 feet, to an iron rod; thence S45°48'41"E, a
 696 | distance of 179.26 feet, to an iron rod; thence
 697 | S49°49'20"E, a distance of 214.19 feet, to an iron
 698 | rod; thence S41°48'48"E, a distance of 222.20 feet, to
 699 | an iron rod; thence S48°35'30"E, a distance of 200.25
 700 | feet, to an iron rod; thence S61°25'40"E, a distance
 701 | of 428.09 feet, to an iron rod; thence S63°06'44"E, a
 702 | distance of 644.39 feet, to an iron rod; thence
 703 | S62°46'04"E, a distance of 678.14 feet, to an iron
 704 | rod; thence S62°43'50"E, a distance of 652.63 feet, to
 705 | an iron rod; thence S53°36'34"E, a distance of 218.94
 706 | feet, to an iron rod; thence S64°10'09"E, a distance
 707 | of 726.09 feet, to an iron rod; thence S64°07'34"E, a
 708 | distance of 634.55 feet, to an iron rod; thence
 709 | S62°56'15"E, a distance of 752.40 feet, to an iron
 710 | rod; thence S65°29'06"E, a distance of 118.42 feet, to
 711 | an iron rod; thence S59°29'15"E, a distance of 116.71
 712 | feet, to an iron rod; thence S41°56'01"E, a distance
 713 | of 88.47 feet, to an iron rod; thence S39°21'46"E, a
 714 | distance of 287.92 feet, to an iron rod; thence
 715 | S39°13'55"E, a distance of 321.23 feet, to an iron
 716 | rod; thence S39°37'39"E, a distance of 318.13 feet, to
 717 | an iron rod; thence S51°26'09"E, a distance of 73.03
 718 | feet, to an iron rod; thence S75°43'21"E, a distance
 719 | of 132.64 feet, to an iron rod; thence S81°00'26"E, a

720 | distance of 449.69 feet, to an iron rod; thence
 721 | S61°25'12"E, a distance of 181.24 feet, to an iron
 722 | rod; thence S76°11'38"E, a distance of 79.34 feet, to
 723 | an iron rod; thence N83°23'17"E, a distance of 57.02
 724 | feet, to an iron rod; thence N57°28'51"E, a distance
 725 | of 65.75 feet, to an iron rod; thence N48°12'37"E, a
 726 | distance of 218.65 feet, to an iron rod; thence
 727 | S71°43'37"E, a distance of 109.38 feet, to an iron
 728 | rod; thence S55°14'02"E, a distance of 91.32 feet, to
 729 | an iron rod; thence S38°01'21"E, a distance of 56.46
 730 | feet, to an iron rod; thence S03°46'11"E, a distance
 731 | of 62.49 feet, to an iron rod; thence S00°46'56"W, a
 732 | distance of 262.22 feet, to an iron rod; thence
 733 | S13°01'47"E, a distance of 243.27 feet, to an iron
 734 | rod; thence S16°57'33"E, a distance of 140.72 feet, to
 735 | an iron rod on the South line of the Southeast one-
 736 | quarter of Section 33, Township 26 South, Range 36
 737 | East; thence N88°28'46"E along the South line of said
 738 | Section 33, 1212.95 feet to Southwest Corner of
 739 | Section 34, Township 26 South, Range 36 East; thence
 740 | N89°06'05"E along the South line of said Section 34,
 741 | 4798.14 feet to a point on the West Right-of-Way line
 742 | of Interstate 95 (Circuit Court Book 53, Pages 359-
 743 | 363, Public Records of Brevard County Florida), thence
 744 | N00°03'59"W, along said Right-of-Way 2480.30 feet;
 745 | thence N00°28'45"W, 328.41 feet, to a point on the
 746 | South Boundary line of Nail Farms (Deed Book 63, Page
 747 | 155, Public Records of Brevard County, Florida);

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748 thence S78°21'10"W along said South Line, 303.63 feet;
749 thence N00°38'50"W, 554.40 feet; thence N89°21'11"E,
750 290.53 feet, to a point on the said West Right-of-Way
751 line of Interstate 95 and a non-tangent intersection
752 with a curve to the left; Thence along said Right-of-
753 Way line and the arc of said curve, (said curve being
754 concave to the West and having a radius of 22800.32
755 feet; a radial bearing of S87°51'38"W, a delta angle
756 of 12°22'37", a chord distance of 4915.73 feet; and a
757 chord bearing of N08°19'41"W) a distance of 4925.30
758 feet to the end of said curve; thence N14°30'59"W,
759 4457.16 feet; thence S75°29'01"W, 200.00 feet; thence
760 N14°30'59"W, 950.00 feet; thence N75°29'01"E, 200.00
761 feet; thence N14°30'59"W, 4932.58 feet to the
762 Southeast corner of the Plat of Viera Central PUD,
763 Tract 12, Unit 1, Parcels 1-3, Phase 3 (Plat Book 44
764 Pages 52-54, Public Records of Brevard County,
765 Florida); thence S61°38'33"W along the South line of
766 said Plat, 86.02 feet to a non-tangent intersection
767 with a curve to the left; Thence along the arc of said
768 curve, (said curve being concave to the West and
769 having a radius of 750.00 feet; a radial bearing of
770 S61°38'33"W, a delta angle of 33°08'08", a chord
771 distance of 427.72 feet; and a chord bearing of
772 N44°55'31"W) a distance of 433.74 feet to the end of
773 said curve and a point on the East line of a parcel of
774 land described in Official Records Book 4568, Pages
775 518-522, Public Records of Brevard County, Florida;

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776 | thence S14°30'59"E along the East line of said parcel,
777 | 253.23 feet; thence S75°13'39"W, 717.10 feet; thence
778 | N14°17'52"W, 287.62 feet to the beginning of a curve
779 | to the right; Thence along the arc of said curve,
780 | (said curve being curved concave to the East and
781 | having a radius of 50.00 feet; a delta angle of
782 | 39°18'18", a chord distance of 33.63 feet; and a chord
783 | bearing of N05°21'17"E) a distance of 34.30 feet to
784 | the beginning of a reverse curve to the left; Thence
785 | along the arc of said curve, (said curve being curved
786 | concave to the West and having a radius of 195.00
787 | feet; a delta angle of 39°31'10", a chord distance of
788 | 131.85 feet, and a chord bearing of N05°14'51"E) a
789 | distance of 134.50 feet to the Southeast corner of the
790 | Plat of Viera Central PUD, Tract 12, Unit 1, Parcels
791 | 1-3, Phase 5 (Plat Book 45, Page 22, Public Records of
792 | Brevard County, Florida) and a non-tangent
793 | intersection with a curve to the left; Thence along
794 | the South line of said Plat and the arc of said curve,
795 | (said curve being concave to the Southeast and having
796 | a radius of 750.00 feet; a radial bearing of
797 | S25°55'03"E, a delta angle of 47°24'20", a chord
798 | distance of 602.99 feet; and a chord bearing of
799 | S40°22'47"W) a distance of 620.54 feet to the end of
800 | said curve; thence S76°30'35"W, 326.62 feet to the
801 | Southwest corner of said plat and a point on the East
802 | line of the Plat of Trafford West (Plat Book 51, Page
803 | 54, Public Records of Brevard County, Florida) and a

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804 non-tangent intersection with a curve to the right;
805 Thence along the East line of said plat and arc of
806 said curve, (said curve being concave to the West and
807 having a radius of 3025.00 feet; a delta angle of
808 01°51'26", a chord distance of 98.06 feet; and a chord
809 bearing of S12°33'47"E) a distance of 98.06 feet to a
810 non-tangent intersection with the Southerly boundary
811 of said plat; thence along said Southerly boundary the
812 following 5 courses and distances:
813 1) S89°08'33"W, 217.69 feet;
814 2) S35°10'57"W, 136.27 feet;
815 3) S00°51'27"E, 242.81 feet;
816 4) S89°08'33"W, 725.22 feet;
817 5) N00°51'27"W, 898.20 feet to the Northwest corner
818 of Tract A of said Trafford West, and a point on the
819 South Right-of-Way line of Trafford Drive; thence
820 S89°08'33"W along said Right-of-Way line of Trafford
821 Drive, 50.00 feet to the Southwest corner of Trafford
822 Drive; thence N00°51'27"W along the West line of
823 Trafford Drive, 100.00 feet to the Northwest corner of
824 Trafford Drive; thence N89°08'33"E along the North
825 Right-of-Way line of Trafford Drive, 70.79 feet to the
826 Southwest corner of that certain parcel of land
827 described in Official Records Book 4939, Page 1184;
828 thence N00°51'24"W, along the West line of said
829 parcel, 401.50 feet to the Northwest corner of said
830 parcel; thence N89°08'33"E, along the North line of
831 said Parcel, 590.76 feet to the Northeast corner of

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832 said parcel and a point on the West Right-of-Way line
 833 of Lake Andrew Drive (150' Right-of Way, Tract G-1,
 834 Plat of Viera Central PUD, Tract 12, Unit 1, Parcels
 835 1-3, Phase 4, Plat Book 44, Pages 91-92); thence
 836 N31°59'26"W along said West Right-of-Way, 1061.84 feet
 837 to the beginning of a curve to the right; Thence along
 838 the arc of said curve, (said curve being concave to
 839 the Northeast and having a radius of 7025.00 feet; a
 840 delta angle of 10°02'20", a chord distance of 242.21
 841 feet, and a chord bearing of N26°58'16"W) a distance
 842 of 363.57 feet to the end of said curve; thence
 843 S69°25'46"W, 700.00 feet; thence N20°34'14"W, 100.00
 844 feet; thence S69°25'46"W, 208.37 feet; thence
 845 S89°08'33"W, 566.39 feet; thence S44°08'33"W, 1022.48
 846 feet; thence S89°08'33"W, 150.00 feet; thence
 847 N00°51'27"W, 318.85 feet; thence S89°08'33"W, 40.00
 848 feet; thence N00°51'27"W, 40.00 feet; thence
 849 S89°08'33"W, 1293.68 feet; thence N00°51'27"W, 1059.47
 850 feet; thence S89°08'33"W, 150.00 feet; thence
 851 S00°51'27"E, 438.26 feet; thence S89°08'33"W, 1552.65
 852 feet; thence N00°35'21"E, 849.03 feet to a point on
 853 the South Right-of Way line of Wickham Road (Plat of
 854 Wickham Road Extension, Plat Book 50, Page 10, Public
 855 Records of Brevard County, Florida); thence
 856 S89°08'33"W along the South line of said plat, 2225.96
 857 feet to the Southwest corner of said Plat; thence
 858 N00°51'27"W along the West line of said plat, 150.00
 859 feet to the Northwest corner of said plat of Wickham

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860 Road Extension, and a point on the South line of the
861 Plat of Heritage Isle - Phase 1 (Plat Book 50, Pages
862 61-66, Public Records of Brevard County, Florida);
863 thence S89°08'33"W along the South line of said plat
864 of Heritage Isle - Phase 1, 1772.10 feet to a point on
865 the West line of the Viera Development of Regional
866 Impact (DRI) (as described in the BREVARD COUNTY
867 RESOLUTION 01-391, Public Records of Brevard County,
868 Florida) and the West line of Section 8, Township 26
869 South, Range 36 East; thence N00°35'22"W along the
870 West line of said Viera DRI and Section 8, 5227.90
871 feet to the Southwest Corner of Section 5, Township 26
872 South, Range 36 East; thence N00°33'35"W along the
873 West line of said Section 5, 5290.28 feet to the
874 Southwest corner of Section 32, Township 25 South,
875 Range 36 East thence N00°31'18"E along the West line
876 of said Section 32, 4667.92 feet; thence N66°33'30"E,
877 1990.78 feet to the beginning of a curve to the left;
878 Thence along the arc of said curve, (said curve being
879 curved concave to the Northwest and having a radius of
880 2988.25 feet; a delta angle of 28°53'46", a chord
881 distance of 1491.15 feet; , and a chord bearing of
882 N52°06'37"E) a distance of 1507.07 feet to the end of
883 said curve and an intersection with a non-tangent
884 line; thence N26°25'15"W, along said non-tangent line,
885 1508.04 feet; thence N00°33'05"W, 470.00 feet; thence
886 N45°39'16"W, 1200.05 feet; thence S89°26'55"W, 150.00
887 feet; thence N45°51'06"W, 274.34 feet; thence

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888 N00°33'05"W, 1456.41 feet to a point on the North line
889 of Section 29, Township 25 South, Range 36 East;
890 thence S89°20'44"W along the North line of said
891 Section 29, 1153.36 feet to the Northeast corner of
892 Section 30, Township 25 South, Range 36 East; Thence
893 S89°23'19"W along the North line of said Section 30,
894 2789.62 feet to the POINT OF BEGINNING.
895 Subject to Easements, Restrictions, Reservations and
896 Rights-of-way of record.
897 LESS AND EXCEPT those certain parcels of land
898 described in Official Records Book 2951, Page 1574;
899 Official Records Book 3412, Page 4823; Official
900 Records Book 4203, Page 2463; Official Records Book
901 5262, Page 3838; AND LESS AND EXCEPT that certain
902 parcel of land described in Civil Action Documents 96-
903 16731-CA-F; all being recorded in the Public Records
904 of Brevard County, Florida.
905 TOGETHER WITH that certain parcel described in
906 Official Records Book 5262, Page 3836, Public Records
907 of Brevard County, Florida
908 Section 5. Board of supervisors; members and meetings;
909 organization; powers; duties; terms of office; related election
910 requirements.--
911 (1) The board of the district shall exercise the powers
912 granted to the district pursuant to this act. The board shall
913 consist of five members, each of whom shall hold office for a
914 term of 4 years, as provided in this section, except as
915 otherwise provided herein for initial board members, and until a

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916 successor is chosen and qualified. The members of the board must
917 be residents of the state and citizens of the United States.

918 (2) (a) Within 90 days following the effective date of the
919 law establishing the district, there shall be held a meeting of
920 the landowners of the district for the purpose of electing five
921 supervisors for the district. Notice of the landowners' meeting
922 shall be published once a week for 2 consecutive weeks in a
923 newspaper which is in general circulation in the area of the
924 district, the last day of such publication to be not fewer than
925 14 days or more than 28 days before the date of the election.
926 The landowners, when assembled at such meeting, shall organize
927 by electing a chair, who shall conduct the meeting. The chair
928 may be any person present at the meeting. If the chair is a
929 landowner or proxy holder of a landowner, he or she may nominate
930 candidates and make and second motions. The landowners present
931 at the meeting, in person or by proxy, shall constitute a
932 quorum. At any landowners' meeting, 50 percent of the district
933 acreage shall not be required to constitute a quorum, and each
934 governing board member elected by landowners shall be elected by
935 a majority of the acreage represented either by owner or proxy
936 present and voting at said meeting.

937 (b) At such meeting, each landowner shall be entitled to
938 cast one vote per acre of land owned by him or her and located
939 within the district for each person to be elected. A landowner
940 may vote in person or by proxy in writing. Each proxy must be
941 signed by one of the legal owners of the property for which the
942 vote is cast and must contain the typed or printed name of the
943 individual who signed the proxy; the street address, legal

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944 description of the property, or tax parcel identification
945 number; and the number of authorized votes. If the proxy
946 authorizes more than one vote, each property must be listed and
947 the number of acres of each property must be included. The
948 signature on a proxy need not be notarized. A fraction of an
949 acre shall be treated as 1 acre, entitling the landowner to one
950 vote with respect thereto. The two candidates receiving the
951 highest number of votes shall be elected for a term expiring
952 November 18, 2008, and the three candidates receiving the next
953 largest number of votes shall be elected for a term expiring
954 November 7, 2006, with the term of office for each successful
955 candidate commencing upon election. The members of the first
956 board elected by landowners shall serve their respective terms;
957 however, the next election of board members shall be held on the
958 first Tuesday after the first Monday in November 2006.
959 Thereafter, there shall be an election by landowners for the
960 district every 2 years on the first Tuesday after the first
961 Monday in November, which shall be noticed pursuant to paragraph
962 (a). The second and subsequent landowners' election shall be
963 announced at a public meeting of the board at least 90 days
964 prior to the date of the landowners' meeting and shall also be
965 noticed pursuant to paragraph (a). Instructions on how all
966 landowners may participate in the election, along with sample
967 proxies, shall be provided during the board meeting that
968 announces the landowners' meeting. Each supervisor elected in or
969 after November 2006 shall serve a 4-year term, unless the
970 supervisor is elected to complete a term created by a vacancy in
971 the office.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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972 (3) (a) 1. The board may not exercise the ad valorem taxing
 973 power or the general obligation bond power authorized by this
 974 act until such time as all members of the board are qualified
 975 electors who are elected by qualified electors of the district.

976 2.a. Regardless of whether the district has proposed to
 977 levy ad valorem taxes or issue general obligation bonds, board
 978 members shall begin being elected by qualified electors of the
 979 district as the district becomes populated with qualified
 980 electors. The transition shall occur such that the composition
 981 of the board, after the first general election following a
 982 trigger as set forth below, shall be as follows:

983 (I) Five years following the creation of the district, one
 984 governing board member shall be a person who was elected by the
 985 qualified electors and four governing board members shall be
 986 persons who were elected by the landowners.

987 (II) Ten years following the creation of the district, two
 988 governing board members shall be persons who were elected by the
 989 qualified electors and three governing board members shall be
 990 persons elected by the landowners.

991 (III) When the district is populated by 60 percent of the
 992 projected total qualified electors, three governing board
 993 members shall be persons who were elected by the qualified
 994 electors and two governing members shall be persons who were
 995 elected by the landowners.

996 (IV) Three years following the trigger in sub-sub-
 997 subparagraph (III), four governing board members shall be
 998 persons who were elected by the qualified electors and one

999 governing board member shall be a person who was elected by the
1000 landowners.

1001 (V) Five years following the trigger in subparagraph
1002 (III), all five governing board members shall be persons who
1003 were elected by the qualified electors.

1004
1005 For purposes of this subparagraph, "projected total qualified
1006 electors" shall mean and refer to the product of: (the total
1007 number of single-family and multi-family units approved within
1008 the district by a development order issued by Brevard County and
1009 in effect in the tenth year following creation of the district)
1010 x (the average number of persons residing within a household
1011 located within Brevard County based on the 2010 U.S. Census) x
1012 (the percentage of Brevard County's general population
1013 registered to vote as reported by the Brevard County Supervisor
1014 of Elections as of the general election occurring November
1015 2014).

1016 Nothing in this sub-subparagraph is intended to require an
1017 election prior to the expiration of an existing board member's
1018 term.

1019 b. On or before June 1, 2016, the board shall determine
1020 the number of projected qualified electors in the district as of
1021 the immediately preceding April 15. Additionally, on or before
1022 June 1, 2016, and each year thereafter until the trigger in
1023 subparagraph (III) is met, the board shall determine the actual
1024 number of qualified electors in the district as of the
1025 immediately preceding April 15. The board shall use and rely
1026 upon the official records maintained by the supervisor of

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1027 elections and property appraiser or tax collector in each county
1028 in making this determination. Such determination shall be made
1029 at a properly noticed meeting of the board and shall become a
1030 part of the official minutes of the district.

1031 c. All governing board members elected by qualified
1032 electors shall be elected at large at an election occurring as
1033 provided in subsection (2) and this subsection.

1034 d. Once the district qualifies to have any of its board
1035 members elected by the qualified electors of the district, the
1036 initial and all subsequent elections by the qualified electors
1037 of the district shall be held at the general election in
1038 November, except as provided in sub-subparagraph e. The board
1039 shall adopt a resolution if necessary to this requirement. The
1040 transition process described herein is intended to be in lieu of
1041 the process set forth in section 189.4051, Florida Statutes.

1042 e. If, during the term of office, a vacancy occurs, the
1043 remainder of the unexpired term shall be filled as follows:

1044 (I) If the vacancy arises with respect to a supervisor
1045 that was elected by landowners, the vacancy shall be filled by a
1046 supervisor elected by the landowners; and

1047 (II) If the vacancy arises with respect to a supervisor
1048 that was elected by the qualified electors of the district, the
1049 vacancy shall be filled by a supervisor elected by the qualified
1050 electors of the district, in which case the district shall be
1051 responsible for paying the expenses associated with any special
1052 election that is required to be conducted.

1053 (b) Elections of board members by qualified electors held
1054 pursuant to this subsection shall be nonpartisan and shall be

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1055 conducted in the manner prescribed by law for holding general
1056 elections. Board members shall assume the office on the second
1057 Tuesday following their election.

1058 (c) Candidates seeking election to office by qualified
1059 electors under this subsection shall conduct their campaigns in
1060 accordance with the provisions of chapter 106, Florida Statutes,
1061 and shall file qualifying papers and qualify for individual
1062 seats in accordance with section 99.061, Florida Statutes.
1063 Candidates shall pay a qualifying fee, which shall consist of a
1064 filing fee and an election assessment or, as an alternative,
1065 shall file a petition signed by not less than 1 percent of the
1066 registered voters of the district, and take the oath required in
1067 section 99.021, Florida Statutes, with the supervisor of
1068 elections in the county affected by such candidacy. The amount
1069 of the filing fee is 3 percent of \$4,800; however, if the
1070 electors have provided for compensation, the amount of the
1071 filing fee is 3 percent of the maximum annual compensation so
1072 provided. The amount of the election assessment is 1 percent of
1073 \$4,800; however, if the electors have provided for compensation,
1074 the amount of the election assessment is 1 percent of the
1075 maximum annual compensation so provided. The filing fee and
1076 election assessment shall be distributed as provided in section
1077 105.031(3), Florida Statutes.

1078 (d) The supervisors of elections shall appoint the
1079 inspectors and clerks of elections, prepare and furnish the
1080 ballots, designate polling places, and canvass the returns of
1081 the election of board members by qualified electors. The county

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1082 canvassing boards shall declare and certify the results of the
1083 election.

1084 (4) Members of the board, regardless of how elected, shall
1085 be public officers, shall be known as supervisors, and, upon
1086 entering into office, shall take and subscribe to the oath of
1087 office as prescribed by section 876.05, Florida Statutes.
1088 Members of the board shall be subject to ethics and conflict of
1089 interest laws of the state that apply to all local public
1090 officers. They shall hold office for the terms for which they
1091 were elected or appointed and until their successors are chosen
1092 and qualified.

1093 (5) Any elected board member may be removed by the
1094 Governor for malfeasance, misfeasance, dishonesty, incompetency,
1095 or failure to perform the duties imposed upon him or her by this
1096 act, and any vacancies that may occur in such office for such
1097 reasons shall be filled by the Governor as soon as practicable.

1098 (6) A majority of the members of the board constitutes a
1099 quorum for the purposes of conducting its business and
1100 exercising its powers and for all other purposes. Action taken
1101 by the district shall be upon a vote of a majority of the
1102 members present unless general law or a rule of the district
1103 requires a greater number.

1104 (7) As soon as practicable after each election or
1105 appointment, the board shall organize by electing one of its
1106 members as chair and by electing a secretary, who need not be a
1107 member of the board, and such other officers as the board may
1108 deem necessary.

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1109 (8) The board shall keep a permanent record book entitled
1110 "Record of Proceedings of Viera Stewardship District," in which
1111 shall be recorded minutes of all meetings, resolutions,
1112 proceedings, certificates, bonds given by all employees, and any
1113 and all corporate acts. The record book and all other district
1114 records shall at reasonable times be opened to inspection in the
1115 same manner as state, county, and municipal records pursuant to
1116 chapter 119, Florida Statutes. The record book shall be kept at
1117 the office or other regular place of business maintained by the
1118 board in a designated location in Brevard County.

1119 (9) Each supervisor shall be entitled to receive for his
1120 or her services an amount not to exceed \$200 per board meeting,
1121 not to exceed \$4,800 per year per supervisor, or an amount
1122 established by the electors at a referendum. In addition, each
1123 supervisor shall receive travel and per diem expenses as set
1124 forth in section 112.061, Florida Statutes.

1125 (10) All meetings of the board shall be open to the public
1126 and governed by the provisions of chapter 286, Florida Statutes.

1127 Section 6. Board of supervisors; general duties.--

1128 (1) DISTRICT MANAGER AND EMPLOYEES.--The board shall
1129 employ and fix the compensation of a district manager, who shall
1130 have charge and supervision of the works of the district and
1131 shall be responsible for preserving and maintaining any
1132 improvement or facility constructed or erected pursuant to the
1133 provisions of this act, for maintaining and operating the
1134 equipment owned by the district, and for performing such other
1135 duties as may be prescribed by the board. It shall not be a
1136 conflict of interest under chapter 112, Florida Statutes, for a

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1137 | board member, the district manager, or another employee of the
 1138 | district to be a stockholder, officer, or employee of a
 1139 | landowner. The district manager may hire or otherwise employ and
 1140 | terminate the employment of such other persons, including,
 1141 | without limitation, professional, supervisory, and clerical
 1142 | employees, as may be necessary and authorized by the board. The
 1143 | compensation and other conditions of employment of the officers
 1144 | and employees of the district shall be as provided by the board.

1145 | (2) TREASURER.--The board shall designate a person who is
 1146 | a resident of the state as treasurer of the district, who shall
 1147 | have charge of the funds of the district. Such funds shall be
 1148 | disbursed only upon the order of or pursuant to a resolution of
 1149 | the board by warrant or check countersigned by the treasurer and
 1150 | by such other person as may be authorized by the board. The
 1151 | board may give the treasurer such other or additional powers and
 1152 | duties as the board may deem appropriate and may fix his or her
 1153 | compensation. The board may require the treasurer to give a bond
 1154 | in such amount, on such terms, and with such sureties as may be
 1155 | deemed satisfactory to the board to secure the performance by
 1156 | the treasurer of his or her powers and duties. The financial
 1157 | records of the board shall be audited by an independent
 1158 | certified public accountant at least once a year.

1159 | (3) PUBLIC DEPOSITORY.--The board is authorized to select
 1160 | as a depository for its funds any qualified public depository as
 1161 | defined in section 280.02, Florida Statutes, which meets all the
 1162 | requirements of chapter 280, Florida Statutes, and has been
 1163 | designated by the treasurer as a qualified public depository
 1164 | upon such terms and conditions as to the payment of interest by

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1165 such depository upon the funds so deposited as the board may
1166 deem just and reasonable.

1167 (4) BUDGET; REPORTS AND REVIEWS.--

1168 (a) The district shall provide financial reports in such
1169 form and such manner as prescribed pursuant to this act and
1170 chapter 218, Florida Statutes, as amended from time to time.

1171 (b) On or before July 15 of each year, the district
1172 manager shall prepare a proposed budget for the ensuing fiscal
1173 year to be submitted to the board for board approval. The
1174 proposed budget shall include at the direction of the board an
1175 estimate of all necessary expenditures of the district for the
1176 ensuing fiscal year and an estimate of income to the district
1177 from the taxes and assessments provided in this act. The board
1178 shall consider the proposed budget item by item and may either
1179 approve the budget as proposed by the district manager or modify
1180 the same in part or in whole. The board shall indicate its
1181 approval of the budget by resolution, which resolution shall
1182 provide for a hearing on the budget as approved. Notice of the
1183 hearing on the budget shall be published in a newspaper of
1184 general circulation in the area of the district once a week for
1185 2 consecutive weeks, except that the first publication shall be
1186 not fewer than 15 days prior to the date of the hearing. The
1187 notice shall further contain a designation of the day, time, and
1188 place of the public hearing. At the time and place designated in
1189 the notice, the board shall hear all objections to the budget as
1190 proposed and may make such changes as the board deems necessary.
1191 At the conclusion of the budget hearing, the board shall, by

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1192 resolution, adopt the budget as finally approved by the board.
 1193 The budget shall be adopted prior to October 1 of each year.

1194 (c) At least 60 days prior to adoption, the Board of
 1195 Supervisors of the district shall submit to the Brevard County
 1196 Board of County Commissioners, for purposes of disclosure and
 1197 information only, the proposed annual budget for the ensuing
 1198 fiscal year, and the Board of County Commissioners may submit
 1199 written comments to the Board of Supervisors solely for the
 1200 assistance and information of the Board of Supervisors of the
 1201 district in adopting its annual district budget.

1202 (d) The Board of Supervisors of the district shall submit
 1203 annually, to the Board of County Commissioners of Brevard
 1204 County, its district public facilities report under section
 1205 189.415(2), Florida Statutes, or the most recent Development of
 1206 Regional Impact report required by section 380.06(15) and (18),
 1207 Florida Statutes, to the extent the report provides the
 1208 information required by section 189.415(2), Florida Statutes,
 1209 which reports the board of county commissioners shall use and
 1210 rely upon in the preparation or revision of its comprehensive
 1211 plan, specifically under section 189.415(6), Florida Statutes.

1212 (5) DISCLOSURE OF PUBLIC FINANCING.--The district shall
 1213 take affirmative steps to provide for the full disclosure of
 1214 information relating to the public financing and maintenance of
 1215 improvements to real property undertaken by the district. Such
 1216 information shall be made available to all existing residents
 1217 and all prospective residents of the district. The district
 1218 shall furnish each developer of a residential development within
 1219 the district with sufficient copies of that information to

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1220 provide each prospective initial purchaser of property in that
1221 development with a copy; and any developer of a residential
1222 development within the district, when required by law to provide
1223 a public offering statement, shall include a copy of such
1224 information relating to the public financing and maintenance of
1225 improvements in the public offering statement. The Division of
1226 Florida Land Sales, Condominiums, and Mobile Homes of the
1227 Department of Business and Professional Regulation shall ensure
1228 that disclosures made by developers pursuant to chapter 498,
1229 Florida Statutes, meet the requirements of section 190.009(1),
1230 Florida Statutes.

1231 (6) GENERAL POWERS.--The district shall have, and the
1232 board may exercise, the following general powers, together with
1233 all other general powers authorized under chapters 189 and 190:

1234 (a) To sue and be sued in the name of the district; to
1235 adopt and use a seal and authorize the use of a facsimile
1236 thereof; to acquire, by purchase, gift, devise, or otherwise,
1237 and to own and dispose of, real and personal property, or any
1238 estate therein; and to make and execute contracts and other
1239 instruments necessary or convenient to the exercise of its
1240 powers.

1241 (b) To apply for coverage of its employees under the
1242 Florida Retirement System in the same manner as if such
1243 employees were state employees, subject to necessary action by
1244 the district to pay employer contributions into the Florida
1245 Retirement System Trust Fund.

1246 (c) To contract for the services of consultants to perform
1247 planning, engineering, legal, or other appropriate services of a

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1248 professional nature. Such contracts shall be subject to public
1249 bidding or competitive negotiation requirements as set forth in
1250 general law applicable to independent special districts.

1251 (d) To borrow money and accept gifts; to apply for and use
1252 grants or loans of money or other property from the United
1253 States, the state, a unit of local government, or any person for
1254 any district purposes and enter into agreements required in
1255 connection therewith; and to hold, use, and dispose of such
1256 moneys or property for any district purposes in accordance with
1257 the terms of the gift, grant, loan, or agreement relating
1258 thereto.

1259 (e) To adopt and enforce rules and orders pursuant to the
1260 provisions of chapter 120, Florida Statutes, prescribing powers,
1261 duties, and functions of the officers of the district; the
1262 conduct of the business of the district; the maintenance of
1263 records; and the form of certificates evidencing tax liens and
1264 all other documents and records of the district. The board may
1265 also adopt and enforce administrative rules with respect to any
1266 of the projects of the district and define the area to be
1267 included therein. The board may also adopt resolutions which may
1268 be necessary for the conduct of district business.

1269 (f) To maintain an office at such place or places as the
1270 board of supervisors designates in Brevard County, and within
1271 the district when facilities are available.

1272 (g) To hold, control, and acquire by donation, purchase,
1273 or condemnation, or dispose of, any public easements,
1274 dedications to public use, platted reservations for public
1275 purposes, or any reservations for those purposes authorized by

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1276 this act and to make use of such easements, dedications, or
1277 reservations for the purposes authorized by this act.

1278 (h) To lease as lessor or lessee to or from any person,
1279 firm, corporation, association, or body, public or private, any
1280 projects of the type that the district is authorized to
1281 undertake and facilities or property of any nature for the use
1282 of the district to carry out the purposes authorized by this
1283 act.

1284 (i) To borrow money and issue bonds, certificates,
1285 warrants, notes, or other evidence of indebtedness as
1286 hereinafter provided; to levy such taxes and assessments as may
1287 be authorized; and to charge, collect, and enforce fees and
1288 other user charges.

1289 (j) To raise, by user charges or fees authorized by
1290 resolution of the board, amounts of money which are necessary
1291 for the conduct of district activities and services and the
1292 maintenance of district facilities and to enforce their receipt
1293 and collection in the manner prescribed by resolution not
1294 inconsistent with law.

1295 (k) To exercise within the district, or beyond the
1296 district with prior approval by vote of a resolution of the
1297 governing body of Brevard County if the taking will occur in an
1298 unincorporated area in that county, the right and power of
1299 eminent domain, pursuant to the provisions of chapters 73 and
1300 74, Florida Statutes, over any property within the state, except
1301 municipal, county, state, and federal property, for the uses and
1302 purpose of the district relating solely to water, sewer,
1303 district roads, and water management and control, specifically

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1304 including, without limitation, the power for the taking of
1305 easements for the drainage of the land of one person over and
1306 through the land of another.

1307 (l) To cooperate with, or contract with, other
1308 governmental agencies as may be necessary, convenient,
1309 incidental, or proper in connection with any of the powers,
1310 duties, or purposes authorized by this act.

1311 (m) To assess and to impose upon lands in the district ad
1312 valorem taxes as provided by this act.

1313 (n) If and when authorized by general law to determine,
1314 order, levy, impose, collect, and enforce maintenance taxes.

1315 (o) To determine, order, levy, impose, collect, and
1316 enforce assessments pursuant to this act and chapter 170,
1317 Florida Statutes, as amended from time to time, pursuant to
1318 authority granted in section 197.3631, Florida Statutes, or
1319 pursuant to other provisions of general law now or hereinafter
1320 enacted which provide or authorize a supplemental means to
1321 order, levy, impose, or collect special assessments. Such
1322 special assessments, in the discretion of the district, may be
1323 collected and enforced pursuant to the provisions of sections
1324 197.3632 and 197.3635, Florida Statutes, and chapters 170 and
1325 173, Florida Statutes, as they may be amended from time to time,
1326 or as provided by this act, or by other means authorized by
1327 general law now or hereinafter enacted.

1328 (p) To exercise such special powers and other express
1329 powers as may be authorized and granted by this act in the
1330 charter of the district, including powers as provided in any
1331 interlocal agreement entered into pursuant to chapter 163,

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1332 Florida Statutes, or which shall be required or permitted to be
 1333 undertaken by the district pursuant to any development order or
 1334 development of regional impact, including any interlocal service
 1335 agreement with Brevard County for proportionate, fair-share, or
 1336 pipelining capital construction funding for any certain capital
 1337 facilities or systems required of the developer pursuant to any
 1338 applicable development order or agreement.

1339 (q) To exercise all of the powers necessary, convenient,
 1340 incidental, or proper in connection with any other powers or
 1341 duties or the special purpose of the district authorized by this
 1342 act.

1343
 1344 The provisions of this subsection shall be construed liberally
 1345 in order to carry out effectively the specialized purpose of
 1346 this act.

1347 (7) SPECIAL POWERS.--The district shall have, and the
 1348 board may exercise, the following special powers to implement
 1349 its lawful and special purpose and to provide, pursuant to that
 1350 purpose, systems, facilities, services, improvements, projects,
 1351 works, and infrastructure, each of which constitutes a lawful
 1352 public purpose when exercised pursuant to this charter, subject
 1353 to, and not inconsistent with, the regulatory jurisdiction and
 1354 permitting authority of all other applicable governmental
 1355 bodies, agencies, and any special districts having authority
 1356 with respect to any area included therein, and to plan,
 1357 establish, acquire, construct or reconstruct, enlarge or extend,
 1358 equip, operate, finance, fund, and maintain improvements,
 1359 systems, facilities, services, works, projects, and

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1360 infrastructure. Any or all of the following special powers are
 1361 granted by this act in order to implement the special purpose of
 1362 the district:

1363 (a) To provide water management and control for the lands
 1364 within the district and to connect some or any of such
 1365 facilities with roads and bridges and to construct, acquire and
 1366 operate any dam, work, appurtenant work, impoundment, or
 1367 reservoir and any connecting, intercepting or outlet mains and
 1368 pipes in, along or under any street, alley, highway or other
 1369 public place or ways; including, but not limited to, acquiring,
 1370 operating, maintaining, repairing and improving water management
 1371 and control facilities necessary for the collection, storage
 1372 control, development, utilization and distribution of nonpotable
 1373 waters for irrigation purposes.

1374 (b) To provide water systems, sewer systems, and
 1375 wastewater management, reclamation and reuse, or any combination
 1376 thereof, and to construct and operate connecting intercepting or
 1377 outlet sewers and sewer mains and pipes and water mains,
 1378 conduits, or pipelines in, along, and under any street, alley,
 1379 highway, or other public place or ways, and to dispose of any
 1380 effluent, residue, or other byproducts of such system or sewer
 1381 system.

1382 1. The district may not purchase or sell a water, sewer,
 1383 or wastewater reuse utility that provides service to the public
 1384 for compensation, or enter into a wastewater facility
 1385 privatization contract for a wastewater facility, until the
 1386 governing body of the district has held a public hearing on the
 1387 purchase, sale, or wastewater facility privatization contract

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1388 and made a determination that the purchase, sale, or wastewater
1389 facility privatization contract is in the public interest. This
1390 limitation is not applicable to an irrigation water utility
1391 provided pursuant to paragraph (a).

1392 2. In determining if the purchase, sale, or wastewater
1393 facility privatization contract is in the public interest, the
1394 district shall consider, at a minimum, the following:

1395 a. The most recent available income and expense statement
1396 for the utility.

1397 b. The most recent available balance sheet for the
1398 utility, listing assets and liabilities and clearly showing the
1399 amount of contributions in aid of construction and the
1400 accumulated depreciation thereon.

1401 c. A statement of the existing rate base of the utility
1402 for regulatory purposes.

1403 d. The physical condition of the utility facilities being
1404 purchased or sold or subject to a wastewater facility
1405 privatization contract.

1406 e. The reasonableness of the purchase, sale, or wastewater
1407 facility privatization contract price and terms.

1408 f. The impacts of the purchase, sale, or wastewater
1409 facility privatization contract on utility customers, both
1410 positive and negative.

1411 g. Any additional investment required and the ability and
1412 willingness of the purchaser or the private firm under a
1413 wastewater facility privatization contract to make that
1414 investment, whether the purchaser is the district or the entity
1415 purchasing the utility from the district.

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1416 h. In the case of a wastewater facility privatization
1417 contract, the terms and conditions on which the private firm
1418 will provide capital investment and financing or a combination
1419 thereof for contemplated capital replacements, additions,
1420 expansions, and repairs.

1421 i. The alternatives to the purchase, sale, or wastewater
1422 facility privatization contract and the potential impact on
1423 utility customers if the purchase, sale, or wastewater facility
1424 privatization contract is not made.

1425 j. The ability of the purchaser or the private firm under
1426 a wastewater facility privatization contract to provide and
1427 maintain high-quality and cost-effective utility service,
1428 whether the purchaser is the district or the entity purchasing
1429 the utility from the district.

1430 k. In the case of a wastewater facility privatization
1431 contract, the district shall give significant weight to the
1432 technical expertise and experience of the private firm in
1433 carrying out the obligations specified in the wastewater
1434 facility privatization contract.

1435 l. All moneys paid by a private firm to a district
1436 pursuant to a wastewater facility privatization contract shall
1437 be used for the purpose of reducing or offsetting property
1438 taxes, wastewater service rates, or debt reduction or making
1439 infrastructure improvements or capital asset expenditures or
1440 other public purpose, provided, however, that nothing herein
1441 shall preclude the district from using all or part of the moneys
1442 for the purpose of the district's qualification for relief from
1443 the repayment of federal grant awards associated with the

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1444 wastewater system as may be required by federal law or
 1445 regulation. The district shall prepare a statement showing that
 1446 the purchase, sale, or wastewater facility privatization
 1447 contract is in the public interest, including a summary of the
 1448 purchaser's or private firm's experience in water, sewer, or
 1449 wastewater reuse utility operation and a showing of financial
 1450 ability to provide the service, whether the purchaser or private
 1451 firm is the district or the entity purchasing the utility from
 1452 the district.

1453 (c) To provide bridges or culverts that may be needed
 1454 across any drain, ditch, canal, floodway, holding basin,
 1455 excavation, public highway, tract, grade, fill, or cut and
 1456 roadways over levees and embankments, and to construct any and
 1457 all of such works and improvements across, through, or over any
 1458 public right-of way, highway, grade, fill, or cut.

1459 (d) To provide public roads and related improvements equal
 1460 to or exceeding the specifications of Brevard County, including,
 1461 but not limited to transportation improvements necessary to
 1462 comply with conditions of development approval applicable to
 1463 lands within the district. This special power includes, but is
 1464 not limited to, roads, parkways, interchanges, bridges,
 1465 landscaping, hardscaping, irrigation, bicycle lanes, jogging
 1466 paths, street lighting, traffic signals, regulatory or
 1467 informational signage, road striping, underground conduit,
 1468 underground cable or fiber or wire installed to pursuant an
 1469 agreement with or tariff of a retail provider of services, and
 1470 all other related improvements and the elements of a functioning
 1471 modern road system in general or as related to the conditions of

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1472 development approval for the lands within the district, together
 1473 with transportation improvements and facilities that are
 1474 freestanding or that may be related to any innovative strategic
 1475 intermodal system of transportation pursuant to applicable
 1476 federal, state, and local law and ordinance.

1477 (e) To provide buses, trolleys, transit shelters,
 1478 ridesharing facilities and services, parking improvements, and
 1479 related signage.

1480 (f) To provide investigation and remediation costs
 1481 associated with the cleanup of actual or perceived environmental
 1482 contamination within the district under the supervision or
 1483 direction of a competent governmental authority unless the
 1484 covered costs benefit any person who is a landowner within the
 1485 district and who caused or contributed to the contamination.

1486 (g) To provide conservation areas, mitigation areas,
 1487 wilderness areas, and wildlife habitat, including the
 1488 maintenance of any plant or animal species, and any related
 1489 interest in real or personal property, and to evaluate, acquire,
 1490 enhance, manage, monitor and maintain conservation, mitigation,
 1491 and preservation lands and wildlife habitat.

1492 (h) Using its general and special powers as set forth in
 1493 this act, to provide any other project within or without the
 1494 boundaries of the district when the project is the subject of an
 1495 agreement between the district and the Board of County
 1496 Commissioners of Brevard County or with any other applicable
 1497 public or private entity, or is approved or required by a
 1498 development order pursuant to sections 380.06 or sections

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1499 380.061, Florida Statutes and is not inconsistent with the
 1500 effective local comprehensive plan.

1501 (i) To provide parks and facilities for indoor and outdoor
 1502 recreational, cultural, and educational uses, provided, however,
 1503 that in no event shall the district finance or own a golf
 1504 course..

1505 (j) To provide fire prevention and control, including fire
 1506 stations, water mains and plugs, fire trucks, and other vehicles
 1507 and equipment.

1508 (k) To provide school buildings and related structures,
 1509 which may be leased, sold, or donated to the school district,
 1510 for use in the educational system when authorized by the
 1511 district school board.

1512 (l) To provide security, including, but not limited to,
 1513 guardhouses, fences, and gates, electronic intrusion-detection
 1514 systems, and patrol cars, when authorized by proper governmental
 1515 agencies; however, the district may not exercise any powers of a
 1516 law enforcement agency but may contract with the appropriate
 1517 local general-purpose government agencies for an increased level
 1518 of such services within the district boundaries. Notwithstanding
 1519 any provision of general law, the district may operate
 1520 guardhouses for the limited purpose of providing security for
 1521 the residents of the district and which serve a predominate
 1522 public, as opposed to private, purpose. Such guardhouses shall
 1523 he operated by the district or any other unit of local
 1524 government pursuant to procedures designed to serve such
 1525 security purposes as set forth in rules adopted by the board,

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1526 | from time to time, following the procedures set forth in chapter
1527 | 120, Florida Statutes.

1528 | (m) To provide control and elimination of mosquitoes and
1529 | other arthropods of public health importance.

1530 | (n) To provide waste collection and disposal.

1531 | (o) To enter into impact fee credit agreements.

1532 | (p) To provide buildings and structures for district
1533 | offices, maintenance facilities, meeting facilities, community
1534 | centers, or any other project authorized or granted by this act.

1535 | (q) To establish and create, at noticed meetings, such
1536 | governmental departments of the Board of Supervisors of the
1537 | district, as well as committees, task forces, boards, or
1538 | commissions, or other agencies under the supervision and control
1539 | of the district, as from time to time the board may deem
1540 | necessary or desirable in the performance of the acts or other
1541 | things necessary to exercise the board's general or special
1542 | powers to implement an innovative project to carry out the
1543 | special purpose of the district as provided in this act and to
1544 | delegate the exercise of its powers to such departments, boards,
1545 | task forces, committees or other agencies and such
1546 | administrative duties and other powers as the board may deem
1547 | necessary or desirable but only if there is a set of expressed
1548 | limitations for accountability, notice, and periodic written
1549 | reporting to the board that shall retain the powers of the
1550 | board.

1551 | (r) To adopt and enforce appropriate rules following the
1552 | procedures of chapter 120, in connection with the provision of
1553 | one or more services through its systems and facilities.

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1554
1555 The enumeration of special powers herein shall not be deemed
1556 exclusive or restrictive but shall be deemed to incorporate
1557 powers express or implied necessary or incident to carrying out
1558 such enumerated special powers, including also the general
1559 powers provided by this special act charter to the district to
1560 implement its single purpose. Further, the provisions of this
1561 subsection shall be construed liberally in order to carry out
1562 effectively the special purpose of this district under this act.
1563 The district may exercise its powers to provide facilities for
1564 potable water, sewer, fire protection, mosquito control, waste
1565 collection and waste disposal services only if such facilities
1566 are to be dedicated to and operated by the county or a
1567 municipality already providing the service or if such county or
1568 municipality declines or is unable to provide the service at the
1569 time the service becomes necessary. Nothing herein:
1570 1. Shall prevent the district from dedicating
1571 transportation or other facilities to the county or a
1572 municipality;
1573 2. Shall be construed to authorize the district to provide
1574 or approve franchises for emergency medical ambulance services,
1575 which authority is reserved to Brevard County under chapter 71-
1576 556 Laws of Florida;
1577 3. Is intended to authorize the imposition of impact fees
1578 based upon alleged police powers or regulatory powers of the
1579 district;
1580 4. Is intended to limit the power of the county or a city
1581 to provide such facilities and to require landowners to utilize

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1582 such facilities as a condition to development of lands within
1583 the district; or

1584 5. Is intended to prohibit the district from providing
1585 additional services beyond those offered by the county or a
1586 municipality.

1587 (8) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to
1588 the other powers provided for in this act, and not in limitation
1589 thereof, the district shall have the power, at any time and from
1590 time to time after the issuance of any bonds of the district
1591 shall have been authorized, to borrow money for the purposes for
1592 which such bonds are to be issued in anticipation of the receipt
1593 of the proceeds of the sale of such bonds and to issue bond
1594 anticipation notes in a principal sum not in excess of the
1595 authorized maximum amount of such bond issue. Such notes shall
1596 be in such denomination or denominations, bear interest at such
1597 rate as the board may determine not to exceed the maximum rate
1598 allowed by general law, mature at such time or times not later
1599 than 5 years from the date of issuance, and be in such form and
1600 executed in such manner as the board shall prescribe. Such notes
1601 may be sold at either public or private sale or, if such notes
1602 shall be renewal notes, may be exchanged for notes then
1603 outstanding on such terms as the board shall determine. Such
1604 notes shall be paid from the proceeds of such bonds when issued
1605 The board may, in its discretion, in lieu of retiring the notes
1606 by means of bonds, retire them by means of current revenues or
1607 from any taxes or assessments levied for the payment of such
1608 bonds, but, in such event, a like amount of the bonds authorized
1609 shall not be issued.

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1610 (9) BORROWING.--The district at any time may obtain loans,
1611 in such amount and on such terms and conditions as the board may
1612 approve, for the purpose of paying any of the expenses of the
1613 district or any costs incurred or that may be incurred in
1614 connection with any of the projects of the district, which loans
1615 shall bear interest as the board determines, not to exceed the
1616 maximum rate allowed by general law, and may be payable from and
1617 secured by a pledge of such funds, revenues, taxes, and
1618 assessments as the board may determine, subject, however, to the
1619 provisions contained in any proceeding under which bonds were
1620 theretofore issued and are then outstanding. For the purpose of
1621 defraying such costs and expenses, the district may issue
1622 negotiable notes, warrants, or other evidences of debt to be
1623 payable at such times and to bear such interest as the board may
1624 determine, not to exceed the maximum rate allowed by general
1625 law, and to be sold or discounted at such price or prices not
1626 less than 95 percent of par value and on such terms as the board
1627 may deem advisable. The board shall have the right to provide
1628 for the payment thereof by pledging the whole or any part of the
1629 funds, revenues, taxes, and assessments of the district. The
1630 approval of the electors residing in the district shall not be
1631 necessary except when required by the State Constitution.

1632 (10) BONDS.--

1633 (a) Sale of bonds.--Bonds may be sold in blocks or
1634 installments at different times, or an entire issue or series
1635 may be sold at one time. Bonds may be sold at public or private
1636 sale after such advertisement, if any, as the board may deem
1637 advisable but not in any event at less than 90 percent of the

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1638 par value thereof, together with accrued interest thereon. Bonds
1639 may be sold or exchanged for refunding bonds. Special assessment
1640 and revenue bonds may be delivered by the district as payment of
1641 the purchase price of any project or part thereof, or a
1642 combination of projects or parts thereof, or as the purchase
1643 price or exchange for any property, real, personal, or mixed,
1644 including franchises or services rendered by any contractor,
1645 engineer, or other person, all at one time or in blocks from
1646 time to time, in such manner and upon such terms as the board in
1647 its discretion shall determine. The price or prices for any
1648 bonds sold, exchanged, or delivered may be:

1649 1. The money paid for the bonds.

1650 2. The principal amount, plus accrued interest to the date
1651 of redemption or exchange, or outstanding obligations exchanged
1652 for refunding bonds.

1653 3. In the case of special assessment or revenue bonds, the
1654 amount of any indebtedness to contractors or other persons paid
1655 with such bonds, or the fair value of any properties exchanged
1656 for the bonds, as determined by the board.

1657 (b) Authorization and form of bonds.--Any general
1658 obligation bonds, special assessment bonds, or revenue bonds may
1659 be authorized by resolution or resolutions of the board which
1660 shall be adopted by a majority of all the members thereof then
1661 in office. Such resolution or resolutions may be adopted at the
1662 same meeting at which they are introduced and need not be
1663 published or posted. The board may, by resolution, authorize the
1664 issuance of bonds and fix the aggregate amount of bonds to be
1665 issued; the purpose or purposes for which the moneys derived

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1666 therefrom shall be expended, including, but not limited to,
1667 payment of costs as defined in section 2(2)(i); the rate or
1668 rates of interest, not to exceed the maximum rate allowed by
1669 general law; the denomination of the bonds; whether or not the
1670 bonds are to be issued in one or more series; the date or dates
1671 of maturity, which shall not exceed 40 years from their
1672 respective dates of issuance; the medium of payment; the place
1673 or places within or without the state at which payment shall be
1674 made; registration privileges; redemption terms and privileges,
1675 whether with or without premium; the manner of execution; the
1676 form of the bonds, including any interest coupons to be attached
1677 thereto; the manner of execution of bonds and coupons; and any
1678 and all other terms, covenants, and conditions thereof and the
1679 establishment of revenue or other funds. Such authorizing
1680 resolution or resolutions may further provide for the contracts
1681 authorized by section 159.825(1)(f) and (g), Florida Statutes,
1682 regardless of the tax treatment of such bonds being authorized,
1683 subject to the finding by the board of a net saving to the
1684 district resulting by reason thereof. Such authorizing
1685 resolution may further provide that such bonds may be executed
1686 in accordance with the Registered Public Obligations Act, except
1687 that bonds not issued in registered form shall be valid if
1688 manually countersigned by an officer designated by appropriate
1689 resolution of the board. The seal of the district may be
1690 affixed, lithographed, engraved, or otherwise reproduced in
1691 facsimile on such bonds. In case any officer whose signature
1692 shall appear on any bonds or coupons shall cease to be such
1693 officer before the delivery of such bonds, such signature or

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1694 facsimile shall nevertheless be valid and sufficient for all
1695 purposes the same as if he or she had remained in office until
1696 such delivery.

1697 (c) Interim certificates; replacement
1698 certificates.--Pending the preparation of definitive bonds, the
1699 board may issue interim certificates or receipts or temporary
1700 bonds, in such form and with such provisions as the board may
1701 determine, exchangeable for definitive bonds when such bonds
1702 have been executed and are available for delivery. The board may
1703 also provide for the replacement of any bonds which become
1704 mutilated lost, or destroyed.

1705 (d) Negotiability of bonds.--Any bond issued under this
1706 act or any temporary bond, in the absence of an express recital
1707 on the face thereof that it is nonnegotiable, shall be fully
1708 negotiable and shall be and constitute a negotiable instrument
1709 within the meaning and for all purposes of the law merchant and
1710 the laws of the state.

1711 (e) Defeasance.--The board may make such provision with
1712 respect to the defeasance of the right, title, and interest of
1713 the holders of any of the bonds and obligations of the district
1714 in any revenues, funds, or other properties by which such bonds
1715 are secured as the board deems appropriate and, without
1716 limitation on the foregoing, may provide that when such bonds or
1717 obligations become due and payable or shall have been called for
1718 redemption and the whole amount of the principal and interest
1719 and premium, if any, due and payable upon the bonds or
1720 obligations then outstanding shall be held in trust for such
1721 purpose, and provision shall also be made for paying all other

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1722 sums payable in connection with such bonds or other obligations,
1723 then and in such event the right, title, and interest of the
1724 holders of the bonds in any revenues, funds, or other properties
1725 by which such bonds are secured shall thereupon cease,
1726 terminate, and become void; and the board may apply any surplus
1727 in any sinking fund established in connection with such bonds or
1728 obligations and all balances remaining in all other funds or
1729 accounts other than moneys held for the redemption or payment of
1730 the bonds or other obligations to any lawful purpose of the
1731 district as the board shall determine.

1732 (f) Issuance of additional bonds.--If the proceeds of any
1733 bonds are less than the cost of completing the project in
1734 connection with which such bonds were issued, the board may
1735 authorize the issuance of additional bonds, upon such terms and
1736 conditions as the board may provide in the resolution
1737 authorizing the issuance thereof, but only in compliance with
1738 the resolution or other proceedings authorizing the issuance of
1739 the original bonds.

1740 (g) Refunding bonds.--The district shall have the power to
1741 issue bonds to provide for the retirement or refunding of any
1742 bonds or obligations of the district that at the time of such
1743 issuance are or subsequent thereto become due and payable, or
1744 that at the time of issuance have been called or are or will be
1745 subject to call for redemption within 10 years thereafter, or
1746 the surrender of which can be procured from the holders thereof
1747 at prices satisfactory to the board. Refunding bonds may be
1748 issued at any time that in the judgment of the board such
1749 issuance will be advantageous to the district. No approval of

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1750 the qualified electors residing in the district shall be
 1751 required for the issuance of refunding bonds except in cases in
 1752 which such approval is required by the State Constitution. The
 1753 board may by resolution confer upon the holders of such
 1754 refunding bonds all rights, powers, and remedies to which the
 1755 holders would be entitled if they continued to be the owners and
 1756 had possession of the bonds for the refinancing of which such
 1757 refunding bonds are issued, including, but not limited to, the
 1758 preservation of the lien of such bonds on the revenues of any
 1759 project or on pledged funds, without extinguishment, impairment,
 1760 or diminution thereof. The provisions of this act pertaining to
 1761 bonds of the district shall, unless the context otherwise
 1762 requires, govern the issuance of refunding bonds, the form and
 1763 other details thereof, the rights of the holders thereof, and
 1764 the duties of the board with respect to them.

1765 (h) Revenue bonds.--

1766 1. The district shall have the power to issue revenue
 1767 bonds from time to time without limitation as to amount. Such
 1768 revenue bonds may be secured by, or payable from, the gross or
 1769 net pledge of the revenues to be derived from any project or
 1770 combination of projects; from the rates, fees, or other charges
 1771 to be collected from the users of any project or projects; from
 1772 any revenue-producing undertaking or activity of the district;
 1773 from special assessments; or from benefit special assessments;
 1774 or from any other source or pledged security. Such bonds shall
 1775 not constitute an indebtedness of the district, and the approval
 1776 of the qualified electors shall not be required unless such

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1777 bonds are additionally secured by the full faith and credit and
 1778 taxing power of the district.

1779 2. Any two or more projects may be combined and
 1780 consolidated into a single project and may hereafter be operated
 1781 and maintained as a single project. The revenue bonds authorized
 1782 herein may be issued to finance any one or more of such
 1783 projects, regardless of whether or not such projects have been
 1784 combined and consolidated into a single project. If the board
 1785 deems it advisable, the proceedings authorizing such revenue
 1786 bonds may provide that the district may thereafter combine the
 1787 projects then being financed or theretofore financed with other
 1788 projects to be subsequently financed by the district and that
 1789 revenue bonds to be thereafter issued by the district shall be
 1790 on parity with the revenue bonds then being issued, all on such
 1791 terms, conditions, and limitations as shall have been provided
 1792 in the proceeding which authorized the original bonds.

1793 (i) General obligation bonds.--

1794 1. Subject to the limitations of this charter, the
 1795 district shall have the power from time to time to issue general
 1796 obligation bonds to finance or refinance capital projects or to
 1797 refund outstanding bonds in an aggregate principal amount of
 1798 bonds outstanding at any one time not in excess of 35 percent of
 1799 the assessed value of the taxable property within the district
 1800 as shown on the pertinent tax records at the time of the
 1801 authorization of the general obligation bonds for which the full
 1802 faith and credit of the district is pledged. Except for
 1803 refunding bonds, no general obligation bonds shall be issued
 1804 unless the bonds are issued to finance or refinance a capital

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1805 project and the issuance has been approved at an election held
 1806 in accordance with the requirements for such election as
 1807 prescribed by the State Constitution. Such elections shall be
 1808 called to be held in the district by the Board of County
 1809 Commissioners of Brevard County upon the request of the board of
 1810 the district. The expenses of calling and holding an election
 1811 shall be at the expense of the district, and the district shall
 1812 reimburse the county for any expenses incurred in calling or
 1813 holding such election.

1814 2. The district may pledge its full faith and credit for
 1815 the payment of the principal and interest on such general
 1816 obligation bonds and for any reserve funds provided therefor and
 1817 may unconditionally and irrevocably pledge itself to levy ad
 1818 valorem taxes on all taxable property in the district, to the
 1819 extent necessary for the payment thereof, without limitation as
 1820 to rate or amount.

1821 3. If the board determines to issue general obligation
 1822 bonds for more than one capital project, the approval of the
 1823 issuance of the bonds for each and all such projects may be
 1824 submitted to the electors on one and the same ballot. The
 1825 failure of the electors to approve the issuance of bonds for one
 1826 or more capital projects shall not defeat the approval of any
 1827 bonds for any capital project which has been approved by the
 1828 electors.

1829 4. In arriving at the amount of general obligation bonds
 1830 permitted to be outstanding at any one time pursuant to
 1831 subparagraph 1., there shall not be included any general

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1832 obligation bonds which are additionally secured by the pledge
1833 of:

1834 a. Any assessments levied in an amount sufficient to pay
1835 the principal and interest on the general obligation bonds so
1836 additionally secured, which assessments have been equalized and
1837 confirmed by resolution of the board pursuant to this act or
1838 section 170.08, Florida Statutes.

1839 b. Water revenues, sewer revenues, or water and sewer
1840 revenues of the district to be derived from user fees in an
1841 amount sufficient to pay the principal and interest on the
1842 general obligation bonds so additionally secured.

1843 c. Any combination of assessments and revenues described
1844 in sub-subparagraphs a. and b.

1845 (j) Bonds as legal investment or security.--

1846 1. Notwithstanding any provisions of any other law to the
1847 contrary, all bonds issued under the provisions of this act
1848 shall constitute legal investments for savings banks, banks,
1849 trust companies, insurance companies, executors, administrators,
1850 trustees, guardians, and other fiduciaries and for any board,
1851 body, agency, instrumentality, county, municipality, or other
1852 political subdivision of the state and shall be and constitute
1853 security which may be deposited by banks or trust companies as
1854 security for deposits of state, county, municipal, or other
1855 public funds or by insurance companies as required or voluntary
1856 statutory deposits.

1857 2. Any bonds issued by the district shall be incontestable
1858 in the hands of bona fide purchasers or holders for value and

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1859 shall not be invalid because of any irregularity or defect in
1860 the proceedings for the issue and sale thereof.

1861 (k) Covenants.--Any resolution authorizing the issuance of
1862 bonds may contain such covenants as the board may deem
1863 advisable, and all such covenants shall constitute valid and
1864 legally binding and enforceable contracts between the district
1865 and the bondholders, regardless of the time of issuance thereof.
1866 Such covenants may include, without limitation, covenants
1867 concerning the disposition of the bond proceeds; the use and
1868 disposition of project revenues; the pledging of revenues,
1869 taxes, and assessments; the obligations of the district with
1870 respect to the operation of the project and the maintenance of
1871 adequate project revenues; the issuance of additional bonds; the
1872 appointment, powers, and duties of trustees and receivers; the
1873 acquisition of outstanding bonds and obligations; restrictions
1874 on the establishing of competing projects or facilities;
1875 restrictions on the sale or disposal of the assets and property
1876 of the district; the priority of assessment liens; the priority
1877 of claims by bondholders on the taxing power of the district;
1878 the maintenance of deposits to ensure the payment of revenues by
1879 users of district facilities and services; the discontinuance of
1880 district services by reason of delinquent payments; acceleration
1881 upon default; the execution of necessary instruments; the
1882 procedure for amending or abrogating covenants with the
1883 bondholders; and such other covenants as may be deemed necessary
1884 or desirable for the security of the bondholders.

1885 (l) Validation proceedings.--The power of the district to
1886 issue bonds under the provisions of this act may be determined,

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1887 and any of the bonds of the district maturing over a period of
 1888 more than 5 years shall be validated and confirmed, by court
 1889 decree, under the provisions of chapter 75, Florida Statutes,
 1890 and laws amendatory thereof or supplementary thereto.

1891 (m) Tax exemption.--To the extent allowed by general law,
 1892 all bonds issued hereunder and interest paid thereon and all
 1893 fees, charges, and other revenues derived by the district from
 1894 the projects provided by this act are exempt from all taxes by
 1895 the state or by any political subdivision, agency, or
 1896 instrumentality thereof; however, any interest, income, or
 1897 profits on debt obligations issued hereunder are not exempt from
 1898 the tax imposed by chapter 220, Florida Statutes.

1899 (n) Application of section 189.4085, Florida
 1900 Statutes.--Bonds issued by the district shall meet the criteria
 1901 set forth in section 189.4085, Florida Statutes.

1902 (o) Act furnishes full authority for issuance of the
 1903 bonds.--This act constitutes full and complete authority for the
 1904 issuance of bonds and the exercise of the powers of the district
 1905 provided herein. No procedures or proceedings, publications,
 1906 notices, consents, approvals, orders, acts, or things by the
 1907 board, or any board, officer, commission, department, agency, or
 1908 instrumentality of the district, other than those required b
 1909 this act, shall be required to perform anything under this act,
 1910 except that the issuance or sale of bonds pursuant to the
 1911 provisions of this act shall comply with the general law
 1912 requirements applicable to the issuance or sale of bonds by the
 1913 district. Nothing in this act shall be construed to authorize

1914 the district to utilize bond proceeds to fund the ongoing
 1915 operations of the district.

1916 (p) Pledge by the state to the bondholders of the
 1917 district.--The state pledges to the holders of any bonds issued
 1918 under this act that it will not limit or alter the rights of the
 1919 district to own, acquire, construct, reconstruct, improve,
 1920 maintain, operate, or furnish the projects or to levy and
 1921 collect the taxes, assessments, rentals, rates, fees, and other
 1922 charges provided for herein and to fulfill the terms of any
 1923 agreement made with the holders of such bonds or other
 1924 obligations and that it will not in any way impair the rights or
 1925 remedies of such holders.

1926 (q) Default.--A default on the bonds or obligations of a
 1927 district shall not constitute a debt or obligation of the state
 1928 or any general-purpose local government or the state.

1929 (11) TRUST AGREEMENTS.--Any issue of bonds shall be
 1930 secured by a trust agreement by and between the district and a
 1931 corporate trustee or trustees, which may be any trust company or
 1932 bank having the powers of a trust company within or without the
 1933 state. The resolution authorizing the issuance of the bonds or
 1934 such trust agreement may pledge the revenues to be received from
 1935 any projects of the district and may contain such provisions for
 1936 protecting and enforcing the rights and remedies of the
 1937 bondholders as the board may approve, including, without
 1938 limitation, covenants setting forth the duties of the district
 1939 in relation to: the acquisition, construction, reconstruction,
 1940 improvement, maintenance, repair, operation, and insurance of
 1941 any projects; the fixing and revising of the rates, fees, and

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1942 charges; and the custody, safeguarding, and application of all
 1943 moneys and for the employment of consulting engineers in
 1944 connection with such acquisition, construction, reconstruction,
 1945 improvement, maintenance, repair, or operation. It shall be
 1946 lawful for any bank or trust company within or without the state
 1947 which may act as a depository of the proceeds of bonds or of
 1948 revenues to furnish such indemnifying bonds or to pledge such
 1949 securities as may be required by the district. Such resolution
 1950 or trust agreement may set forth the rights and remedies of the
 1951 bondholders and of the trustee, if any, and may restrict the
 1952 individual right of action by bondholders. The board may provide
 1953 for the payment of proceeds of the sale of the bonds and the
 1954 revenues of any project to such officer, board, or depository as
 1955 it may designate for the custody thereof and may provide for the
 1956 method of disbursement thereof with such safeguards and
 1957 restrictions as it may determine. All expenses incurred in
 1958 carrying out the provisions of such resolution or trust
 1959 agreement may be treated as part of the cost of operation of the
 1960 project to which such trust agreement pertains.

1961 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 1962 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 1963 ASSESSMENTS; MAINTENANCE TAXES.--

1964 (a) Ad valorem taxes.--When all members of the board are
 1965 qualified electors who are elected by qualified electors of the
 1966 district, the board shall have the power to levy and assess an
 1967 ad valorem tax on all the taxable property in the district to
 1968 construct, operate, and maintain assessable improvements; to pay
 1969 the principal of, and interest on, any general obligation bonds

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1970 of the district; and to provide for any sinking or other funds
 1971 established in connection with any such bonds. An ad valorem tax
 1972 levied by the board for operating purposes, exclusive of debt
 1973 service on bonds, shall not exceed 3 mills. The ad valorem tax
 1974 provided for herein shall be in addition to county and all other
 1975 ad valorem taxes provided for by law. Such tax shall be
 1976 assessed, levied, and collected in the same manner and at the
 1977 same time as county taxes. The levy of ad valorem taxes must be
 1978 approved by referendum as required by s. 9, Article VII of the
 1979 State Constitution.

1980 (b) Benefit special assessments.--The board annually shall
 1981 determine, order, and levy the annual installment of the total
 1982 benefit special assessments for bonds issued and related
 1983 expenses to finance assessable improvements. These assessments
 1984 may be due and collected during each year that county taxes are
 1985 due and collected, in which case such annual installment and
 1986 levy shall be evidenced to and certified to the property
 1987 appraiser by the board not later than August 31 of each year.
 1988 Such assessment shall be entered by the property appraiser on
 1989 the county tax rolls and shall be collected and enforced by the
 1990 tax collector in the same manner and at the same time as county
 1991 taxes, and the proceeds thereof shall be paid to the district.
 1992 However, this subsection shall not prohibit the district in its
 1993 discretion from using the method prescribed in either section
 1994 197.3632, Florida Statutes or chapter 173, Florida Statutes, as
 1995 each may be amended from time to time, for collecting and
 1996 enforcing these assessments. Each annual installment of benefit
 1997 special assessments shall be a lien on the property against

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1998 | which assessed until paid and shall be enforceable in like
 1999 | manner as county taxes. The amount of the assessment for the
 2000 | exercise of the district's powers under subsections (6) and (7)
 2001 | shall be determined by the board based upon a report of the
 2002 | district's engineer and assessed by the board upon such lands,
 2003 | which may be part or all of the lands within the district
 2004 | benefited by the improvement, apportioned between benefited
 2005 | lands in proportion to the benefits received by each tract of
 2006 | land. The board may, if it determines it is in the best
 2007 | interests of the district, set forth in the proceedings
 2008 | initially levying such benefit special assessments or in
 2009 | subsequent proceedings a formula for the determination of an
 2010 | amount, which when paid by a taxpayer with respect to any tax
 2011 | parcel, shall constitute a prepayment all future annual
 2012 | installments of such benefit special assessments and that the
 2013 | payment of which amount with respect such tax parcel shall
 2014 | relieve and discharge such tax parcel of the lien of such
 2015 | benefit special assessments and any subsequent annual
 2016 | installment thereof. The board may provide further that upon
 2017 | delinquency in the payment of any annual installment of benefit
 2018 | special assessments, the prepayment amount of all future annual
 2019 | installments of benefit special assessments as determined in the
 2020 | preceding sentence shall be and become immediately due and
 2021 | payable together with such delinquent annual installment.

2022 | (c) Non-ad valorem maintenance taxes.--If and when
 2023 | authorized by general law, to maintain and to preserve the
 2024 | physical facilities and services constituting the works,
 2025 | improvements, or infrastructure provided by the district

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2026 pursuant to this act, to repair and restore any one or more of
 2027 them, when needed, and to defray the current expenses of the
 2028 district, including any sum which may be required to pay state
 2029 and county ad valorem taxes on any taxable lands which may have
 2030 been purchased and which are held by the district under the
 2031 provisions of this act, the Board of Supervisors may, upon the
 2032 completion of said systems, facilities, services, works,
 2033 improvements, or infrastructure, in whole or in part, as may be
 2034 certified to the board by the engineer of the board, levy
 2035 annually a non-ad valorem and nonmillage tax upon each tract or
 2036 parcel of land within the district, to be known as a
 2037 "maintenance tax." This non-ad valorem maintenance tax shall be
 2038 apportioned upon the basis of the net assessments of benefits
 2039 assessed as accruing from the original construction and shall be
 2040 evidenced to and certified by the Board of Supervisors of the
 2041 district not later than June 1 of each year to the property
 2042 appraiser of Brevard County and shall be extended by the
 2043 property appraiser on the tax roll of the property appraiser, as
 2044 certified by the property appraiser to the tax collector, and
 2045 collected by the tax collector on the merged collection roll of
 2046 the tax collector in the same manner and at the same time as
 2047 county ad valorem taxes, and the proceeds therefrom shall be
 2048 paid to the district. This non-ad valorem maintenance tax shall
 2049 be a lien until paid on the property against which assessed and
 2050 enforceable in like manner and of the same dignity as county ad
 2051 valorem taxes.

2052 (d) Maintenance special assessments.--To maintain and
 2053 preserve the facilities and projects of the district, the board

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2054 may levy a maintenance special assessment. This assessment may
 2055 be evidenced to and certified to the property appraiser by the
 2056 Board of Supervisors not later than August 31 of each year and
 2057 shall be entered by the property appraiser on the county tax
 2058 rolls and shall be collected and enforced by the tax collector
 2059 in the same manner and at the same time as county taxes, and the
 2060 proceeds therefrom shall be paid to the district. However, this
 2061 subsection shall not prohibit the district in its discretion
 2062 from using the method prescribed in either section 197.363,
 2063 section 197.3631, or section 197.3632, Florida Statutes, for
 2064 collecting and enforcing these assessments. These maintenance
 2065 special assessments shall be a lien on the property against
 2066 which assessed until paid and shall be enforceable in like
 2067 manner as county taxes. The amount of the maintenance special
 2068 assessment for the exercise of the district's powers under this
 2069 section shall be determined by the board based upon a report of
 2070 the district's engineer and assessed by the board upon such
 2071 lands, which may be all of the lands within the district
 2072 benefited by the maintenance thereof, apportioned between the
 2073 benefited lands in proportion to the benefits received by each
 2074 tract of land.

2075 (e) Special assessments.--To levy and impose any special
 2076 assessments pursuant to this subsection.

2077 (f) Enforcement of taxes.--The collection and enforcement
 2078 of all taxes levied by the district shall be at the same time
 2079 and in like manner as county taxes, and the provisions of the
 2080 laws of Florida relating to the sale of lands for unpaid and
 2081 delinquent county taxes; the issuance, sale, and delivery of tax

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2082 certificates for such unpaid and delinquent county taxes; the
2083 redemption thereof; the issuance to individuals of tax deeds
2084 based thereon; and all other procedures in connection therewith
2085 shall be applicable to the district to the same extent as if
2086 such statutory provisions were expressly set forth herein. All
2087 taxes shall be subject to the same discounts as county taxes.

2088 (g) When unpaid tax is delinquent; penalty.--All taxes
2089 provided for in this act shall become delinquent and bear
2090 penalties on the amount of such taxes in the same manner as
2091 county taxes.

2092 (h) Status of assessments.--Benefit special assessments,
2093 maintenance special assessments, and special assessments are
2094 hereby found and determined to be non-ad valorem assessments as
2095 defined by section 197.3632, Florida Statutes. Maintenance taxes
2096 are non-ad valorem taxes and are not special assessments.

2097 (i) Assessments constitute liens; collection.--Any and all
2098 assessments, including special assessments, benefit special
2099 assessments, and maintenance special assessments authorized by
2100 this section, and including special assessments as defined by
2101 section 2(2)(z) and granted and authorized by this subsection,
2102 and including maintenance taxes if authorized by general law,
2103 shall constitute a lien on the property against which assessed
2104 from the date of levy and imposition thereof until paid, coequal
2105 with the lien of state, county, municipal, and school board
2106 taxes. These assessments may be collected, at the district's
2107 discretion, under authority of section 197.3631, Florida
2108 Statutes, as amended from time to time, by the tax collector
2109 pursuant to the provisions of sections 197.3632 and 197.3635,

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2110 Florida Statutes, as amended from time to time, or in accordance
 2111 with other collection measures provided by law. In addition to,
 2112 and not in limitation of, any powers otherwise set forth herein
 2113 or in general law, these assessments may also be enforced
 2114 pursuant to the provisions of chapter 173, Florida Statutes, as
 2115 amended from time to time.

2116 (j) Land owned by governmental entity.--Except as
 2117 otherwise provided by law, no levy of ad valorem taxes or non-ad
 2118 valorem assessments under this act, chapter 170, or chapter 197,
 2119 Florida Statutes, as each may be amended from time to time, or
 2120 otherwise, by a board of a District, on property of a
 2121 governmental entity that is subject to a ground lease as
 2122 described in section 190.003(13), Florida Statutes, shall
 2123 constitute a lien or encumbrance on the underlying fee interest
 2124 of such governmental entity.

2125 (13) SPECIAL ASSESSMENTS.--

2126 (a) As an alternative method to the levy and imposition of
 2127 special assessments pursuant to chapter 170, Florida Statutes,
 2128 pursuant to the authority of section 197.3631, Florida Statutes,
 2129 or pursuant to other provisions of general law, now or hereafter
 2130 enacted, which provide a supplemental means or authority to
 2131 impose, levy, and collect special assessments as otherwise
 2132 authorized under this act, the board may levy and impose special
 2133 assessments to finance the exercise of any of its powers
 2134 permitted under this act using the following uniform procedures:

2135 1. At a noticed meeting, the board of supervisors of the
 2136 district may consider and review an engineer's report on the
 2137 costs of the systems, facilities, and services to be provided, a

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2138 preliminary assessment methodology, and a preliminary roll based
2139 on acreage or platted lands, depending upon whether platting has
2140 occurred.

2141 a. The assessment methodology shall address and discuss
2142 and the board shall consider whether the systems, facilities,
2143 and services being contemplated will result in special benefits
2144 peculiar to the property, different in kind and degree than
2145 general benefits, as a logical connection between the systems,
2146 facilities, and services themselves and the property, and
2147 whether the duty to pay the assessments by the property owners
2148 is apportioned in a manner that is fair and equitable and not in
2149 excess of the special benefit received. It shall be fair and
2150 equitable to designate a fixed proportion of the annual debt
2151 service, together with interest thereon, on the aggregate
2152 principal amount of bonds issued to finance such systems,
2153 facilities, and services which give rise to unique, special, and
2154 peculiar benefits to property of the same or similar
2155 characteristics under the assessment methodology so long as such
2156 fixed proportion does not exceed the unique, special, and
2157 peculiar benefits enjoyed by such property from such systems,
2158 facilities, and services.

2159 b. The engineer's cost report shall identify the nature
2160 the proposed systems, facilities, and services, their location,
2161 a cost breakdown plus a total estimated cost, including cost of
2162 construction or reconstruction, labor, and materials, lands,
2163 property, rights, easements, franchises, or systems, facilities,
2164 and services to be acquired, cost of plans and specifications,
2165 surveys of estimates of costs and revenues, costs of

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2166 engineering, legal, and other professional consultation
 2167 services, and other expenses or costs necessary or incident to
 2168 determining the feasibility or practicability of such
 2169 construction, reconstruction, or acquisition, administrative
 2170 expenses, relationship to the authority and power of the
 2171 district in its charter, and such other expenses or costs as may
 2172 be necessary or incident to the financing to be authorized by
 2173 the Board of Supervisors.

2174 c. The preliminary assessment roll to be prepared will be
 2175 in accordance with the method of assessment provided for in the
 2176 assessment methodology and as may be adopted by the Board of
 2177 Supervisors; the assessment roll shall be completed as promptly
 2178 as possible and shall show the acreage, lots, lands, or plats
 2179 assessed and the amount of the fairly and reasonably apportioned
 2180 assessment based on special and peculiar benefit to the
 2181 property, lot, parcel, or acreage of land; and, if the
 2182 assessment against each such lot, parcel, acreage, or portion of
 2183 land is to be paid in installments, the number of annual
 2184 installments in which the assessment is divided shall be entered
 2185 into and shown upon the assessment roll.

2186 2. The Board of Supervisors of the district may determine
 2187 and declare by an initial assessment resolution to levy and
 2188 assess the assessments with respect to assessable improvements
 2189 stating the nature of the systems, facilities, and services,
 2190 improvements, projects, or infrastructure constituting such
 2191 assessable improvements, the information in the engineer's cost
 2192 report, the information in the assessment methodology as
 2193 determined by the board at the noticed meeting and referencing

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2194 and incorporating as part of the resolution the engineer's cost
2195 report, the preliminary assessment methodology, and the
2196 preliminary assessment roll as referenced exhibits to the
2197 resolution by reference. If the board determines to declare and
2198 levy the special assessments by the initial assessment
2199 resolution, the board shall also adopt and declare a notice
2200 resolution which shall provide and cause the initial assessment
2201 resolution to be published once a week for a period of 2 weeks
2202 in newspapers of general circulation published in Brevard County
2203 and said board shall by the same resolution fix a time and place
2204 at which the owner or owners of the property to be assessed or
2205 any other persons interested therein may appear before said
2206 board and be heard as to the propriety and advisability of
2207 making such improvements, as to the costs thereof, as to the
2208 manner of payment therefor, and as to the amount thereof to be
2209 assessed against each property so improved. Thirty days' notice
2210 in writing of such time and place shall be given to such
2211 property owners. The notice shall include the amount of the
2212 assessment and shall be served by mailing a copy to each
2213 assessed property owner at his or her last known address, the
2214 names and addresses of such property owners to be obtained from
2215 the record of the property appraiser of the county political
2216 subdivision in which the land is located or from such other
2217 sources as the district manager or engineer deems reliable, and
2218 proof of such mailing shall be made by the affidavit of the
2219 manager of the district or by the engineer, said proof to be
2220 filed with the district manager, provided that failure to mail
2221 said notice or notices shall not invalidate any of the

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2222 proceedings hereunder. It is provided further that the last
2223 publication shall be at least 1 week prior to the date of the
2224 hearing on the final assessment resolution. Said notice shall
2225 describe the general areas to be improved and advise all persons
2226 interested that the description of each property to be assessed
2227 and the amount to be assessed to each piece, parcel, lot, or
2228 acre of property may be ascertained at the office of the manager
2229 of the district. Such service by publication shall be verified
2230 by the affidavit of the publisher and filed with the manager of
2231 the district. Moreover, the initial assessment resolution with
2232 its attached, referenced, and incorporated engineer's cost
2233 report, preliminary assessment methodology, and preliminary
2234 assessment roll, along with the notice resolution, shall be
2235 available for public inspection at the office of the manager and
2236 the office of the engineer or any other office designated by the
2237 Board of Supervisors in the notice resolution. Notwithstanding
2238 the foregoing, the landowners of all of the property which is
2239 proposed to be assessed may give the district written notice of
2240 waiver of any notice and publication provided for in this
2241 subparagraph and such notice and publication shall not be
2242 required, provided, however, that any meeting of the Board of
2243 Supervisors to consider such resolution shall be a publicly
2244 noticed meeting.

2245 3. At the time and place named in the noticed resolution
2246 as provided for in subparagraph 2., the board of supervisors of
2247 the district shall meet and hear testimony from affected
2248 property owners as to the propriety and advisability of making
2249 the systems, facilities, services, projects, works,

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2250 improvements, or infrastructure and funding them with
2251 assessments referenced in the initial assessment resolution on
2252 the property. Following the testimony and questions from the
2253 members of the board or any professional advisors to the
2254 district of the preparers of the engineer's cost report, the
2255 assessment methodology, and the assessment roll, the board of
2256 supervisors shall make a final decision on whether to levy and
2257 assess the particular assessments. Thereafter, the board of
2258 supervisors shall meet as an equalizing board to hear and to
2259 consider any and all complaints as to the particular assessments
2260 and shall adjust and equalize the assessments on the basis of
2261 justice and right.

2262 4. When so equalized and approved by resolution or
2263 ordinance by the board of supervisors, to be called the final
2264 assessment resolution, a final assessment roll shall be filed
2265 with the clerk of the board and such assessment shall stand
2266 confirmed and remain legal, valid, and binding first liens on
2267 the property against which such assessments are made until paid,
2268 equal in dignity to the first liens of ad valorem taxation of
2269 county and municipal governments and school boards. However,
2270 upon completion of the systems, facilities, service, project,
2271 improvement, works, or infrastructure, the district shall credit
2272 to each of the assessments the difference in the assessment as
2273 originally made, approved, levied, assessed, and confirmed and
2274 the proportionate part of the actual cost of the improvement to
2275 be paid by the particular special assessments as finally
2276 determined upon the completion of the improvement; but in no
2277 event shall the final assessment exceed the amount of the

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2278 special and peculiar benefits as apportioned fairly and
2279 reasonably to the property from the system, facility, or service
2280 being provided as originally assessed. Promptly after such
2281 confirmation, the assessment shall be recorded by the clerk of
2282 the district in the minutes of the proceedings of the district,
2283 and the record of the lien in this set of minutes shall
2284 constitute prima facie evidence of its validity. The board of
2285 supervisors, in its sole discretion, may, by resolution grant a
2286 discount equal to all or a part of the payee's proportionate
2287 share of the cost of the project consisting of bond financing
2288 cost, such as capitalized interest, funded reserves, and bond
2289 discounts included in the estimated cost of the project, upon
2290 payment in full of any assessments during such period prior to
2291 the time such financing costs are incurred as may be specified
2292 by the board of supervisors in such resolution.

2293 5. District assessments may be made payable in
2294 installments over no more than 30 years from the date of the
2295 payment of the first installment thereof and may bear interest
2296 at fixed or variable rates.

2297 (b) Notwithstanding any provision of this act or chapter
2298 170, Florida Statutes, that portion of section 170.09, Florida
2299 Statutes, that provides that assessments may be paid without
2300 interest at any time within 30 days after the improvement is
2301 completed and a resolution accepting the same has been adopted
2302 by the governing authority shall not be applicable to any
2303 district assessments, whether imposed, levied, and collected
2304 pursuant to the provisions of this act or other provisions of

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2305 general law, including, but not limited to chapter 170, Florida
 2306 Statutes.

2307 (c) In addition, the district is authorized expressly in
 2308 the exercise of its rulemaking power to adopt a rule or rules
 2309 which provides or provide for notice, levy, imposition,
 2310 equalization, and collection of assessments.

2311 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
 2312 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

2313 (a) The board may, after any special assessments or
 2314 benefit special assessments for assessable improvements are
 2315 made, determined, and confirmed as provided in this act, issue
 2316 certificates of indebtedness for the amount so assessed against
 2317 the abutting property or property otherwise benefited, as the
 2318 case may be, and separate certificates shall be issued against
 2319 each part or parcel of land or property assessed, which
 2320 certificates shall state the general nature of the improvement
 2321 for which the assessment is made. The certificates shall be
 2322 payable in annual installments in accordance with the
 2323 installments of the special assessment for which they are
 2324 issued. The board may determine the interest to be borne by such
 2325 certificates, not to exceed the maximum rate allowed by general
 2326 law, and may sell such certificates at either private or public
 2327 sale and determine the form, manner of execution, and other
 2328 details of such certificates. The certificates shall recite that
 2329 they are payable only from the special assessments levied and
 2330 collected from the part or parcel of land or property against
 2331 which they are issued. The proceeds of such certificates may be
 2332 pledged for the payment of principal of and interest on any

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2333 revenue bonds or general obligation bonds issued to finance in
2334 whole or in part such assessable improvement, or, if not so
2335 pledged, may be used to pay the cost or part of the cost of such
2336 assessable improvements.

2337 (b) The district may also issue assessment bonds, revenue
2338 bonds, or other obligations payable from a special fund into
2339 which such certificates of indebtedness referred to in the
2340 preceding subsection may be deposited or, if such certificates
2341 of indebtedness have not been issued, the district may assign to
2342 such special fund for the benefit of the holders of such
2343 assessment bonds or other obligations, or to a trustee for such
2344 bondholders, the assessment liens provided for in this act
2345 unless such certificates of indebtedness or assessment liens
2346 have been theretofore pledged for any bonds or other obligations
2347 authorized hereunder. In the event of the creation of such
2348 special fund and the issuance of such assessment bonds or other
2349 obligations, the proceeds of such certificates of indebtedness
2350 or assessment liens deposited therein shall be used only for the
2351 payment of the assessment bonds or other obligations issued as
2352 provided in this section. The district is authorized to covenant
2353 with the holders of such assessment bonds, revenue bonds, or
2354 other obligations that it will diligently and faithfully enforce
2355 and collect all the special assessments, and interest and
2356 penalties thereon, for which such certificates of indebtedness
2357 or assessment liens have been deposited in or assigned to such
2358 fund; to foreclose such assessment liens so assigned to such
2359 special fund or represented by the certificates of indebtedness
2360 deposited in the special fund, after such assessment liens have

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2361 become delinquent, and deposit the proceeds derived from such
2362 foreclosure, including interest and penalties, in such special
2363 fund; and to make any other covenants deemed necessary or
2364 advisable in order to properly secure the holders of such
2365 assessment bonds or other obligations.

2366 (c) The assessment bonds, revenue bonds, or other
2367 obligations issued pursuant to this section shall have such
2368 dates of issue and maturity as shall be deemed advisable by the
2369 board; however, the maturities of such assessment bonds or other
2370 obligations shall not be more than 2 years after the due date of
2371 the last installment which will be payable on any of the special
2372 assessments for which such assessment liens, or the certificates
2373 of indebtedness representing such assessment liens, are assigned
2374 to or deposited in such special fund.

2375 (d) Such assessment bonds, revenue bonds, or other
2376 obligations issued under this section shall bear such interest
2377 as the board may determine, not to exceed the maximum rate
2378 allowed by general law, and shall be executed, shall have such
2379 provisions for redemption prior to maturity, shall be sold in
2380 the manner, and shall be subject to all of the applicable
2381 provisions contained in this act for revenue bonds, except as
2382 the same may be inconsistent with the provisions of this
2383 section.

2384 (e) All assessment bonds, revenue bonds, or other
2385 obligations issued under the provisions of this section shall
2386 be, shall constitute, and shall have all the qualities and
2387 incidents of negotiable instruments under the law merchant and
2388 the laws of the state.

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2389 (15) TAX LIENS.--All taxes of the district provided for in
 2390 this act, except together with all penalties for default in the
 2391 payment of the same and all costs in collecting the same,
 2392 including a reasonable attorney's fee fixed by the court and
 2393 taxed as a cost in the action brought to enforce payment, shall,
 2394 from January 1 for each year the property is liable to
 2395 assessment and until paid, constitute a lien of equal dignity
 2396 with the liens for state and county taxes and other taxes of
 2397 equal dignity with state and county taxes, upon all the lands
 2398 against which such taxes shall be levied. A sale of any of the
 2399 real property within the district for state and county or other
 2400 taxes shall not operate to relieve or release the property so
 2401 sold from the lien for subsequent district taxes or installments
 2402 of district taxes, which lien may be enforced against such
 2403 property as though no such sale thereof had been made. In
 2404 addition to, and not in limitation of, the preceding sentence,
 2405 for purposes of section 197.552, Florida Statutes, the lien of
 2406 all special assessments levied by the district shall constitute
 2407 a lien of record held by a municipal or county governmental
 2408 unit. The provisions of sections 194.171, 197.122, 197.333, and
 2409 197.432, Florida Statutes, shall be applicable to district taxes
 2410 with the same force and effect as if such provisions were
 2411 expressly set forth in this act.

2412 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2413 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2414 (a) The district shall have the power and right to:

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2415 | 1. Pay any delinquent state, county, district, municipal,
 2416 | or other tax or assessment upon lands located wholly or
 2417 | partially within the boundaries of the district.

2418 | 2. Redeem or purchase any tax sales certificates issued or
 2419 | sold on account of any state, county, district, municipal, or
 2420 | other taxes or assessments upon lands located wholly or
 2421 | partially within the boundaries of the district.

2422 | (b) Delinquent taxes paid, or tax sales certificates
 2423 | redeemed or purchased by the district, together with all
 2424 | penalties for the default in payment of the same and all costs
 2425 | in collecting the same and a reasonable attorney's fee, shall
 2426 | constitute a lien in favor of the district of equal dignity with
 2427 | the liens of state and county taxes and other taxes of equal
 2428 | dignity with state and county taxes upon all the real property
 2429 | against which the taxes were levied. The lien of the district
 2430 | may be foreclosed in the manner provided in this act.

2431 | (c) In any sale of land pursuant to section 197.542,
 2432 | Florida Statutes, the district may certify to the clerk of the
 2433 | circuit court of the county holding such sale the amount of
 2434 | taxes due to the district upon the lands sought to be sold, and
 2435 | the district shall share in the disbursement of the sales
 2436 | proceeds in accordance with the provisions of this act and under
 2437 | the laws of the state.

2438 | (17) FORECLOSURE OF LIENS.--Any lien in favor of the
 2439 | district arising under this act may be foreclosed by the
 2440 | district by foreclosure proceedings in the name of the district
 2441 | in a court of competent jurisdiction as provided by general law
 2442 | in like manner as is provided in chapter 173, Florida Statutes,

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2443 and the provisions of that chapter shall be applicable to such
2444 proceedings with the same force and effect as if those
2445 provisions were expressly set forth in this act. Any act
2446 required or authorized to be done by or on behalf of a
2447 municipality in foreclosure proceedings under chapter 173,
2448 Florida Statutes, may be performed by such officer or agent of
2449 the district as the board of supervisors may designate. Such
2450 foreclosure proceedings may be brought at any time after the
2451 expiration of 1 year from the date any tax, or installment
2452 thereof, becomes delinquent; however, no lien shall be
2453 foreclosed against any political subdivision or agency of the
2454 state. Other legal remedies shall remain available.

2455 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
2456 FACILITIES, AND SERVICES.--To the full extent permitted by law,
2457 the district shall require all lands, buildings, premises,
2458 persons, firms, and corporations within the district to use the
2459 water management and control facilities, water systems, and
2460 sewer systems of the district.

2461 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
2462 PROVISIONS REQUIRED.--

2463 (a) No contract shall be let by the board for any goods,
2464 supplies, or materials to be purchased when the amount thereof
2465 to be paid by the district shall exceed the amount provided in
2466 section 287.017, Florida Statutes, for category four, unless
2467 notice of bids shall be advertised once in a newspaper in
2468 general circulation in Brevard County. Any board seeking to
2469 construct or improve a public building, structure, or other
2470 public works shall comply with the bidding procedures of section

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2471 255.20, Florida Statutes, and other applicable general law. In
 2472 each case, the bid of the lowest responsive and responsible
 2473 bidder shall be accepted unless all bids are rejected because
 2474 the bids are too high or the board determines it is in the best
 2475 interests of the district to reject all bids. The board may
 2476 require the bidders to furnish bond with a responsible surety to
 2477 be approved by the board. Nothing in this section shall prevent
 2478 the board from undertaking and performing the construction,
 2479 operation, and maintenance of any project or facility authorized
 2480 by this act by the employment of labor, material, and machinery.

2481 (b) The provisions of the Consultants' Competitive
 2482 Negotiation Act, section 287.055, Florida Statutes, shall apply
 2483 to contracts for engineering, architecture, landscape
 2484 architecture, or registered surveying and mapping services let
 2485 by the board.

2486 (c) Contracts for maintenance services for any district
 2487 facility or project shall be subject to competitive bidding
 2488 requirements when the amount thereof to be paid by the district
 2489 exceeds the amount provided in section 287.017, Florida
 2490 Statutes, for category four. The district shall adopt rules,
 2491 policies, or procedures establishing competitive bidding
 2492 procedures for maintenance services. Contracts for other
 2493 services shall not be subject to competitive bidding unless the
 2494 district adopts a rule, policy, or procedure applying
 2495 competitive bidding procedures to said contracts. Nothing herein
 2496 shall preclude the use of requests for proposal instead of
 2497 invitations to bid as determined by the district to be in its
 2498 best interest.

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2499 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 2500 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

2501 (a) The district is authorized to prescribe, fix,
 2502 establish, and collect rates, fees, rentals, or other charges,
 2503 hereinafter sometimes referred to as "revenues," and to revise
 2504 the same from time to time, for the systems, facilities, and
 2505 services furnished by the district, within the limits of the
 2506 district, including, but not limited to, recreational
 2507 facilities, water management and control facilities, and water
 2508 and sewer systems; to recover the costs of making connection
 2509 with any district service, facility, or system; and to provide
 2510 for reasonable penalties against any user or property for an
 2511 such rates, fees, rentals, or other charges that are delinquent.

2512 (b) No such rates, fees, rentals, or other charges for any
 2513 of the facilities or services of the district shall be fixed
 2514 until after a public hearing at which all the users of the
 2515 proposed facility or services or owners, tenants, or occupants
 2516 served or to be served thereby and all other interested persons
 2517 shall have an opportunity to be heard concerning the proposed
 2518 rates, fees, rentals, or other charges. Rates, fees, rentals,
 2519 and other charges shall be adopted under the administrative
 2520 rulemaking authority of the district, but shall not apply to
 2521 district leases. Notice of such public hearing setting forth the
 2522 proposed schedule or schedules of rates, fees, rentals, and
 2523 other charges shall have been published in a newspaper of
 2524 general circulation in Brevard County at least once and at least
 2525 10 days prior to such public hearing. The rulemaking hearing may
 2526 be adjourned from time to time. After such hearing, such

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2527 schedule or schedules, either as initially proposed or as
2528 modified or amended, may be finally adopted. A copy of the
2529 schedule or schedules of such rates, fees, rentals, or charges
2530 as finally adopted shall be kept on file in an office designated
2531 by the board and shall be open at all reasonable times to public
2532 inspection. The rates, fees, rentals, or charges so fixed for
2533 any class of users or property served shall be extended to cover
2534 any additional users or properties thereafter served which shall
2535 fall in the same class, without the necessity of any notice or
2536 hearing.

2537 (c) Such rates, fees, rentals, and charges shall be just
2538 and equitable and uniform for users of the same class, and when
2539 appropriate may be based or computed either upon the amount of
2540 service furnished, upon the average number of persons residing
2541 or working in or otherwise occupying the premises served, or
2542 upon any other factor affecting the use of the facilities
2543 furnished, or upon any combination of the foregoing factors, as
2544 may be determined by the board on an equitable basis.

2545 (d) The rates, fees, rentals, or other charges prescribed
2546 shall be such as will produce revenues, together with any other
2547 assessments, taxes, revenues, or funds available or pledged for
2548 such purpose, at least sufficient to provide for the items
2549 hereinafter listed, but not necessarily in the order stated:

2550 1. To provide for all expenses of operation and
2551 maintenance of such facility or service.

2552 2. To pay when due all bonds and interest thereon for the
2553 payment of which such revenues are, or shall have been, pledged
2554 or encumbered, including reserves for such purpose.

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2555 3. To provide for any other funds which may be required
2556 under the resolution or resolutions authorizing the issuance of
2557 bonds pursuant to this act.

2558 (e) The board shall have the power to enter into contracts
2559 for the use of the projects of the district and with respect to
2560 the services, systems, and facilities furnished or to be
2561 furnished by the district.

2562 (21) RECOVERY OF DELINQUENT CHARGES.--In the event that
2563 any rates, fees, rentals, charges, or delinquent penalties shall
2564 not be paid as and when due and shall be in default for 60 days
2565 or more, the unpaid balance thereof and all interest accrued
2566 thereon, together with reasonable attorney's fees and costs, may
2567 be recovered by the district in a civil action.

2568 (22) DISCONTINUANCE OF SERVICE.--In the event the fees,
2569 rentals, or other charges for water and sewer services, or
2570 either of them, are not paid when due, the board shall have the
2571 power, under such reasonable rules and regulations as the board
2572 may adopt, to discontinue and shut off both water and sewer
2573 services until such fees, rentals, or other charges, including
2574 interest, penalties, and charges for the shutting off and
2575 discontinuance and the restoration of such water and sewer
2576 services or both, are fully paid; and, for such purposes, the
2577 board may enter on any lands, waters, or premises of any person,
2578 firm, corporation, or body, public or private, within the
2579 district limits. Such delinquent fees, rentals, or other charges
2580 together with interest, penalties, and charges for the shutting
2581 off and discontinuance and the restoration of such services and
2582 facilities and reasonable attorney's fees and other expenses may

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2583 | be recovered by the district, which may also enforce payment of
 2584 | such delinquent fees, rentals, or other charges by any other
 2585 | lawful method of enforcement.

2586 | (23) ENFORCEMENT AND PENALTIES.--The board or any
 2587 | aggrieved person may have recourse to such remedies in law and
 2588 | at equity as may be necessary to ensure compliance with the
 2589 | provisions of this act, including injunctive relief to enjoin or
 2590 | restrain any person violating the provisions of this act or any
 2591 | bylaws, resolutions, regulations, rules, codes, or orders
 2592 | adopted under this act. In case any building or structure is
 2593 | erected, constructed, reconstructed, altered, repaired,
 2594 | converted, or maintained, or any building, structure, land, or
 2595 | water is used in violation of this act or of any code, order,
 2596 | resolution, or other regulation made under authority conferred
 2597 | by this act or under law, the board or any citizen residing in
 2598 | the district may institute any appropriate action or proceeding
 2599 | to prevent such unlawful erection, construction, reconstruction,
 2600 | alteration, repair, conversion, maintenance, or use; to
 2601 | restrain, correct, or avoid such violation; to prevent the
 2602 | occupancy of such building, structure, land, or water; and to
 2603 | prevent any illegal act, conduct, business, or use in or about
 2604 | such premises, land, or water.

2605 | (24) SUITS AGAINST THE DISTRICT.--Any suit or action
 2606 | brought or maintained against the district for damages arising
 2607 | out of tort, including, without limitation, any claim arising
 2608 | upon account of an act causing an injury or loss of property,
 2609 | personal injury, or death, shall be subject to the limitations
 2610 | provided in section 768.28, Florida Statutes.

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2611 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
 2612 district property shall be exempt from levy and sale by virtue
 2613 of an execution, and no execution or other judicial process
 2614 shall issue against such property, nor shall any judgment
 2615 against the district be a charge or lien on its property or
 2616 revenues; however, nothing contained herein shall apply to or
 2617 limit the rights of bondholders to pursue any remedy for the
 2618 enforcement of any lien or pledge given by the district in
 2619 connection with any of the bonds or obligations of the district.

2620 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

2621 (a) The board may ask the Legislature through its local
 2622 legislative delegation in and for Brevard County to amend this
 2623 act to contract, to expand or to contract, or to expand the
 2624 boundaries of the district by amendment of this section.

2625 (b) The district shall remain in existence until:

2626 1. The district is terminated and dissolved pursuant to
 2627 amendment to this act by the Legislature.

2628 2. The district has become inactive pursuant to section
 2629 189.4044, Florida Statutes.

2630
 2631 Provided, however, if, within 5 years after the effective date
 2632 of this act establishing the district, the primary landowner has
 2633 not received a development permit, as defined in chapter 380, on
 2634 some part or all of the area covered by the district, then the
 2635 district will be automatically dissolved and a judge of the
 2636 circuit court shall cause a statement to that effect to be filed
 2637 in the public records.

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2638 (27) INCLUSION OF TERRITORY.--The inclusion of any or all
 2639 territory of the district within a municipality does not change,
 2640 alter, or affect the boundary, territory, existence, or
 2641 jurisdiction of the district.

2642 (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
 2643 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
 2644 district under this act, each contract for the initial sale of a
 2645 parcel of real property and each contract for the initial sale
 2646 of a residential unit within the district shall include,
 2647 immediately prior to the space reserved in the contract for the
 2648 signature of the purchaser, the following disclosure statement
 2649 in boldfaced and conspicuous type which is larger than the type
 2650 in the remaining text of the contract: "THE VIERA STEWARDSHIP
 2651 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES
 2652 AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS
 2653 PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF
 2654 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT
 2655 AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT.
 2656 THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER
 2657 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
 2658 ASSESSMENTS PROVIDED FOR BY LAW."

2659 (29) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
 2660 after the election of the first board of supervisors creating
 2661 this district, the district shall cause to be recorded in the
 2662 grantor-grantee index of the property records in each county in
 2663 which it is located a "Notice of Creation and Establishment of
 2664 the Viera Stewardship District." The notice shall, at a minimum,

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2665 include the legal description of the property covered by this
2666 act.

2667 (30) DISTRICT PROPERTY PUBLIC; FEES.--Any system,
2668 facility, service, works, improvement, project, or other
2669 infrastructure owned by the district, or funded by federal tax
2670 exempt bonding issued by the district, is public; and the
2671 district by rule may regulate and may impose reasonable charges
2672 or fees for the use thereof but not to the extent that such
2673 regulation or imposition of such charges or fees constitutes
2674 denial of reasonable access.

2675 Section 7. If any provision of this act is determined
2676 unconstitutional or otherwise determined invalid by a court of
2677 law, all the rest and remainder of the act shall remain in full
2678 force and effect as the law of this state.

2679 Section 8. In the election provided for in section 9, each
2680 assessable acre or fraction thereof present in person or by
2681 proxy shall be counted as one vote.

2682 Section 9. This section and section 8 shall take effect
2683 upon this act becoming law, and the remaining sections shall
2684 take effect upon approval by a majority vote of the owners of
2685 land within the district who are not exempt from ad valorem
2686 taxes or non-ad valorem assessments and who are present in
2687 person or by proxy at a landowners' meeting to be held within 90
2688 days after the effective date of this act. Such landowners'
2689 meeting shall be noticed as provided in section 5 for the
2690 initial landowners' meeting and may be combined with such
2691 meeting. However, the provisions of this act which authorize the
2692 levy of ad valorem taxation and issuance of general obligation

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2693 | bonds shall take effect only upon express approval by a majority
2694 | vote of those qualified electors of the Viera Stewardship
2695 | District voting in a referendum election held at such time as
2696 | all members of the board are qualified electors who are elected
2697 | by qualified electors of the district as provided in this act.