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HB 1559, Engrossed 1

2006 Legislature

1 A bill to be entitled
2 An act relating to Brevard County; creating the Viera
3 Stewardship District; providing a short title; providing
4 legislative findings and intent; providing definitions;
5 stating legislative policy regarding creation of the
6 district; establishing compliance with minimum
7 requirements in s. 189.404(3), F.S., for creation of an
8 independent special district; providing for creation and
9 establishment of the district; establishing the legal
10 boundaries of the district; providing for the jurisdiction
11 and charter of the district; providing for a board of
12 supervisors and establishing membership criteria and
13 election procedures; providing for board members' terms of
14 office; providing for board meetings; providing for
15 administrative duties of the board; providing a method for
16 transition of the board from landowner control to control
17 by the resident electors of the district; providing for a
18 district manager and district personnel; providing for a
19 district treasurer, selection of a public depository, and
20 district budgets and financial reports; providing for the
21 general powers of the district; providing for the special
22 powers of the district to plan, finance, and provide
23 community infrastructure and services within the district;
24 providing for required notices to purchasers of
25 residential units within the district; providing
26 severability; providing for a referendum; providing an
27 effective date.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

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

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

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

(1) LEGISLATIVE FINDINGS AND INTENT.--

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

(b) There is a particular special need to use a specialized and limited single-purpose independent special district unit of local government for the district lands located within Brevard County and covered by this act to prevent urban sprawl by providing sustaining and freestanding infrastructure and by preventing needless and counterproductive community development when the existing urban area is not yet developed, and to prevent the needless duplication, fragmentation, and proliferation of local government services in a proposed land use area.

(c) The establishment of such a limited specialized single-purpose local government for the district lands will serve a necessary and useful public purpose by providing an efficient and effective method of ensuring the long-term stewardship of environmental and conservation resources within

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

55 | the district through the comprehensive management of the
56 | district's ecosystem, including, but not limited to, the
57 | implementation and administration of habitat protection and
58 | management plans approved by regulatory agencies having
59 | jurisdiction and the local governing authority.

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

70 | (e) While chapter 190, Florida Statutes, provides an
71 | opportunity for community development services and facilities to
72 | be provided by the establishment of community development
73 | districts in a manner that furthers the public interest, given
74 | the vast nature of the lands covered by this act and the
75 | potentially long-term nature of its development, establishing
76 | multiple community development districts over these lands would
77 | result in an inefficient, duplicative, and needless
78 | proliferation of local special purpose government, contrary to
79 | the public interest and the Legislature's findings in chapter
80 | 190, Florida Statutes. Instead, it is in the public interest
81 | that the long-range provision for, and management, financing,

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

82 and long-term maintenance, upkeep, and operation of, services
83 and facilities to be provided for ultimate development of the
84 lands covered by this act be under one coordinated entity.

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

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

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

103 (i) The existence and use of such a limited specialized
104 single purpose local government for the district lands, subject
105 to the respective county comprehensive plans, will result in a
106 high propensity to provide for orderly development and prevent
107 urban sprawl; protect and preserve environmental, conservation,
108 and agricultural uses and assets; enhance the market value for

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

109 | both present and future landowners of the property consistent
 110 | with the need to protect private property; enhance the net
 111 | economic benefit to the Brevard County area, including an
 112 | enhanced and well-maintained tax base to the benefit of all
 113 | present and future taxpayers in Brevard County; and result in
 114 | the sharing of costs of providing certain systems, facilities,
 115 | and services in an innovative, sequential, and flexible manner
 116 | within the developing area to be serviced by the district.

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

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

131 | (l) In order to be responsive to the critical timing
 132 | required through the exercise of its special management
 133 | functions, an independent district requires financing of those
 134 | functions, including bondable lienable and nonlienable revenue,
 135 | with full and continuing public disclosure and accountability,

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

136 funded by landowners, both present and future, and funded also
 137 by users of the systems, facilities, and services provided to
 138 the land area by the district, without unduly burdening the
 139 taxpayers and citizens of the state, Brevard County, or any
 140 municipality therein.

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

149 (n) The creation by this act of the Viera Stewardship
 150 District is not inconsistent with the Brevard County
 151 comprehensive plan.

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

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

156 (a) "Ad valorem bonds" means bonds which are payable from
 157 the proceeds of ad valorem taxes levied on real and tangible
 158 personal property and which are generally referred to as general
 159 obligation bonds.

160 (b) "Assessable improvements" means, without limitation,
 161 any and all public improvements and community facilities that

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

162 the district is empowered to provide in accordance with this act
163 that provide a special benefit to property within the district.

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

171 (d) "Assessments" means those nonmillage district
172 assessments which include special assessments, benefit special
173 assessments, and maintenance special assessments and a
174 nonmillage, non-ad valorem maintenance tax if authorized by
175 general law.

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

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

184 (g) "Bond" includes "certificate" and the provisions that
185 are applicable to bonds are equally applicable to certificates.
186 The term "bond" includes any general obligation bond, assessment
187 bond, refunding bond, revenue bond, and other such obligation in
188 the nature of a bond as is provided for in this act.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

- 189 (h) "Cost" or "costs," when used with reference to any
 190 project, includes, but is not limited to:
- 191 1. The expenses of determining the feasibility or
 192 practicability of acquisition, construction, or reconstruction.
 - 193 2. The cost of surveys, estimates, plans, and
 194 specifications.
 - 195 3. The cost of improvements.
 - 196 4. Planning, engineering, designing, fiscal, legal, and
 197 other professional and consultant expenses and charges.
 - 198 5. The cost of all labor, materials, machinery, and
 199 equipment.
 - 200 6. The cost of all lands, properties, rights, easements,
 201 and franchises acquired.
 - 202 7. Financing charges.
 - 203 8. The creation of initial reserve and debt service funds.
 - 204 9. Working capital.
 - 205 10. Interest charges incurred or estimated to be incurred
 206 on money borrowed prior to and during construction and
 207 acquisition and for such reasonable period of time after
 208 completion of construction or acquisition as the board may
 209 determine.
 - 210 11. The cost of issuance of bonds pursuant to this act,
 211 including advertisements and printing.
 - 212 12. The cost of any bond or tax referendum held pursuant
 213 to this act and all other expenses of issuance of bonds.
 - 214 13. The discount, if any, on the sale or exchange of
 215 bonds.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

216 14. Administrative expenses.
 217 15. Such other expenses as may be necessary or incidental
 218 to the acquisition, disposition, transfer, construction, or
 219 reconstruction of any project, to the financing thereof, or to
 220 the development of any lands within the district.
 221 16. Payments, contributions, dedications, and any other
 222 exactions required as a condition of receiving any governmental
 223 approval or permit necessary to accomplish any district purpose.
 224 (i) "District" means the Viera Stewardship District.
 225 (j) "District manager" means the manager of the district.
 226 (k) "District roads" means highways, streets, roads,
 227 alleys, sidewalks, landscaping, storm drains, bridges, and
 228 thoroughfares of all kinds.
 229 (l) "General obligation bonds" means bonds which are
 230 secured by, or provide for their payment by, the pledge of the
 231 full faith and credit and taxing power of the district, in
 232 addition to those special taxes levied for their discharge and
 233 such other sources as may be provided for their payment or
 234 pledged as security under the resolution authorizing their
 235 issuance, and for payment of which recourse may be had against
 236 the general fund of the district.
 237 (m) "Governing board member" means any member of the board
 238 of supervisors.
 239 (n) "Land development regulations" means those regulations
 240 of general purpose local government, adopted under the Florida
 241 Local Government Comprehensive Planning and Land Development
 242 Regulation Act, part II of chapter 163, Florida Statutes, to

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

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

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

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

263 (q) "Maintenance special assessments" are assessments
264 imposed, levied, and collected pursuant to the provisions of
265 section 6(12)(d).

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

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

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

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

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

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

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

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

292 (v) "Refunding bonds" means bonds issued to refinance
 293 outstanding bonds of any type and the interest and redemption
 294 premium thereon. Refunding bonds shall be issuable and payable
 295 in the same manner as refinanced bonds, except that no approval

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

296 by the electorate shall be required unless required by the State
297 Constitution.

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

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

321 (y) "Special assessments" means assessments as imposed,
322 levied, and collected by the district for the costs of

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

323 assessable improvements pursuant to the provisions of this act,
324 chapter 170, Florida Statutes, and the additional authority
325 under section 197.3631, Florida Statutes, or other provisions of
326 general law, now or hereinafter enacted, which provide or
327 authorize a supplemental means to impose, levy, or collect
328 special assessments.

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

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

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

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

347 (bb) "Water management and control facilities" means any
348 lakes, canals, ditches, reservoirs, dams, impoundments, levees,
349 sluiceways, floodways, pumping stations, or any other works,

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

350 structures, or facilities for the conservation, control,
351 development, utilization, and disposal of nonpotable water, and
352 any purposes appurtenant, necessary or incidental thereto. The
353 term "water management and control facilities" includes all real
354 and personal property and any interest therein, rights,
355 easements, and franchises of any nature relating to any such
356 water management and control facilities or necessary or
357 convenient for the acquisition, construction, reconstruction,
358 operation or maintenance thereof.

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

371 (3) POLICY.--Based upon its findings, ascertainments,
372 determinations, intent, purpose, and definitions, the
373 Legislature states its policy expressly:

374 (a) The district and the district charter, with its
375 general and special powers, as created in this act, are
376 essential and the best alternative for the residential,

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

377 commercial, and other community uses, projects, or functions in
378 the included portions of Brevard County consistent with the
379 effective comprehensive plans and designed to serve a lawful
380 public purpose.

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

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

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

404 (d) The district shall operate and function subject to,
 405 and not inconsistent with, the comprehensive plan of Brevard
 406 County and any applicable development orders, zoning
 407 regulations, and other land development regulations.

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

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

420 Section 3. Minimum charter requirements; creation and
 421 establishment; jurisdiction; construction; charter with legal
 422 description.--

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

427 (a) The reasons for the district are articulated in the
 428 findings in section 2, and the specific functions of the
 429 district are described through the powers granted to the
 430 district throughout the bill. However, in summary, the general

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

431 purpose of the district is to provide, through a special purpose
432 governmental entity, certain capital infrastructure, facilities
433 and services which benefit the residents of the district.

434 (b) The powers, functions, and duties of the district
435 regarding ad valorem taxation, bond issuance, other revenue-
436 raising capabilities, budget preparation and approval, liens and
437 foreclosure of liens, use of tax deeds and tax certificates as
438 appropriate for non-ad valorem assessments, and contractual
439 agreements are set forth in section 6.

440 (c) The provisions for methods for establishing the
441 district are in this section.

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

444 (e) The provisions for the membership and organization of
445 the governing board and the establishment of a quorum are in
446 section 5.

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

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

451 (h) The provisions applicable to financial disclosure,
452 noticing, and reporting requirements generally are set forth in
453 sections 5 and 6.

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

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

456 (j) The provisions regarding elections or referenda and
457 the qualifications of an elector of the district are in sections
458 2 and 5.

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

461 (l) Other than taxes levied for the payment of bonds and
462 taxes levied for periods not longer than 2 years when authorized
463 by vote of the electors of the district, the provisions for the
464 authority to levy ad valorem tax and the authorized millage rate
465 are in section 6.

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

469 (n) The provisions for planning requirements are in this
470 section and section 6.

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

473 (2) The Viera Stewardship District, which also may be
474 referred to as the "stewardship district," "Viera District," or
475 "district," is created and incorporated as a public body
476 corporate and politic, an independent, limited, special purpose
477 local government, an independent special district, under section
478 189.404, Florida Statutes, and as defined in this act and in
479 section 189.403(3), Florida Statutes. Any amendments to chapter
480 190, Florida Statutes, after January 1, 2006, granting
481 additional general powers, special powers, authorities, or
482 projects to a community development district by amendment to its

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

483 uniform charter, sections 190.006-190.041, Florida Statutes,
484 shall constitute a general power, special power, authority, or
485 function of the Viera Stewardship District. All notices for the
486 enactment by the Legislature of this special act have been
487 provided pursuant to the State Constitution, the laws of Florida
488 and the Rules of the Florida House of Representatives and of the
489 Florida Senate. Subject to the referendum requirement in section
490 9, the district, as created by this act, is established on the
491 property described in this act.

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

495 (4) The jurisdiction of this district, in the exercise of
496 its general and special powers, and in the carrying out of its
497 special purposes, is both within the external boundaries of the
498 legal description of this district and extraterritorially when
499 limited to, and as authorized expressly elsewhere in, the
500 charter of the district as created in this act or applicable
501 general law. This special-purpose district is created as a
502 public body corporate and politic, and local government
503 authority and power is limited by its charter, this act, and
504 subject to the provisions of other general laws, including
505 chapter 189, Florida Statutes, except that an inconsistent
506 provision in this act shall control and the district has
507 jurisdiction to perform such acts and exercise such authorities,
508 functions, and powers as shall be necessary, convenient,
509 incidental, proper, or reasonable for the implementation of its

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

510 limited, single, and specialized purpose regarding the sound
 511 planning, provision, acquisition, development, operation,
 512 maintenance, and related financing of those public systems,
 513 facilities, services, improvements, projects, and infrastructure
 514 works as authorized herein, including those necessary and
 515 incidental thereto.

516 (5) The exclusive charter of the Viera Stewardship
 517 District is this act and, except as otherwise provided in
 518 subsection (2), may be amended only by special act of the
 519 Legislature.

520 Section 4. Legal description of the Viera Stewardship
 521 District.--

522 The legal description of the district, within which
 523 there are no parcels of property owned by those who do
 524 not wish for their property to be included within the
 525 district, is as follows:

526 Commence at a 4" X 4" concrete monument at the
 527 Northwest corner of Section 30, Township 25 South,
 528 Range 36 East and run N89°21'55"E, along the North
 529 line of said Section 30, a distance of 2,545.93 feet,
 530 to an iron rod and the POINT OF BEGINNING of the
 531 herein described lands; thence S08°24'33"E, a distance
 532 of 748.62 feet, to an iron rod; thence S08°55'25"E, a
 533 distance of 405.40 feet, to an iron rod; thence
 534 S07°53'09"E, a distance of 404.42 feet, to an iron
 535 rod; thence S07°41'38"E, a distance of 556.16 feet, to
 536 an iron rod; thence S08°07'57"E, a distance of 556.72

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

537 feet, to an iron rod; thence S07°54'48"E, a distance
 538 of 556.44 feet, to an iron rod; thence S08°10'16"E, a
 539 distance of 880.33 feet, to an iron rod; thence
 540 S07°57'39"E, a distance of 482.44 feet, to an iron
 541 rod; thence S79°41'18"W, a distance of 8.69 feet, to
 542 an iron rod; thence S07°38'31"E, a distance of 396.84
 543 feet, to an iron rod; thence S13°30'01"W, a distance
 544 of 6.84 feet, to an iron rod; thence S68°53'11"W, a
 545 distance of 456.26 feet, to an iron rod; thence
 546 S75°44'29"W, a distance of 86.29 feet, to an iron rod;
 547 thence S64°14'40"W, a distance of 129.79 feet, to an
 548 iron rod; thence S68°29'29"W, a distance of 703.75
 549 feet, to an iron rod; thence S03°43'55"E, a distance
 550 of 774.28 feet, to an iron rod; thence S03°43'05"E, a
 551 distance of 420.39 feet, to an iron rod; thence
 552 S17°31'55"W, a distance of 31.51 feet, to an iron rod;
 553 thence S02°10'23"W, a distance of 15.32 feet, to an
 554 iron rod; thence S84°49'06"W, a distance of 1,260.85
 555 feet, to an iron rod; thence S65°26'07"W, a distance
 556 of 553.39 feet, to an iron rod; thence S65°16'09"W, a
 557 distance of 553.65 feet, to an iron rod; thence
 558 S65°26'06"W, a distance of 552.21 feet, to an iron
 559 rod; thence S65°42'09"W, a distance of 553.14 feet, to
 560 an iron rod; thence S86°33'52"W, a distance of 560.20
 561 feet, to an iron rod; thence S86°36'43"W, a distance
 562 of 1,119.98 feet, to an iron rod; thence N15°49'12"W,
 563 a distance of 53.08 feet, to an iron rod; thence

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

564 S88°41'21"W, a distance of 144.31 feet to an iron rod;
565 thence S86°14'12"W, a distance of 360.22 feet, to an
566 iron rod; thence S44°22'00"W, a distance of 2,194.87
567 feet, to an iron rod; thence S02°24'20"E, a distance
568 of 99.12 feet, to an iron rod; thence S46°55'21"W, a
569 distance of 146.56 feet, to an iron rod; thence
570 S65°38'19"W, a distance of 194.77 feet, to an iron
571 rod; thence S63°42'25"W, a distance of 577.43 feet, to
572 an iron rod; thence S69°45'01"W, a distance of 412.41
573 feet, to an iron rod; thence N89°15'09", a distance of
574 79.29 feet, to an iron rod; thence S73°35'49W, a
575 distance of 521.37 feet, to an iron rod; thence
576 S87°25'48"W, a distance of 483.14 feet, to an iron
577 rod; thence S87°26'32"W, a distance of 966.55 feet, to
578 an iron rod; thence S87°21'06"W, a distance of 485.66
579 feet, to an iron rod; thence S62°14'38"W, a distance
580 of 444.40 feet, to an iron rod; thence S62°17'07"W, a
581 distance of 446.88 feet, to an iron rod; thence
582 S62°19'23"W, a distance of 358.90 feet, to an iron
583 rod; thence S62°27'13"W, a distance of 370.19 feet, to
584 an iron rod; thence S77°23'47"W, a distance of 411.83
585 feet, to an iron rod; thence S00°53'45"W, a distance
586 of 125.73 feet, to an iron rod; thence S00°13'05"W, a
587 distance of 658.60 feet, to an iron rod; thence
588 S00°02'40"E, a distance of 1,583.00 feet, to an iron
589 rod; thence S00°01'31"E, a distance of 543.46 feet, to
590 an iron rod; thence S06°38'41"E, a distance of 236.05

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

591 feet, to an iron rod; thence S00°05'15"W, a distance
 592 of 1,609.02 feet, to an iron rod, thence N89°56'44"E,
 593 a distance of 1,150.63 feet, to an iron rod; thence
 594 N89°41'56"E, a distance of 575.37 feet, to an iron
 595 rod; thence S89°48'28"E, a distance of 575.27 feet, to
 596 an iron rod; thence S05°17'41"E, a distance of
 597 5,150.06 feet, to an iron rod; thence S88°28'59"W, a
 598 distance of 892.20 feet, to an iron rod; thence
 599 S89°18'35"W, a distance of 1,352.16 feet, to an iron
 600 rod; thence N88°11'42"W, a distance of 478.57 feet, to
 601 an iron rod; thence S04°20'09"W, a distance of 165.35
 602 feet, to an iron rod; thence S44°31'42"E, a distance
 603 of 1,884.04 feet, to an iron rod; thence S44°35'30"E,
 604 a distance of 3,917.97 feet, to an iron rod; thence
 605 S62°09'21"E, a distance of 2,317.97 feet, to an iron
 606 rod; thence S61°05'48"E, a distance of 649.92 feet, to
 607 an iron rod; thence N47°16'55" E, a distance of 35.75
 608 feet, to an iron rod; thence S61°57'44"E, a distance
 609 of 923.38 feet, to an iron rod; thence S41°26'58"E, a
 610 distance of 273.10 feet, to an iron rod; thence
 611 S30°04'29"E, a distance of 310.25 feet, to an iron
 612 rod; thence S34°43'38"E, a distance of 598.07 feet, to
 613 an iron rod; thence S26°25'22"E, a distance of 301.86
 614 feet, to an iron rod; thence S04°19'41"E, a distance
 615 of 773.92 feet, to an iron rod; thence S03°54'52"E, a
 616 distance of 1,444.29 feet, to an iron rod; thence
 617 S88°57'24"E, a distance of 504.03 feet, to an iron

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

618 rod; thence S13°21'03"W, a distance of 118.12 feet, to
619 an iron rod; thence S34°02'56"W, a distance of
620 1,348.21 feet, to an iron rod; thence S45°13'06"W, a
621 distance of 1,297.85 feet, to an iron rod; thence
622 S63°01'28"W, a distance of 72.85 feet, to an iron rod;
623 thence S35°48'10"E, a distance of 45.45 feet, to an
624 iron rod; thence S36°43'44"E, a distance of 81.14
625 feet, to an iron rod; thence S43°22'10"E, a distance
626 of 2,416.90 feet, to an iron rod; thence S54°43'27"E,
627 a distance of 118.25 feet, to an iron rod; thence
628 S76°01'08"E, a distance of 114.63 feet, to an iron
629 rod; thence S89°15'48"E, a distance of 397.01 feet, to
630 an iron rod; thence S67°53'23"E, a distance of 92.26
631 feet, to a iron rod; thence S27°40'02"E, a distance of
632 156.14 feet, to an iron rod; thence S64°16'29"E, a
633 distance of 37.61 feet, to an iron rod; thence
634 S89°15'14"E, a distance of 352.87 feet, to an iron
635 rod; thence S85°51''17"E, a distance of 307.67 feet,
636 to an iron rod; thence N86°54'20"E, a distance of
637 151.74 feet, to an iron rod; thence N76°30'06"E, a
638 distance of 261.56 feet, to an iron rod; thence
639 N87°06'14"E, a distance of 251.77 feet, to an iron
640 rod; thence N88°53'08"E, a distance of 158.24 feet, to
641 an iron rod; thence N85°02'05"E, a distance of 159.48
642 feet, to an iron rod; thence S87°50'11"E, a distance
643 of 174.88 feet, to an iron rod; thence S83°44'02"E, a
644 distance of 176.43 feet, to an iron rod; thence

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

645 S86°24'25"E, a distance of 258.17 feet, to an iron
 646 rod; thence S81°07'19"E, a distance of 151.23 feet, to
 647 an iron rod; thence N73°40'28"E, a distance of 247.99
 648 feet, to an iron rod; thence N84°35'54"E, a distance
 649 of 81.80 feet, to an iron rod; thence S79°39'38"E, a
 650 distance of 98.82 feet, to an iron rod; thence
 651 S67°29'44"E, a distance of 168.94 feet, to an iron
 652 rod; thence S56°25'12"E, a distance of 206.81 feet, to
 653 an iron rod; thence S70°16'15"E, a distance of 241.47
 654 feet, to an iron rod; thence S71°16'02"E, a distance
 655 of 271.51 feet, to an iron rod; thence S76°57'22"E, a
 656 distance of 144.38 feet, to an iron rod; thence
 657 S83°43'51"E, a distance of 362.54 feet, to an iron
 658 rod; thence S82°09'02"E, a distance of 428.93 feet, to
 659 an iron rod; thence S76°54'20"E, a distance of 74.04
 660 feet, to an iron rod; thence S69°05'45"E, a distance
 661 of 73.41 feet, to an iron rod; thence S54°06'44"E, a
 662 distance of 97.18 feet, to an iron rod; thence
 663 S37°26'00"E, a distance of 287.82 feet, to an iron
 664 rod; thence S54°56'39"E, a distance of 72.06 feet, to
 665 an iron rod; thence S73°11'26"E, a distance of 65.07
 666 feet, to an iron rod; thence S79°38'52"E, a distance
 667 of 374.93 feet, to an iron rod; thence S74°51'17"E, a
 668 distance of 156.56 feet, to an iron rod; thence
 669 S60°41'38"E, a distance of 171.07 feet, to an iron
 670 rod; thence S75°22'42"E, a distance of 109.56 feet, to
 671 an iron rod; thence S52°26'28"E, a distance of 84.10

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

672 feet, to an iron rod; thence S41°24'22"E, a distance
673 of 210.47 feet, to an iron rod; thence S38°52'45"E, a
674 distance of 174.40 feet, to an iron rod; thence
675 S33°54'38"E, a distance of 212.94 feet, to an iron
676 rod; thence S37°40'21"E, a distance of 119.90 feet, to
677 an iron rod; thence S63°38'27"E, a distance of 397.23
678 feet, to an iron rod; thence S54°42'23"E, a distance
679 of 137.02 feet, to an iron rod; thence S66°28'00"E, a
680 distance of 72.13 feet, to an iron rod; thence
681 S74°03'50"E, a distance of 526.89 feet, to an iron
682 rod; thence S65°07'14"E, a distance of 169.50 feet, to
683 an iron rod; thence S56°11'35"E, a distance of 261.82
684 feet, to an iron rod; thence S62°05'45"E, a distance
685 of 141.63 feet, to an iron rod; thence S82°38'30"E, a
686 distance of 227.95 feet, to an iron rod; thence
687 S64°34'06"E, a distance of 134.09 feet, to an iron
688 rod; thence S44°50'15"E, a distance of 117.21 feet, to
689 an iron rod; thence S36°18'31"E, a distance of 242.72
690 feet, to an iron rod; thence S49°43'39"E, a distance
691 of 178.02 feet, to an iron rod; thence S45°48'41"E, a
692 distance of 179.26 feet, to an iron rod; thence
693 S49°49'20"E, a distance of 214.19 feet, to an iron
694 rod; thence S41°48'48"E, a distance of 222.20 feet, to
695 an iron rod; thence S48°35'30"E, a distance of 200.25
696 feet, to an iron rod; thence S61°25'40"E, a distance
697 of 428.09 feet, to an iron rod; thence S63°06'44"E, a
698 distance of 644.39 feet, to an iron rod; thence

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

699 S62°46'04"E, a distance of 678.14 feet, to an iron
 700 rod; thence S62°43'50"E, a distance of 652.63 feet, to
 701 an iron rod; thence S53°36'34"E, a distance of 218.94
 702 feet, to an iron rod; thence S64°10'09"E, a distance
 703 of 726.09 feet, to an iron rod; thence S64°07'34"E, a
 704 distance of 634.55 feet, to an iron rod; thence
 705 S62°56'15"E, a distance of 752.40 feet, to an iron
 706 rod; thence S65°29'06"E, a distance of 118.42 feet, to
 707 an iron rod; thence S59°29'15"E, a distance of 116.71
 708 feet, to an iron rod; thence S41°56'01"E, a distance
 709 of 88.47 feet, to an iron rod; thence S39°21'46"E, a
 710 distance of 287.92 feet, to an iron rod; thence
 711 S39°13'55"E, a distance of 321.23 feet, to an iron
 712 rod; thence S39°37'39"E, a distance of 318.13 feet, to
 713 an iron rod; thence S51°26'09"E, a distance of 73.03
 714 feet, to an iron rod; thence S75°43'21"E, a distance
 715 of 132.64 feet, to an iron rod; thence S81°00'26"E, a
 716 distance of 449.69 feet, to an iron rod; thence
 717 S61°25'12"E, a distance of 181.24 feet, to an iron
 718 rod; thence S76°11'38"E, a distance of 79.34 feet, to
 719 an iron rod; thence N83°23'17"E, a distance of 57.02
 720 feet, to an iron rod; thence N57°28'51"E, a distance
 721 of 65.75 feet, to an iron rod; thence N48°12'37"E, a
 722 distance of 218.65 feet, to an iron rod; thence
 723 S71°43'37"E, a distance of 109.38 feet, to an iron
 724 rod; thence S55°14'02"E, a distance of 91.32 feet, to
 725 an iron rod; thence S38°01'21"E, a distance of 56.46

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

726 feet, to an iron rod; thence S03°46'11"E, a distance
 727 of 62.49 feet, to an iron rod; thence S00°46'56"W, a
 728 distance of 262.22 feet, to an iron rod; thence
 729 S13°01'47"E, a distance of 243.27 feet, to an iron
 730 rod; thence S16°57'33"E, a distance of 140.72 feet, to
 731 an iron rod on the South line of the Southeast one-
 732 quarter of Section 33, Township 26 South, Range 36
 733 East; thence N88°28'46"E along the South line of said
 734 Section 33, 1212.95 feet to Southwest Corner of
 735 Section 34, Township 26 South, Range 36 East; thence
 736 N89°06'05"E along the South line of said Section 34,
 737 4798.14 feet to a point on the West Right-of-Way line
 738 of Interstate 95 (Circuit Court Book 53, Pages 359-
 739 363, Public Records of Brevard County Florida), thence
 740 N00°03'59"W, along said Right-of-Way 2480.30 feet;
 741 thence N00°28'45"W, 328.41 feet, to a point on the
 742 South Boundary line of Nail Farms (Deed Book 63, Page
 743 155, Public Records of Brevard County, Florida);
 744 thence S78°21'10"W along said South Line, 303.63 feet;
 745 thence N00°38'50"W, 554.40 feet; thence N89°21'11"E,
 746 290.53 feet, to a point on the said West Right-of-Way
 747 line of Interstate 95 and a non-tangent intersection
 748 with a curve to the left; Thence along said Right-of-
 749 Way line and the arc of said curve, (said curve being
 750 concave to the West and having a radius of 22800.32
 751 feet; a radial bearing of S87°51'38"W, a delta angle
 752 of 12°22'37", a chord distance of 4915.73 feet; and a

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

753 chord bearing of N08°19'41"W) a distance of 4925.30
754 feet to the end of said curve; thence N14°30'59"W,
755 4457.16 feet; thence S75°29'01"W, 200.00 feet; thence
756 N14°30'59"W, 950.00 feet; thence N75°29'01"E, 200.00
757 feet; thence N14°30'59"W, 4932.58 feet to the
758 Southeast corner of the Plat of Viera Central PUD,
759 Tract 12, Unit 1, Parcels 1-3, Phase 3 (Plat Book 44
760 Pages 52-54, Public Records of Brevard County,
761 Florida); thence S61°38'33"W along the South line of
762 said Plat, 86.02 feet to a non-tangent intersection
763 with a curve to the left; Thence along the arc of said
764 curve, (said curve being concave to the West and
765 having a radius of 750.00 feet; a radial bearing of
766 S61°38'33"W, a delta angle of 33°08'08", a chord
767 distance of 427.72 feet; and a chord bearing of
768 N44°55'31"W) a distance of 433.74 feet to the end of
769 said curve and a point on the East line of a parcel of
770 land described in Official Records Book 4568, Pages
771 518-522, Public Records of Brevard County, Florida;
772 thence S14°30'59"E along the East line of said parcel,
773 253.23 feet; thence S75°13'39"W, 717.10 feet; thence
774 N14°17'52"W, 287.62 feet to the beginning of a curve
775 to the right; Thence along the arc of said curve,
776 (said curve being curved concave to the East and
777 having a radius of 50.00 feet; a delta angle of
778 39°18'18", a chord distance of 33.63 feet; and a chord
779 bearing of N05°21'17"E) a distance of 34.30 feet to

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HB 1559, Engrossed 1

2006 Legislature

780 the beginning of a reverse curve to the left; Thence
781 along the arc of said curve, (said curve being curved
782 concave to the West and having a radius of 195.00
783 feet; a delta angle of 39°31'10", a chord distance of
784 131.85 feet, and a chord bearing of N05°14'51"E) a
785 distance of 134.50 feet to the Southeast corner of the
786 Plat of Viera Central PUD, Tract 12, Unit 1, Parcels
787 1-3, Phase 5 (Plat Book 45, Page 22, Public Records of
788 Brevard County, Florida) and a non-tangent
789 intersection with a curve to the left; Thence along
790 the South line of said Plat and the arc of said curve,
791 (said curve being concave to the Southeast and having
792 a radius of 750.00 feet; a radial bearing of
793 S25°55'03"E, a delta angle of 47°24'20", a chord
794 distance of 602.99 feet; and a chord bearing of
795 S40°22'47"W) a distance of 620.54 feet to the end of
796 said curve; thence S76°30'35"W, 326.62 feet to the
797 Southwest corner of said plat and a point on the East
798 line of the Plat of Trafford West (Plat Book 51, Page
799 54, Public Records of Brevard County, Florida) and a
800 non-tangent intersection with a curve to the right;
801 Thence along the East line of said plat and arc of
802 said curve, (said curve being concave to the West and
803 having a radius of 3025.00 feet; a delta angle of
804 01°51'26", a chord distance of 98.06 feet; and a chord
805 bearing of S12°33'47"E) a distance of 98.06 feet to a
806 non-tangent intersection with the Southerly boundary

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

807 of said plat; thence along said Southerly boundary the
 808 following 5 courses and distances:
 809 1) S89°08'33"W, 217.69 feet;
 810 2) S35°10'57"W, 136.27 feet;
 811 3) S00°51'27"E, 242.81 feet;
 812 4) S89°08'33"W, 725.22 feet;
 813 5) N00°51'27"W, 898.20 feet to the Northwest corner
 814 of Tract A of said Trafford West, and a point on the
 815 South Right-of-Way line of Trafford Drive; thence
 816 S89°08'33"W along said Right-of-Way line of Trafford
 817 Drive, 50.00 feet to the Southwest corner of Trafford
 818 Drive; thence N00°51'27"W along the West line of
 819 Trafford Drive, 100.00 feet to the Northwest corner of
 820 Trafford Drive; thence N89°08'33"E along the North
 821 Right-of-Way line of Trafford Drive, 70.79 feet to the
 822 Southwest corner of that certain parcel of land
 823 described in Official Records Book 4939, Page 1184;
 824 thence N00°51'24"W, along the West line of said
 825 parcel, 401.50 feet to the Northwest corner of said
 826 parcel; thence N89°08'33"E, along the North line of
 827 said Parcel, 590.76 feet to the Northeast corner of
 828 said parcel and a point on the West Right-of-Way line
 829 of Lake Andrew Drive (150' Right-of Way, Tract G-1,
 830 Plat of Viera Central PUD, Tract 12, Unit 1, Parcels
 831 1-3, Phase 4, Plat Book 44, Pages 91-92); thence
 832 N31°59'26"W along said West Right-of-Way, 1061.84 feet
 833 to the beginning of a curve to the right; Thence along

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

834 the arc of said curve, (said curve being concave to
 835 the Northeast and having a radius of 7025.00 feet; a
 836 delta angle of 10°02'20", a chord distance of 242.21
 837 feet, and a chord bearing of N26°58'16"W) a distance
 838 of 363.57 feet to the end of said curve; thence
 839 S69°25'46"W, 700.00 feet; thence N20°34'14"W, 100.00
 840 feet; thence S69°25'46"W, 208.37 feet; thence
 841 S89°08'33"W, 566.39 feet; thence S44°08'33"W, 1022.48
 842 feet; thence S89°08'33"W, 150.00 feet; thence
 843 N00°51'27"W, 318.85 feet; thence S89°08'33"W, 40.00
 844 feet; thence N00°51'27"W, 40.00 feet; thence
 845 S89°08'33"W, 1293.68 feet; thence N00°51'27"W, 1059.47
 846 feet; thence S89°08'33"W, 150.00 feet; thence
 847 S00°51'27"E, 438.26 feet; thence S89°08'33"W, 1552.65
 848 feet; thence N00°35'21"E, 849.03 feet to a point on
 849 the South Right-of Way line of Wickham Road (Plat of
 850 Wickham Road Extension, Plat Book 50, Page 10, Public
 851 Records of Brevard County, Florida); thence
 852 S89°08'33"W along the South line of said plat, 2225.96
 853 feet to the Southwest corner of said Plat; thence
 854 N00°51'27"W along the West line of said plat, 150.00
 855 feet to the Northwest corner of said plat of Wickham
 856 Road Extension, and a point on the South line of the
 857 Plat of Heritage Isle - Phase 1 (Plat Book 50, Pages
 858 61-66, Public Records of Brevard County, Florida);
 859 thence S89°08'33"W along the South line of said plat
 860 of Heritage Isle - Phase 1, 1772.10 feet to a point on

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

861 the West line of the Viera Development of Regional
 862 Impact (DRI) (as described in the BREVARD COUNTY
 863 RESOLUTION 01-391, Public Records of Brevard County,
 864 Florida) and the West line of Section 8, Township 26
 865 South, Range 36 East; thence N00°35'22"W along the
 866 West line of said Viera DRI and Section 8, 5227.90
 867 feet to the Southwest Corner of Section 5, Township 26
 868 South, Range 36 East; thence N00°33'35"W along the
 869 West line of said Section 5, 5290.28 feet to the
 870 Southwest corner of Section 32, Township 25 South,
 871 Range 36 East thence N00°31'18"E along the West line
 872 of said Section 32, 4667.92 feet; thence N66°33'30"E,
 873 1990.78 feet to the beginning of a curve to the left;
 874 Thence along the arc of said curve, (said curve being
 875 curved concave to the Northwest and having a radius of
 876 2988.25 feet; a delta angle of 28°53'46", a chord
 877 distance of 1491.15 feet; , and a chord bearing of
 878 N52°06'37"E) a distance of 1507.07 feet to the end of
 879 said curve and an intersection with a non-tangent
 880 line; thence N26°25'15"W, along said non-tangent line,
 881 1508.04 feet; thence N00°33'05"W, 470.00 feet; thence
 882 N45°39'16"W, 1200.05 feet; thence S89°26'55"W, 150.00
 883 feet; thence N45°51'06"W, 274.34 feet; thence
 884 N00°33'05"W, 1456.41 feet to a point on the North line
 885 of Section 29, Township 25 South, Range 36 East;
 886 thence S89°20'44"W along the North line of said
 887 Section 29, 1153.36 feet to the Northeast corner of

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

888 Section 30, Township 25 South, Range 36 East; Thence
 889 S89°23'19"W along the North line of said Section 30,
 890 2789.62 feet to the POINT OF BEGINNING.

891 Subject to Easements, Restrictions, Reservations and
 892 Rights-of-way of record.

893 LESS AND EXCEPT those certain parcels of land
 894 described in Official Records Book 2951, Page 1574;
 895 Official Records Book 3412, Page 4823; Official
 896 Records Book 4203, Page 2463; Official Records Book
 897 5262, Page 3838; AND LESS AND EXCEPT that certain
 898 parcel of land described in Civil Action Documents 96-
 899 16731-CA-F; all being recorded in the Public Records
 900 of Brevard County, Florida.

901 TOGETHER WITH that certain parcel described in
 902 Official Records Book 5262, Page 3836, Public Records
 903 of Brevard County, Florida

904 Section 5. Board of supervisors; members and meetings;
 905 organization; powers; duties; terms of office; related election
 906 requirements.--

907 (1) The board of the district shall exercise the powers
 908 granted to the district pursuant to this act. The board shall
 909 consist of five members, each of whom shall hold office for a
 910 term of 4 years, as provided in this section, except as
 911 otherwise provided herein for initial board members, and until a
 912 successor is chosen and qualified. The members of the board must
 913 be residents of the state and citizens of the United States.

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

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

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

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HB 1559, Engrossed 1

2006 Legislature

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

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

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

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

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

983 (II) Ten years following the creation of the district, two
 984 governing board members shall be persons who were elected by the
 985 qualified electors and three governing board members shall be
 986 persons elected by the landowners.

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

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

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

995 governing board member shall be a person who was elected by the
 996 landowners.

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

1000
 1001 For purposes of this subparagraph, "projected total qualified
 1002 electors" shall mean and refer to the product of: (the total
 1003 number of single-family and multi-family units approved within
 1004 the district by a development order issued by Brevard County and
 1005 in effect in the tenth year following creation of the district)
 1006 x (the average number of persons residing within a household
 1007 located within Brevard County based on the 2010 U.S. Census) x
 1008 (the percentage of Brevard County's general population
 1009 registered to vote as reported by the Brevard County Supervisor
 1010 of Elections as of the general election occurring November
 1011 2014).

1012 Nothing in this sub-subparagraph is intended to require an
 1013 election prior to the expiration of an existing board member's
 1014 term.

1015 b. On or before June 1, 2016, the board shall determine
 1016 the number of projected qualified electors in the district as of
 1017 the immediately preceding April 15. Additionally, on or before
 1018 June 1, 2016, and each year thereafter until the trigger in
 1019 subparagraph (III) is met, the board shall determine the actual
 1020 number of qualified electors in the district as of the
 1021 immediately preceding April 15. The board shall use and rely

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1022 upon the official records maintained by the supervisor of
1023 elections and property appraiser or tax collector in each county
1024 in making this determination. Such determination shall be made
1025 at a properly noticed meeting of the board and shall become a
1026 part of the official minutes of the district.

1027 c. All governing board members elected by qualified
1028 electors shall be elected at large at an election occurring as
1029 provided in subsection (2) and this subsection.

1030 d. Once the district qualifies to have any of its board
1031 members elected by the qualified electors of the district, the
1032 initial and all subsequent elections by the qualified electors
1033 of the district shall be held at the general election in
1034 November, except as provided in sub-subparagraph e. The board
1035 shall adopt a resolution if necessary to this requirement. The
1036 transition process described herein is intended to be in lieu of
1037 the process set forth in section 189.4051, Florida Statutes.

1038 e. If, during the term of office, a vacancy occurs, the
1039 remainder of the unexpired term shall be filled as follows:

1040 (I) If the vacancy arises with respect to a supervisor
1041 that was elected by landowners, the vacancy shall be filled by a
1042 supervisor elected by the landowners; and

1043 (II) If the vacancy arises with respect to a supervisor
1044 that was elected by the qualified electors of the district, the
1045 vacancy shall be filled by a supervisor elected by the qualified
1046 electors of the district, in which case the district shall be
1047 responsible for paying the expenses associated with any special
1048 election that is required to be conducted.

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HB 1559, Engrossed 1

2006 Legislature

1049 (b) Elections of board members by qualified electors held
1050 pursuant to this subsection shall be nonpartisan and shall be
1051 conducted in the manner prescribed by law for holding general
1052 elections. Board members shall assume the office on the second
1053 Tuesday following their election.

1054 (c) Candidates seeking election to office by qualified
1055 electors under this subsection shall conduct their campaigns in
1056 accordance with the provisions of chapter 106, Florida Statutes,
1057 and shall file qualifying papers and qualify for individual
1058 seats in accordance with section 99.061, Florida Statutes.
1059 Candidates shall pay a qualifying fee, which shall consist of a
1060 filing fee and an election assessment or, as an alternative,
1061 shall file a petition signed by not less than 1 percent of the
1062 registered voters of the district, and take the oath required in
1063 section 99.021, Florida Statutes, with the supervisor of
1064 elections in the county affected by such candidacy. The amount
1065 of the filing fee is 3 percent of \$4,800; however, if the
1066 electors have provided for compensation, the amount of the
1067 filing fee is 3 percent of the maximum annual compensation so
1068 provided. The amount of the election assessment is 1 percent of
1069 \$4,800; however, if the electors have provided for compensation,
1070 the amount of the election assessment is 1 percent of the
1071 maximum annual compensation so provided. The filing fee and
1072 election assessment shall be distributed as provided in section
1073 105.031(3), Florida Statutes.

1074 (d) The supervisors of elections shall appoint the
1075 inspectors and clerks of elections, prepare and furnish the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1076 ballots, designate polling places, and canvass the returns of
 1077 the election of board members by qualified electors. The county
 1078 canvassing boards shall declare and certify the results of the
 1079 election.

1080 (4) Members of the board, regardless of how elected, shall
 1081 be public officers, shall be known as supervisors, and, upon
 1082 entering into office, shall take and subscribe to the oath of
 1083 office as prescribed by section 876.05, Florida Statutes.
 1084 Members of the board shall be subject to ethics and conflict of
 1085 interest laws of the state that apply to all local public
 1086 officers. They shall hold office for the terms for which they
 1087 were elected or appointed and until their successors are chosen
 1088 and qualified.

1089 (5) Any elected board member may be removed by the
 1090 Governor for malfeasance, misfeasance, dishonesty, incompetency,
 1091 or failure to perform the duties imposed upon him or her by this
 1092 act, and any vacancies that may occur in such office for such
 1093 reasons shall be filled by the Governor as soon as practicable.

1094 (6) A majority of the members of the board constitutes a
 1095 quorum for the purposes of conducting its business and
 1096 exercising its powers and for all other purposes. Action taken
 1097 by the district shall be upon a vote of a majority of the
 1098 members present unless general law or a rule of the district
 1099 requires a greater number.

1100 (7) As soon as practicable after each election or
 1101 appointment, the board shall organize by electing one of its
 1102 members as chair and by electing a secretary, who need not be a

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1103 member of the board, and such other officers as the board may
 1104 deem necessary.

1105 (8) The board shall keep a permanent record book entitled
 1106 "Record of Proceedings of Viera Stewardship District," in which
 1107 shall be recorded minutes of all meetings, resolutions,
 1108 proceedings, certificates, bonds given by all employees, and any
 1109 and all corporate acts. The record book and all other district
 1110 records shall at reasonable times be opened to inspection in the
 1111 same manner as state, county, and municipal records pursuant to
 1112 chapter 119, Florida Statutes. The record book shall be kept at
 1113 the office or other regular place of business maintained by the
 1114 board in a designated location in Brevard County.

1115 (9) Each supervisor shall be entitled to receive for his
 1116 or her services an amount not to exceed \$200 per board meeting,
 1117 not to exceed \$4,800 per year per supervisor, or an amount
 1118 established by the electors at a referendum. In addition, each
 1119 supervisor shall receive travel and per diem expenses as set
 1120 forth in section 112.061, Florida Statutes.

1121 (10) All meetings of the board shall be open to the public
 1122 and governed by the provisions of chapter 286, Florida Statutes.

1123 Section 6. Board of supervisors; general duties.--

1124 (1) DISTRICT MANAGER AND EMPLOYEES.--The board shall
 1125 employ and fix the compensation of a district manager, who shall
 1126 have charge and supervision of the works of the district and
 1127 shall be responsible for preserving and maintaining any
 1128 improvement or facility constructed or erected pursuant to the
 1129 provisions of this act, for maintaining and operating the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1130 equipment owned by the district, and for performing such other
 1131 duties as may be prescribed by the board. It shall not be a
 1132 conflict of interest under chapter 112, Florida Statutes, for a
 1133 board member, the district manager, or another employee of the
 1134 district to be a stockholder, officer, or employee of a
 1135 landowner. The district manager may hire or otherwise employ and
 1136 terminate the employment of such other persons, including,
 1137 without limitation, professional, supervisory, and clerical
 1138 employees, as may be necessary and authorized by the board. The
 1139 compensation and other conditions of employment of the officers
 1140 and employees of the district shall be as provided by the board.

1141 (2) TREASURER.--The board shall designate a person who is
 1142 a resident of the state as treasurer of the district, who shall
 1143 have charge of the funds of the district. Such funds shall be
 1144 disbursed only upon the order of or pursuant to a resolution of
 1145 the board by warrant or check countersigned by the treasurer and
 1146 by such other person as may be authorized by the board. The
 1147 board may give the treasurer such other or additional powers and
 1148 duties as the board may deem appropriate and may fix his or her
 1149 compensation. The board may require the treasurer to give a bond
 1150 in such amount, on such terms, and with such sureties as may be
 1151 deemed satisfactory to the board to secure the performance by
 1152 the treasurer of his or her powers and duties. The financial
 1153 records of the board shall be audited by an independent
 1154 certified public accountant at least once a year.

1155 (3) PUBLIC DEPOSITORY.--The board is authorized to select
 1156 as a depository for its funds any qualified public depository as

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1157 defined in section 280.02, Florida Statutes, which meets all the
 1158 requirements of chapter 280, Florida Statutes, and has been
 1159 designated by the treasurer as a qualified public depository
 1160 upon such terms and conditions as to the payment of interest by
 1161 such depository upon the funds so deposited as the board may
 1162 deem just and reasonable.

1163 (4) BUDGET; REPORTS AND REVIEWS.--

1164 (a) The district shall provide financial reports in such
 1165 form and such manner as prescribed pursuant to this act and
 1166 chapter 218, Florida Statutes, as amended from time to time.

1167 (b) On or before July 15 of each year, the district
 1168 manager shall prepare a proposed budget for the ensuing fiscal
 1169 year to be submitted to the board for board approval. The
 1170 proposed budget shall include at the direction of the board an
 1171 estimate of all necessary expenditures of the district for the
 1172 ensuing fiscal year and an estimate of income to the district
 1173 from the taxes and assessments provided in this act. The board
 1174 shall consider the proposed budget item by item and may either
 1175 approve the budget as proposed by the district manager or modify
 1176 the same in part or in whole. The board shall indicate its
 1177 approval of the budget by resolution, which resolution shall
 1178 provide for a hearing on the budget as approved. Notice of the
 1179 hearing on the budget shall be published in a newspaper of
 1180 general circulation in the area of the district once a week for
 1181 2 consecutive weeks, except that the first publication shall be
 1182 not fewer than 15 days prior to the date of the hearing. The
 1183 notice shall further contain a designation of the day, time, and

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HB 1559, Engrossed 1

2006 Legislature

1184 place of the public hearing. At the time and place designated in
1185 the notice, the board shall hear all objections to the budget as
1186 proposed and may make such changes as the board deems necessary.

1187 At the conclusion of the budget hearing, the board shall, by
1188 resolution, adopt the budget as finally approved by the board.
1189 The budget shall be adopted prior to October 1 of each year.

1190 (c) At least 60 days prior to adoption, the Board of
1191 Supervisors of the district shall submit to the Brevard County
1192 Board of County Commissioners, for purposes of disclosure and
1193 information only, the proposed annual budget for the ensuing
1194 fiscal year, and the Board of County Commissioners may submit
1195 written comments to the Board of Supervisors solely for the
1196 assistance and information of the Board of Supervisors of the
1197 district in adopting its annual district budget.

1198 (d) The Board of Supervisors of the district shall submit
1199 annually, to the Board of County Commissioners of Brevard
1200 County, its district public facilities report under section
1201 189.415(2), Florida Statutes, or the most recent Development of
1202 Regional Impact report required by section 380.06(15) and (18),
1203 Florida Statutes, to the extent the report provides the
1204 information required by section 189.415(2), Florida Statutes,
1205 which reports the board of county commissioners shall use and
1206 rely upon in the preparation or revision of its comprehensive
1207 plan, specifically under section 189.415(6), Florida Statutes.

1208 (5) DISCLOSURE OF PUBLIC FINANCING.--The district shall
1209 take affirmative steps to provide for the full disclosure of
1210 information relating to the public financing and maintenance of

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1211 improvements to real property undertaken by the district. Such
 1212 information shall be made available to all existing residents
 1213 and all prospective residents of the district. The district
 1214 shall furnish each developer of a residential development within
 1215 the district with sufficient copies of that information to
 1216 provide each prospective initial purchaser of property in that
 1217 development with a copy; and any developer of a residential
 1218 development within the district, when required by law to provide
 1219 a public offering statement, shall include a copy of such
 1220 information relating to the public financing and maintenance of
 1221 improvements in the public offering statement. The Division of
 1222 Florida Land Sales, Condominiums, and Mobile Homes of the
 1223 Department of Business and Professional Regulation shall ensure
 1224 that disclosures made by developers pursuant to chapter 498,
 1225 Florida Statutes, meet the requirements of section 190.009(1),
 1226 Florida Statutes.

1227 (6) GENERAL POWERS.--The district shall have, and the
 1228 board may exercise, the following general powers, together with
 1229 all other general powers authorized under chapters 189 and 190:

1230 (a) To sue and be sued in the name of the district; to
 1231 adopt and use a seal and authorize the use of a facsimile
 1232 thereof; to acquire, by purchase, gift, devise, or otherwise,
 1233 and to own and dispose of, real and personal property, or any
 1234 estate therein; and to make and execute contracts and other
 1235 instruments necessary or convenient to the exercise of its
 1236 powers.

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1237 (b) To apply for coverage of its employees under the
1238 Florida Retirement System in the same manner as if such
1239 employees were state employees, subject to necessary action by
1240 the district to pay employer contributions into the Florida
1241 Retirement System Trust Fund.

1242 (c) To contract for the services of consultants to perform
1243 planning, engineering, legal, or other appropriate services of a
1244 professional nature. Such contracts shall be subject to public
1245 bidding or competitive negotiation requirements as set forth in
1246 general law applicable to independent special districts.

1247 (d) To borrow money and accept gifts; to apply for and use
1248 grants or loans of money or other property from the United
1249 States, the state, a unit of local government, or any person for
1250 any district purposes and enter into agreements required in
1251 connection therewith; and to hold, use, and dispose of such
1252 moneys or property for any district purposes in accordance with
1253 the terms of the gift, grant, loan, or agreement relating
1254 thereto.

1255 (e) To adopt and enforce rules and orders pursuant to the
1256 provisions of chapter 120, Florida Statutes, prescribing powers,
1257 duties, and functions of the officers of the district; the
1258 conduct of the business of the district; the maintenance of
1259 records; and the form of certificates evidencing tax liens and
1260 all other documents and records of the district. The board may
1261 also adopt and enforce administrative rules with respect to any
1262 of the projects of the district and define the area to be

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1263 included therein. The board may also adopt resolutions which may
 1264 be necessary for the conduct of district business.

1265 (f) To maintain an office at such place or places as the
 1266 board of supervisors designates in Brevard County, and within
 1267 the district when facilities are available.

1268 (g) To hold, control, and acquire by donation, purchase,
 1269 or condemnation, or dispose of, any public easements,
 1270 dedications to public use, platted reservations for public
 1271 purposes, or any reservations for those purposes authorized by
 1272 this act and to make use of such easements, dedications, or
 1273 reservations for the purposes authorized by this act.

1274 (h) To lease as lessor or lessee to or from any person,
 1275 firm, corporation, association, or body, public or private, any
 1276 projects of the type that the district is authorized to
 1277 undertake and facilities or property of any nature for the use
 1278 of the district to carry out the purposes authorized by this
 1279 act.

1280 (i) To borrow money and issue bonds, certificates,
 1281 warrants, notes, or other evidence of indebtedness as
 1282 hereinafter provided; to levy such taxes and assessments as may
 1283 be authorized; and to charge, collect, and enforce fees and
 1284 other user charges.

1285 (j) To raise, by user charges or fees authorized by
 1286 resolution of the board, amounts of money which are necessary
 1287 for the conduct of district activities and services and the
 1288 maintenance of district facilities and to enforce their receipt

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1289 and collection in the manner prescribed by resolution not
 1290 inconsistent with law.

1291 (k) To exercise within the district, or beyond the
 1292 district with prior approval by vote of a resolution of the
 1293 governing body of Brevard County if the taking will occur in an
 1294 unincorporated area in that county, the right and power of
 1295 eminent domain, pursuant to the provisions of chapters 73 and
 1296 74, Florida Statutes, over any property within the state, except
 1297 municipal, county, state, and federal property, for the uses and
 1298 purpose of the district relating solely to water, sewer,
 1299 district roads, and water management and control, specifically
 1300 including, without limitation, the power for the taking of
 1301 easements for the drainage of the land of one person over and
 1302 through the land of another.

1303 (l) To cooperate with, or contract with, other
 1304 governmental agencies as may be necessary, convenient,
 1305 incidental, or proper in connection with any of the powers,
 1306 duties, or purposes authorized by this act.

1307 (m) To assess and to impose upon lands in the district ad
 1308 valorem taxes as provided by this act.

1309 (n) If and when authorized by general law to determine,
 1310 order, levy, impose, collect, and enforce maintenance taxes.

1311 (o) To determine, order, levy, impose, collect, and
 1312 enforce assessments pursuant to this act and chapter 170,
 1313 Florida Statutes, as amended from time to time, pursuant to
 1314 authority granted in section 197.3631, Florida Statutes, or
 1315 pursuant to other provisions of general law now or hereinafter

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1316 enacted which provide or authorize a supplemental means to
 1317 order, levy, impose, or collect special assessments. Such
 1318 special assessments, in the discretion of the district, may be
 1319 collected and enforced pursuant to the provisions of sections
 1320 197.3632 and 197.3635, Florida Statutes, and chapters 170 and
 1321 173, Florida Statutes, as they may be amended from time to time,
 1322 or as provided by this act, or by other means authorized by
 1323 general law now or hereinafter enacted.

1324 (p) To exercise such special powers and other express
 1325 powers as may be authorized and granted by this act in the
 1326 charter of the district, including powers as provided in any
 1327 interlocal agreement entered into pursuant to chapter 163,
 1328 Florida Statutes, or which shall be required or permitted to be
 1329 undertaken by the district pursuant to any development order or
 1330 development of regional impact, including any interlocal service
 1331 agreement with Brevard County for proportionate, fair-share, or
 1332 pipelining capital construction funding for any certain capital
 1333 facilities or systems required of the developer pursuant to any
 1334 applicable development order or agreement.

1335 (q) To exercise all of the powers necessary, convenient,
 1336 incidental, or proper in connection with any other powers or
 1337 duties or the special purpose of the district authorized by this
 1338 act.

1339
 1340 The provisions of this subsection shall be construed liberally
 1341 in order to carry out effectively the specialized purpose of
 1342 this act.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1343 (7) SPECIAL POWERS.--The district shall have, and the
 1344 board may exercise, the following special powers to implement
 1345 its lawful and special purpose and to provide, pursuant to that
 1346 purpose, systems, facilities, services, improvements, projects,
 1347 works, and infrastructure, each of which constitutes a lawful
 1348 public purpose when exercised pursuant to this charter, subject
 1349 to, and not inconsistent with, the regulatory jurisdiction and
 1350 permitting authority of all other applicable governmental
 1351 bodies, agencies, and any special districts having authority
 1352 with respect to any area included therein, and to plan,
 1353 establish, acquire, construct or reconstruct, enlarge or extend,
 1354 equip, operate, finance, fund, and maintain improvements,
 1355 systems, facilities, services, works, projects, and
 1356 infrastructure. Any or all of the following special powers are
 1357 granted by this act in order to implement the special purpose of
 1358 the district:

1359 (a) To provide water management and control for the lands
 1360 within the district and to connect some or any of such
 1361 facilities with roads and bridges and to construct, acquire and
 1362 operate any dam, work, appurtenant work, impoundment, or
 1363 reservoir and any connecting, intercepting or outlet mains and
 1364 pipes in, along or under any street, alley, highway or other
 1365 public place or ways; including, but not limited to, acquiring,
 1366 operating, maintaining, repairing and improving water management
 1367 and control facilities necessary for the collection, storage
 1368 control, development, utilization and distribution of nonpotable
 1369 waters for irrigation purposes.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1370 (b) To provide water systems, sewer systems, and
 1371 wastewater management, reclamation and reuse, or any combination
 1372 thereof, and to construct and operate connecting intercepting or
 1373 outlet sewers and sewer mains and pipes and water mains,
 1374 conduits, or pipelines in, along, and under any street, alley,
 1375 highway, or other public place or ways, and to dispose of any
 1376 effluent, residue, or other byproducts of such system or sewer
 1377 system.

1378 1. The district may not purchase or sell a water, sewer,
 1379 or wastewater reuse utility that provides service to the public
 1380 for compensation, or enter into a wastewater facility
 1381 privatization contract for a wastewater facility, until the
 1382 governing body of the district has held a public hearing on the
 1383 purchase, sale, or wastewater facility privatization contract
 1384 and made a determination that the purchase, sale, or wastewater
 1385 facility privatization contract is in the public interest. This
 1386 limitation is not applicable to an irrigation water utility
 1387 provided pursuant to paragraph (a).

1388 2. In determining if the purchase, sale, or wastewater
 1389 facility privatization contract is in the public interest, the
 1390 district shall consider, at a minimum, the following:

1391 a. The most recent available income and expense statement
 1392 for the utility.

1393 b. The most recent available balance sheet for the
 1394 utility, listing assets and liabilities and clearly showing the
 1395 amount of contributions in aid of construction and the
 1396 accumulated depreciation thereon.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

- 1397 c. A statement of the existing rate base of the utility
- 1398 for regulatory purposes.
- 1399 d. The physical condition of the utility facilities being
- 1400 purchased or sold or subject to a wastewater facility
- 1401 privatization contract.
- 1402 e. The reasonableness of the purchase, sale, or wastewater
- 1403 facility privatization contract price and terms.
- 1404 f. The impacts of the purchase, sale, or wastewater
- 1405 facility privatization contract on utility customers, both
- 1406 positive and negative.
- 1407 g. Any additional investment required and the ability and
- 1408 willingness of the purchaser or the private firm under a
- 1409 wastewater facility privatization contract to make that
- 1410 investment, whether the purchaser is the district or the entity
- 1411 purchasing the utility from the district.
- 1412 h. In the case of a wastewater facility privatization
- 1413 contract, the terms and conditions on which the private firm
- 1414 will provide capital investment and financing or a combination
- 1415 thereof for contemplated capital replacements, additions,
- 1416 expansions, and repairs.
- 1417 i. The alternatives to the purchase, sale, or wastewater
- 1418 facility privatization contract and the potential impact on
- 1419 utility customers if the purchase, sale, or wastewater facility
- 1420 privatization contract is not made.
- 1421 j. The ability of the purchaser or the private firm under
- 1422 a wastewater facility privatization contract to provide and
- 1423 maintain high-quality and cost-effective utility service,

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1424 whether the purchaser is the district or the entity purchasing
1425 the utility from the district.

1426 k. In the case of a wastewater facility privatization
1427 contract, the district shall give significant weight to the
1428 technical expertise and experience of the private firm in
1429 carrying out the obligations specified in the wastewater
1430 facility privatization contract.

1431 l. All moneys paid by a private firm to a district
1432 pursuant to a wastewater facility privatization contract shall
1433 be used for the purpose of reducing or offsetting property
1434 taxes, wastewater service rates, or debt reduction or making
1435 infrastructure improvements or capital asset expenditures or
1436 other public purpose, provided, however, that nothing herein
1437 shall preclude the district from using all or part of the moneys
1438 for the purpose of the district's qualification for relief from
1439 the repayment of federal grant awards associated with the
1440 wastewater system as may be required by federal law or
1441 regulation. The district shall prepare a statement showing that
1442 the purchase, sale, or wastewater facility privatization
1443 contract is in the public interest, including a summary of the
1444 purchaser's or private firm's experience in water, sewer, or
1445 wastewater reuse utility operation and a showing of financial
1446 ability to provide the service, whether the purchaser or private
1447 firm is the district or the entity purchasing the utility from
1448 the district.

1449 (c) To provide bridges or culverts that may be needed
1450 across any drain, ditch, canal, floodway, holding basin,

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 HB 1559, Engrossed 1

2006 Legislature

1451 excavation, public highway, tract, grade, fill, or cut and
 1452 roadways over levees and embankments, and to construct any and
 1453 all of such works and improvements across, through, or over any
 1454 public right-of way, highway, grade, fill, or cut.

1455 (d) To provide public roads and related improvements equal
 1456 to or exceeding the specifications of Brevard County, including,
 1457 but not limited to transportation improvements necessary to
 1458 comply with conditions of development approval applicable to
 1459 lands within the district. This special power includes, but is
 1460 not limited to, roads, parkways, interchanges, bridges,
 1461 landscaping, hardscaping, irrigation, bicycle lanes, jogging
 1462 paths, street lighting, traffic signals, regulatory or
 1463 informational signage, road striping, underground conduit,
 1464 underground cable or fiber or wire installed to pursuant an
 1465 agreement with or tariff of a retail provider of services, and
 1466 all other related improvements and the elements of a functioning
 1467 modern road system in general or as related to the conditions of
 1468 development approval for the lands within the district, together
 1469 with transportation improvements and facilities that are
 1470 freestanding or that may be related to any innovative strategic
 1471 intermodal system of transportation pursuant to applicable
 1472 federal, state, and local law and ordinance.

1473 (e) To provide buses, trolleys, transit shelters,
 1474 ridesharing facilities and services, parking improvements, and
 1475 related signage.

1476 (f) To provide investigation and remediation costs
 1477 associated with the cleanup of actual or perceived environmental

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1478 contamination within the district under the supervision or
 1479 direction of a competent governmental authority unless the
 1480 covered costs benefit any person who is a landowner within the
 1481 district and who caused or contributed to the contamination.

1482 (g) To provide conservation areas, mitigation areas,
 1483 wilderness areas, and wildlife habitat, including the
 1484 maintenance of any plant or animal species, and any related
 1485 interest in real or personal property, and to evaluate, acquire,
 1486 enhance, manage, monitor and maintain conservation, mitigation,
 1487 and preservation lands and wildlife habitat.

1488 (h) Using its general and special powers as set forth in
 1489 this act, to provide any other project within or without the
 1490 boundaries of the district when the project is the subject of an
 1491 agreement between the district and the Board of County
 1492 Commissioners of Brevard County or with any other applicable
 1493 public or private entity, or is approved or required by a
 1494 development order pursuant to sections 380.06 or sections
 1495 380.061, Florida Statutes and is not inconsistent with the
 1496 effective local comprehensive plan.

1497 (i) To provide parks and facilities for indoor and outdoor
 1498 recreational, cultural, and educational uses, provided, however,
 1499 that in no event shall the district finance or own a golf
 1500 course..

1501 (j) To provide fire prevention and control, including fire
 1502 stations, water mains and plugs, fire trucks, and other vehicles
 1503 and equipment.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1504 (k) To provide school buildings and related structures,
 1505 which may be leased, sold, or donated to the school district,
 1506 for use in the educational system when authorized by the
 1507 district school board.

1508 (l) To provide security, including, but not limited to,
 1509 guardhouses, fences, and gates, electronic intrusion-detection
 1510 systems, and patrol cars, when authorized by proper governmental
 1511 agencies; however, the district may not exercise any powers of a
 1512 law enforcement agency but may contract with the appropriate
 1513 local general-purpose government agencies for an increased level
 1514 of such services within the district boundaries. Notwithstanding
 1515 any provision of general law, the district may operate
 1516 guardhouses for the limited purpose of providing security for
 1517 the residents of the district and which serve a predominate
 1518 public, as opposed to private, purpose. Such guardhouses shall
 1519 he operated by the district or any other unit of local
 1520 government pursuant to procedures designed to serve such
 1521 security purposes as set forth in rules adopted by the board,
 1522 from time to time, following the procedures set forth in chapter
 1523 120, Florida Statutes.

1524 (m) To provide control and elimination of mosquitoes and
 1525 other arthropods of public health importance.

1526 (n) To provide waste collection and disposal.

1527 (o) To enter into impact fee credit agreements.

1528 (p) To provide buildings and structures for district
 1529 offices, maintenance facilities, meeting facilities, community
 1530 centers, or any other project authorized or granted by this act.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1531 (q) To establish and create, at noticed meetings, such
 1532 governmental departments of the Board of Supervisors of the
 1533 district, as well as committees, task forces, boards, or
 1534 commissions, or other agencies under the supervision and control
 1535 of the district, as from time to time the board may deem
 1536 necessary or desirable in the performance of the acts or other
 1537 things necessary to exercise the board's general or special
 1538 powers to implement an innovative project to carry out the
 1539 special purpose of the district as provided in this act and to
 1540 delegate the exercise of its powers to such departments, boards,
 1541 task forces, committees or other agencies and such
 1542 administrative duties and other powers as the board may deem
 1543 necessary or desirable but only if there is a set of expressed
 1544 limitations for accountability, notice, and periodic written
 1545 reporting to the board that shall retain the powers of the
 1546 board.

1547 (r) To adopt and enforce appropriate rules following the
 1548 procedures of chapter 120, in connection with the provision of
 1549 one or more services through its systems and facilities.

1550
 1551 The enumeration of special powers herein shall not be deemed
 1552 exclusive or restrictive but shall be deemed to incorporate
 1553 powers express or implied necessary or incident to carrying out
 1554 such enumerated special powers, including also the general
 1555 powers provided by this special act charter to the district to
 1556 implement its single purpose. Further, the provisions of this
 1557 subsection shall be construed liberally in order to carry out

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1558 effectively the special purpose of this district under this act.
 1559 The district may exercise its powers to provide facilities for
 1560 potable water, sewer, fire protection, mosquito control, waste
 1561 collection and waste disposal services only if such facilities
 1562 are to be dedicated to and operated by the county or a
 1563 municipality already providing the service or if such county or
 1564 municipality declines or is unable to provide the service at the
 1565 time the service becomes necessary. Nothing herein:
 1566 1. Shall prevent the district from dedicating
 1567 transportation or other facilities to the county or a
 1568 municipality;
 1569 2. Shall be construed to authorize the district to provide
 1570 or approve franchises for emergency medical ambulance services,
 1571 which authority is reserved to Brevard County under chapter 71-
 1572 556 Laws of Florida;
 1573 3. Is intended to authorize the imposition of impact fees
 1574 based upon alleged police powers or regulatory powers of the
 1575 district;
 1576 4. Is intended to limit the power of the county or a city
 1577 to provide such facilities and to require landowners to utilize
 1578 such facilities as a condition to development of lands within
 1579 the district; or
 1580 5. Is intended to prohibit the district from providing
 1581 additional services beyond those offered by the county or a
 1582 municipality.
 1583 (8) ISSUANCE OF BOND ANTICIPATION NOTES.--In addition to
 1584 the other powers provided for in this act, and not in limitation

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1585 thereof, the district shall have the power, at any time and from
1586 time to time after the issuance of any bonds of the district
1587 shall have been authorized, to borrow money for the purposes for
1588 which such bonds are to be issued in anticipation of the receipt
1589 of the proceeds of the sale of such bonds and to issue bond
1590 anticipation notes in a principal sum not in excess of the
1591 authorized maximum amount of such bond issue. Such notes shall
1592 be in such denomination or denominations, bear interest at such
1593 rate as the board may determine not to exceed the maximum rate
1594 allowed by general law, mature at such time or times not later
1595 than 5 years from the date of issuance, and be in such form and
1596 executed in such manner as the board shall prescribe. Such notes
1597 may be sold at either public or private sale or, if such notes
1598 shall be renewal notes, may be exchanged for notes then
1599 outstanding on such terms as the board shall determine. Such
1600 notes shall be paid from the proceeds of such bonds when issued
1601 The board may, in its discretion, in lieu of retiring the notes
1602 by means of bonds, retire them by means of current revenues or
1603 from any taxes or assessments levied for the payment of such
1604 bonds, but, in such event, a like amount of the bonds authorized
1605 shall not be issued.

1606 (9) BORROWING.--The district at any time may obtain loans,
1607 in such amount and on such terms and conditions as the board may
1608 approve, for the purpose of paying any of the expenses of the
1609 district or any costs incurred or that may be incurred in
1610 connection with any of the projects of the district, which loans
1611 shall bear interest as the board determines, not to exceed the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

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

1628 (10) BONDS.--

1629 (a) Sale of bonds.--Bonds may be sold in blocks or
 1630 installments at different times, or an entire issue or series
 1631 may be sold at one time. Bonds may be sold at public or private
 1632 sale after such advertisement, if any, as the board may deem
 1633 advisable but not in any event at less than 90 percent of the
 1634 par value thereof, together with accrued interest thereon. Bonds
 1635 may be sold or exchanged for refunding bonds. Special assessment
 1636 and revenue bonds may be delivered by the district as payment of
 1637 the purchase price of any project or part thereof, or a
 1638 combination of projects or parts thereof, or as the purchase

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1639 price or exchange for any property, real, personal, or mixed,
 1640 including franchises or services rendered by any contractor,
 1641 engineer, or other person, all at one time or in blocks from
 1642 time to time, in such manner and upon such terms as the board in
 1643 its discretion shall determine. The price or prices for any
 1644 bonds sold, exchanged, or delivered may be:

- 1645 1. The money paid for the bonds.
- 1646 2. The principal amount, plus accrued interest to the date
 1647 of redemption or exchange, or outstanding obligations exchanged
 1648 for refunding bonds.
- 1649 3. In the case of special assessment or revenue bonds, the
 1650 amount of any indebtedness to contractors or other persons paid
 1651 with such bonds, or the fair value of any properties exchanged
 1652 for the bonds, as determined by the board.

1653 (b) Authorization and form of bonds.--Any general
 1654 obligation bonds, special assessment bonds, or revenue bonds may
 1655 be authorized by resolution or resolutions of the board which
 1656 shall be adopted by a majority of all the members thereof then
 1657 in office. Such resolution or resolutions may be adopted at the
 1658 same meeting at which they are introduced and need not be
 1659 published or posted. The board may, by resolution, authorize the
 1660 issuance of bonds and fix the aggregate amount of bonds to be
 1661 issued; the purpose or purposes for which the moneys derived
 1662 therefrom shall be expended, including, but not limited to,
 1663 payment of costs as defined in section 2(2)(i); the rate or
 1664 rates of interest, not to exceed the maximum rate allowed by
 1665 general law; the denomination of the bonds; whether or not the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

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

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1693 (c) Interim certificates; replacement
1694 certificates.--Pending the preparation of definitive bonds, the
1695 board may issue interim certificates or receipts or temporary
1696 bonds, in such form and with such provisions as the board may
1697 determine, exchangeable for definitive bonds when such bonds
1698 have been executed and are available for delivery. The board may
1699 also provide for the replacement of any bonds which become
1700 mutilated lost, or destroyed.

1701 (d) Negotiability of bonds.--Any bond issued under this
1702 act or any temporary bond, in the absence of an express recital
1703 on the face thereof that it is nonnegotiable, shall be fully
1704 negotiable and shall be and constitute a negotiable instrument
1705 within the meaning and for all purposes of the law merchant and
1706 the laws of the state.

1707 (e) Defeasance.--The board may make such provision with
1708 respect to the defeasance of the right, title, and interest of
1709 the holders of any of the bonds and obligations of the district
1710 in any revenues, funds, or other properties by which such bonds
1711 are secured as the board deems appropriate and, without
1712 limitation on the foregoing, may provide that when such bonds or
1713 obligations become due and payable or shall have been called for
1714 redemption and the whole amount of the principal and interest
1715 and premium, if any, due and payable upon the bonds or
1716 obligations then outstanding shall be held in trust for such
1717 purpose, and provision shall also be made for paying all other
1718 sums payable in connection with such bonds or other obligations,
1719 then and in such event the right, title, and interest of the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1720 holders of the bonds in any revenues, funds, or other properties
 1721 by which such bonds are secured shall thereupon cease,
 1722 terminate, and become void; and the board may apply any surplus
 1723 in any sinking fund established in connection with such bonds or
 1724 obligations and all balances remaining in all other funds or
 1725 accounts other than moneys held for the redemption or payment of
 1726 the bonds or other obligations to any lawful purpose of the
 1727 district as the board shall determine.

1728 (f) Issuance of additional bonds.--If the proceeds of any
 1729 bonds are less than the cost of completing the project in
 1730 connection with which such bonds were issued, the board may
 1731 authorize the issuance of additional bonds, upon such terms and
 1732 conditions as the board may provide in the resolution
 1733 authorizing the issuance thereof, but only in compliance with
 1734 the resolution or other proceedings authorizing the issuance of
 1735 the original bonds.

1736 (g) Refunding bonds.--The district shall have the power to
 1737 issue bonds to provide for the retirement or refunding of any
 1738 bonds or obligations of the district that at the time of such
 1739 issuance are or subsequent thereto become due and payable, or
 1740 that at the time of issuance have been called or are or will be
 1741 subject to call for redemption within 10 years thereafter, or
 1742 the surrender of which can be procured from the holders thereof
 1743 at prices satisfactory to the board. Refunding bonds may be
 1744 issued at any time that in the judgment of the board such
 1745 issuance will be advantageous to the district. No approval of
 1746 the qualified electors residing in the district shall be

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1747 required for the issuance of refunding bonds except in cases in
1748 which such approval is required by the State Constitution. The
1749 board may by resolution confer upon the holders of such
1750 refunding bonds all rights, powers, and remedies to which the
1751 holders would be entitled if they continued to be the owners and
1752 had possession of the bonds for the refinancing of which such
1753 refunding bonds are issued, including, but not limited to, the
1754 preservation of the lien of such bonds on the revenues of any
1755 project or on pledged funds, without extinguishment, impairment,
1756 or diminution thereof. The provisions of this act pertaining to
1757 bonds of the district shall, unless the context otherwise
1758 requires, govern the issuance of refunding bonds, the form and
1759 other details thereof, the rights of the holders thereof, and
1760 the duties of the board with respect to them.

1761 (h) Revenue bonds.--

1762 1. The district shall have the power to issue revenue
1763 bonds from time to time without limitation as to amount. Such
1764 revenue bonds may be secured by, or payable from, the gross or
1765 net pledge of the revenues to be derived from any project or
1766 combination of projects; from the rates, fees, or other charges
1767 to be collected from the users of any project or projects; from
1768 any revenue-producing undertaking or activity of the district;
1769 from special assessments; or from benefit special assessments;
1770 or from any other source or pledged security. Such bonds shall
1771 not constitute an indebtedness of the district, and the approval
1772 of the qualified electors shall not be required unless such

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1773 bonds are additionally secured by the full faith and credit and
 1774 taxing power of the district.

1775 2. Any two or more projects may be combined and
 1776 consolidated into a single project and may hereafter be operated
 1777 and maintained as a single project. The revenue bonds authorized
 1778 herein may be issued to finance any one or more of such
 1779 projects, regardless of whether or not such projects have been
 1780 combined and consolidated into a single project. If the board
 1781 deems it advisable, the proceedings authorizing such revenue
 1782 bonds may provide that the district may thereafter combine the
 1783 projects then being financed or theretofore financed with other
 1784 projects to be subsequently financed by the district and that
 1785 revenue bonds to be thereafter issued by the district shall be
 1786 on parity with the revenue bonds then being issued, all on such
 1787 terms, conditions, and limitations as shall have been provided
 1788 in the proceeding which authorized the original bonds.

1789 (i) General obligation bonds.--

1790 1. Subject to the limitations of this charter, the
 1791 district shall have the power from time to time to issue general
 1792 obligation bonds to finance or refinance capital projects or to
 1793 refund outstanding bonds in an aggregate principal amount of
 1794 bonds outstanding at any one time not in excess of 35 percent of
 1795 the assessed value of the taxable property within the district
 1796 as shown on the pertinent tax records at the time of the
 1797 authorization of the general obligation bonds for which the full
 1798 faith and credit of the district is pledged. Except for
 1799 refunding bonds, no general obligation bonds shall be issued

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

1800 unless the bonds are issued to finance or refinance a capital
1801 project and the issuance has been approved at an election held
1802 in accordance with the requirements for such election as
1803 prescribed by the State Constitution. Such elections shall be
1804 called to be held in the district by the Board of County
1805 Commissioners of Brevard County upon the request of the board of
1806 the district. The expenses of calling and holding an election
1807 shall be at the expense of the district, and the district shall
1808 reimburse the county for any expenses incurred in calling or
1809 holding such election.

1810 2. The district may pledge its full faith and credit for
1811 the payment of the principal and interest on such general
1812 obligation bonds and for any reserve funds provided therefor and
1813 may unconditionally and irrevocably pledge itself to levy ad
1814 valorem taxes on all taxable property in the district, to the
1815 extent necessary for the payment thereof, without limitation as
1816 to rate or amount.

1817 3. If the board determines to issue general obligation
1818 bonds for more than one capital project, the approval of the
1819 issuance of the bonds for each and all such projects may be
1820 submitted to the electors on one and the same ballot. The
1821 failure of the electors to approve the issuance of bonds for one
1822 or more capital projects shall not defeat the approval of any
1823 bonds for any capital project which has been approved by the
1824 electors.

1825 4. In arriving at the amount of general obligation bonds
1826 permitted to be outstanding at any one time pursuant to

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1827 subparagraph 1., there shall not be included any general
 1828 obligation bonds which are additionally secured by the pledge
 1829 of:

1830 a. Any assessments levied in an amount sufficient to pay
 1831 the principal and interest on the general obligation bonds so
 1832 additionally secured, which assessments have been equalized and
 1833 confirmed by resolution of the board pursuant to this act or
 1834 section 170.08, Florida Statutes.

1835 b. Water revenues, sewer revenues, or water and sewer
 1836 revenues of the district to be derived from user fees in an
 1837 amount sufficient to pay the principal and interest on the
 1838 general obligation bonds so additionally secured.

1839 c. Any combination of assessments and revenues described
 1840 in sub-subparagraphs a. and b.

1841 (j) Bonds as legal investment or security.--

1842 1. Notwithstanding any provisions of any other law to the
 1843 contrary, all bonds issued under the provisions of this act
 1844 shall constitute legal investments for savings banks, banks,
 1845 trust companies, insurance companies, executors, administrators,
 1846 trustees, guardians, and other fiduciaries and for any board,
 1847 body, agency, instrumentality, county, municipality, or other
 1848 political subdivision of the state and shall be and constitute
 1849 security which may be deposited by banks or trust companies as
 1850 security for deposits of state, county, municipal, or other
 1851 public funds or by insurance companies as required or voluntary
 1852 statutory deposits.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1853 2. Any bonds issued by the district shall be incontestable
 1854 in the hands of bona fide purchasers or holders for value and
 1855 shall not be invalid because of any irregularity or defect in
 1856 the proceedings for the issue and sale thereof.

1857 (k) Covenants.--Any resolution authorizing the issuance of
 1858 bonds may contain such covenants as the board may deem
 1859 advisable, and all such covenants shall constitute valid and
 1860 legally binding and enforceable contracts between the district
 1861 and the bondholders, regardless of the time of issuance thereof.
 1862 Such covenants may include, without limitation, covenants
 1863 concerning the disposition of the bond proceeds; the use and
 1864 disposition of project revenues; the pledging of revenues,
 1865 taxes, and assessments; the obligations of the district with
 1866 respect to the operation of the project and the maintenance of
 1867 adequate project revenues; the issuance of additional bonds; the
 1868 appointment, powers, and duties of trustees and receivers; the
 1869 acquisition of outstanding bonds and obligations; restrictions
 1870 on the establishing of competing projects or facilities;
 1871 restrictions on the sale or disposal of the assets and property
 1872 of the district; the priority of assessment liens; the priority
 1873 of claims by bondholders on the taxing power of the district;
 1874 the maintenance of deposits to ensure the payment of revenues by
 1875 users of district facilities and services; the discontinuance of
 1876 district services by reason of delinquent payments; acceleration
 1877 upon default; the execution of necessary instruments; the
 1878 procedure for amending or abrogating covenants with the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1879 bondholders; and such other covenants as may be deemed necessary
 1880 or desirable for the security of the bondholders.

1881 (l) Validation proceedings.--The power of the district to
 1882 issue bonds under the provisions of this act may be determined,
 1883 and any of the bonds of the district maturing over a period of
 1884 more than 5 years shall be validated and confirmed, by court
 1885 decree, under the provisions of chapter 75, Florida Statutes,
 1886 and laws amendatory thereof or supplementary thereto.

1887 (m) Tax exemption.--To the extent allowed by general law,
 1888 all bonds issued hereunder and interest paid thereon and all
 1889 fees, charges, and other revenues derived by the district from
 1890 the projects provided by this act are exempt from all taxes by
 1891 the state or by any political subdivision, agency, or
 1892 instrumentality thereof; however, any interest, income, or
 1893 profits on debt obligations issued hereunder are not exempt from
 1894 the tax imposed by chapter 220, Florida Statutes.

1895 (n) Application of section 189.4085, Florida
 1896 Statutes.--Bonds issued by the district shall meet the criteria
 1897 set forth in section 189.4085, Florida Statutes.

1898 (o) Act furnishes full authority for issuance of the
 1899 bonds.--This act constitutes full and complete authority for the
 1900 issuance of bonds and the exercise of the powers of the district
 1901 provided herein. No procedures or proceedings, publications,
 1902 notices, consents, approvals, orders, acts, or things by the
 1903 board, or any board, officer, commission, department, agency, or
 1904 instrumentality of the district, other than those required b
 1905 this act, shall be required to perform anything under this act,

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1906 except that the issuance or sale of bonds pursuant to the
 1907 provisions of this act shall comply with the general law
 1908 requirements applicable to the issuance or sale of bonds by the
 1909 district. Nothing in this act shall be construed to authorize
 1910 the district to utilize bond proceeds to fund the ongoing
 1911 operations of the district.

1912 (p) Pledge by the state to the bondholders of the
 1913 district.--The state pledges to the holders of any bonds issued
 1914 under this act that it will not limit or alter the rights of the
 1915 district to own, acquire, construct, reconstruct, improve,
 1916 maintain, operate, or furnish the projects or to levy and
 1917 collect the taxes, assessments, rentals, rates, fees, and other
 1918 charges provided for herein and to fulfill the terms of any
 1919 agreement made with the holders of such bonds or other
 1920 obligations and that it will not in any way impair the rights or
 1921 remedies of such holders.

1922 (q) Default.--A default on the bonds or obligations of a
 1923 district shall not constitute a debt or obligation of the state
 1924 or any general-purpose local government or the state.

1925 (11) TRUST AGREEMENTS.--Any issue of bonds shall be
 1926 secured by a trust agreement by and between the district and a
 1927 corporate trustee or trustees, which may be any trust company or
 1928 bank having the powers of a trust company within or without the
 1929 state. The resolution authorizing the issuance of the bonds or
 1930 such trust agreement may pledge the revenues to be received from
 1931 any projects of the district and may contain such provisions for
 1932 protecting and enforcing the rights and remedies of the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1933 bondholders as the board may approve, including, without
 1934 limitation, covenants setting forth the duties of the district
 1935 in relation to: the acquisition, construction, reconstruction,
 1936 improvement, maintenance, repair, operation, and insurance of
 1937 any projects; the fixing and revising of the rates, fees, and
 1938 charges; and the custody, safeguarding, and application of all
 1939 moneys and for the employment of consulting engineers in
 1940 connection with such acquisition, construction, reconstruction,
 1941 improvement, maintenance, repair, or operation. It shall be
 1942 lawful for any bank or trust company within or without the state
 1943 which may act as a depository of the proceeds of bonds or of
 1944 revenues to furnish such indemnifying bonds or to pledge such
 1945 securities as may be required by the district. Such resolution
 1946 or trust agreement may set forth the rights and remedies of the
 1947 bondholders and of the trustee, if any, and may restrict the
 1948 individual right of action by bondholders. The board may provide
 1949 for the payment of proceeds of the sale of the bonds and the
 1950 revenues of any project to such officer, board, or depository as
 1951 it may designate for the custody thereof and may provide for the
 1952 method of disbursement thereof with such safeguards and
 1953 restrictions as it may determine. All expenses incurred in
 1954 carrying out the provisions of such resolution or trust
 1955 agreement may be treated as part of the cost of operation of the
 1956 project to which such trust agreement pertains.

1957 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL
 1958 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL
 1959 ASSESSMENTS; MAINTENANCE TAXES.--

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1960 (a) Ad valorem taxes.--When all members of the board are
 1961 qualified electors who are elected by qualified electors of the
 1962 district, the board shall have the power to levy and assess an
 1963 ad valorem tax on all the taxable property in the district to
 1964 construct, operate, and maintain assessable improvements; to pay
 1965 the principal of, and interest on, any general obligation bonds
 1966 of the district; and to provide for any sinking or other funds
 1967 established in connection with any such bonds. An ad valorem tax
 1968 levied by the board for operating purposes, exclusive of debt
 1969 service on bonds, shall not exceed 3 mills. The ad valorem tax
 1970 provided for herein shall be in addition to county and all other
 1971 ad valorem taxes provided for by law. Such tax shall be
 1972 assessed, levied, and collected in the same manner and at the
 1973 same time as county taxes. The levy of ad valorem taxes must be
 1974 approved by referendum as required by s. 9, Article VII of the
 1975 State Constitution.

1976 (b) Benefit special assessments.--The board annually shall
 1977 determine, order, and levy the annual installment of the total
 1978 benefit special assessments for bonds issued and related
 1979 expenses to finance assessable improvements. These assessments
 1980 may be due and collected during each year that county taxes are
 1981 due and collected, in which case such annual installment and
 1982 levy shall be evidenced to and certified to the property
 1983 appraiser by the board not later than August 31 of each year.
 1984 Such assessment shall be entered by the property appraiser on
 1985 the county tax rolls and shall be collected and enforced by the
 1986 tax collector in the same manner and at the same time as county

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

1987 | taxes, and the proceeds thereof shall be paid to the district.
 1988 | However, this subsection shall not prohibit the district in its
 1989 | discretion from using the method prescribed in either section
 1990 | 197.3632, Florida Statutes or chapter 173, Florida Statutes, as
 1991 | each may be amended from time to time, for collecting and
 1992 | enforcing these assessments. Each annual installment of benefit
 1993 | special assessments shall be a lien on the property against
 1994 | which assessed until paid and shall be enforceable in like
 1995 | manner as county taxes. The amount of the assessment for the
 1996 | exercise of the district's powers under subsections (6) and (7)
 1997 | shall be determined by the board based upon a report of the
 1998 | district's engineer and assessed by the board upon such lands,
 1999 | which may be part or all of the lands within the district
 2000 | benefited by the improvement, apportioned between benefited
 2001 | lands in proportion to the benefits received by each tract of
 2002 | land. The board may, if it determines it is in the best
 2003 | interests of the district, set forth in the proceedings
 2004 | initially levying such benefit special assessments or in
 2005 | subsequent proceedings a formula for the determination of an
 2006 | amount, which when paid by a taxpayer with respect to any tax
 2007 | parcel, shall constitute a prepayment all future annual
 2008 | installments of such benefit special assessments and that the
 2009 | payment of which amount with respect such tax parcel shall
 2010 | relieve and discharge such tax parcel of the lien of such
 2011 | benefit special assessments and any subsequent annual
 2012 | installment thereof. The board may provide further that upon
 2013 | delinquency in the payment of any annual installment of benefit

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2014 special assessments, the prepayment amount of all future annual
 2015 installments of benefit special assessments as determined in the
 2016 preceding sentence shall be and become immediately due and
 2017 payable together with such delinquent annual installment.

2018 (c) Non-ad valorem maintenance taxes.--If and when
 2019 authorized by general law, to maintain and to preserve the
 2020 physical facilities and services constituting the works,
 2021 improvements, or infrastructure provided by the district
 2022 pursuant to this act, to repair and restore any one or more of
 2023 them, when needed, and to defray the current expenses of the
 2024 district, including any sum which may be required to pay state
 2025 and county ad valorem taxes on any taxable lands which may have
 2026 been purchased and which are held by the district under the
 2027 provisions of this act, the Board of Supervisors may, upon the
 2028 completion of said systems, facilities, services, works,
 2029 improvements, or infrastructure, in whole or in part, as may be
 2030 certified to the board by the engineer of the board, levy
 2031 annually a non-ad valorem and nonmillage tax upon each tract or
 2032 parcel of land within the district, to be known as a
 2033 "maintenance tax." This non-ad valorem maintenance tax shall be
 2034 apportioned upon the basis of the net assessments of benefits
 2035 assessed as accruing from the original construction and shall be
 2036 evidenced to and certified by the Board of Supervisors of the
 2037 district not later than June 1 of each year to the property
 2038 appraiser of Brevard County and shall be extended by the
 2039 property appraiser on the tax roll of the property appraiser, as
 2040 certified by the property appraiser to the tax collector, and

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2041 collected by the tax collector on the merged collection roll of
2042 the tax collector in the same manner and at the same time as
2043 county ad valorem taxes, and the proceeds therefrom shall be
2044 paid to the district. This non-ad valorem maintenance tax shall
2045 be a lien until paid on the property against which assessed and
2046 enforceable in like manner and of the same dignity as county ad
2047 valorem taxes.

2048 (d) Maintenance special assessments.--To maintain and
2049 preserve the facilities and projects of the district, the board
2050 may levy a maintenance special assessment. This assessment may
2051 be evidenced to and certified to the property appraiser by the
2052 Board of Supervisors not later than August 31 of each year and
2053 shall be entered by the property appraiser on the county tax
2054 rolls and shall be collected and enforced by the tax collector
2055 in the same manner and at the same time as county taxes, and the
2056 proceeds therefrom shall be paid to the district. However, this
2057 subsection shall not prohibit the district in its discretion
2058 from using the method prescribed in either section 197.363,
2059 section 197.3631, or section 197.3632, Florida Statutes, for
2060 collecting and enforcing these assessments. These maintenance
2061 special assessments shall be a lien on the property against
2062 which assessed until paid and shall be enforceable in like
2063 manner as county taxes. The amount of the maintenance special
2064 assessment for the exercise of the district's powers under this
2065 section shall be determined by the board based upon a report of
2066 the district's engineer and assessed by the board upon such
2067 lands, which may be all of the lands within the district

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2068 benefited by the maintenance thereof, apportioned between the
 2069 benefited lands in proportion to the benefits received by each
 2070 tract of land.

2071 (e) Special assessments.--To levy and impose any special
 2072 assessments pursuant to this subsection.

2073 (f) Enforcement of taxes.--The collection and enforcement
 2074 of all taxes levied by the district shall be at the same time
 2075 and in like manner as county taxes, and the provisions of the
 2076 laws of Florida relating to the sale of lands for unpaid and
 2077 delinquent county taxes; the issuance, sale, and delivery of tax
 2078 certificates for such unpaid and delinquent county taxes; the
 2079 redemption thereof; the issuance to individuals of tax deeds
 2080 based thereon; and all other procedures in connection therewith
 2081 shall be applicable to the district to the same extent as if
 2082 such statutory provisions were expressly set forth herein. All
 2083 taxes shall be subject to the same discounts as county taxes.

2084 (g) When unpaid tax is delinquent; penalty.--All taxes
 2085 provided for in this act shall become delinquent and bear
 2086 penalties on the amount of such taxes in the same manner as
 2087 county taxes.

2088 (h) Status of assessments.--Benefit special assessments,
 2089 maintenance special assessments, and special assessments are
 2090 hereby found and determined to be non-ad valorem assessments as
 2091 defined by section 197.3632, Florida Statutes. Maintenance taxes
 2092 are non-ad valorem taxes and are not special assessments.

2093 (i) Assessments constitute liens; collection.--Any and all
 2094 assessments, including special assessments, benefit special

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2095 assessments, and maintenance special assessments authorized by
 2096 this section, and including special assessments as defined by
 2097 section 2(2)(z) and granted and authorized by this subsection,
 2098 and including maintenance taxes if authorized by general law,
 2099 shall constitute a lien on the property against which assessed
 2100 from the date of levy and imposition thereof until paid, coequal
 2101 with the lien of state, county, municipal, and school board
 2102 taxes. These assessments may be collected, at the district's
 2103 discretion, under authority of section 197.3631, Florida
 2104 Statutes, as amended from time to time, by the tax collector
 2105 pursuant to the provisions of sections 197.3632 and 197.3635,
 2106 Florida Statutes, as amended from time to time, or in accordance
 2107 with other collection measures provided by law. In addition to,
 2108 and not in limitation of, any powers otherwise set forth herein
 2109 or in general law, these assessments may also be enforced
 2110 pursuant to the provisions of chapter 173, Florida Statutes, as
 2111 amended from time to time.

2112 (j) Land owned by governmental entity.--Except as
 2113 otherwise provided by law, no levy of ad valorem taxes or non-ad
 2114 valorem assessments under this act, chapter 170, or chapter 197,
 2115 Florida Statutes, as each may be amended from time to time, or
 2116 otherwise, by a board of a District, on property of a
 2117 governmental entity that is subject to a ground lease as
 2118 described in section 190.003(13), Florida Statutes, shall
 2119 constitute a lien or encumbrance on the underlying fee interest
 2120 of such governmental entity.

2121 (13) SPECIAL ASSESSMENTS.--

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2122 (a) As an alternative method to the levy and imposition of
2123 special assessments pursuant to chapter 170, Florida Statutes,
2124 pursuant to the authority of section 197.3631, Florida Statutes,
2125 or pursuant to other provisions of general law, now or hereafter
2126 enacted, which provide a supplemental means or authority to
2127 impose, levy, and collect special assessments as otherwise
2128 authorized under this act, the board may levy and impose special
2129 assessments to finance the exercise of any of its powers
2130 permitted under this act using the following uniform procedures:

2131 1. At a noticed meeting, the board of supervisors of the
2132 district may consider and review an engineer's report on the
2133 costs of the systems, facilities, and services to be provided, a
2134 preliminary assessment methodology, and a preliminary roll based
2135 on acreage or platted lands, depending upon whether platting has
2136 occurred.

2137 a. The assessment methodology shall address and discuss
2138 and the board shall consider whether the systems, facilities,
2139 and services being contemplated will result in special benefits
2140 peculiar to the property, different in kind and degree than
2141 general benefits, as a logical connection between the systems,
2142 facilities, and services themselves and the property, and
2143 whether the duty to pay the assessments by the property owners
2144 is apportioned in a manner that is fair and equitable and not in
2145 excess of the special benefit received. It shall be fair and
2146 equitable to designate a fixed proportion of the annual debt
2147 service, together with interest thereon, on the aggregate
2148 principal amount of bonds issued to finance such systems,

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2149 facilities, and services which give rise to unique, special, and
 2150 peculiar benefits to property of the same or similar
 2151 characteristics under the assessment methodology so long as such
 2152 fixed proportion does not exceed the unique, special, and
 2153 peculiar benefits enjoyed by such property from such systems,
 2154 facilities, and services.

2155 b. The engineer's cost report shall identify the nature
 2156 the proposed systems, facilities, and services, their location,
 2157 a cost breakdown plus a total estimated cost, including cost of
 2158 construction or reconstruction, labor, and materials, lands,
 2159 property, rights, easements, franchises, or systems, facilities,
 2160 and services to be acquired, cost of plans and specifications,
 2161 surveys of estimates of costs and revenues, costs of
 2162 engineering, legal, and other professional consultation
 2163 services, and other expenses or costs necessary or incident to
 2164 determining the feasibility or practicability of such
 2165 construction, reconstruction, or acquisition, administrative
 2166 expenses, relationship to the authority and power of the
 2167 district in its charter, and such other expenses or costs as may
 2168 be necessary or incident to the financing to be authorized by
 2169 the Board of Supervisors.

2170 c. The preliminary assessment roll to be prepared will be
 2171 in accordance with the method of assessment provided for in the
 2172 assessment methodology and as may be adopted by the Board of
 2173 Supervisors; the assessment roll shall be completed as promptly
 2174 as possible and shall show the acreage, lots, lands, or plats
 2175 assessed and the amount of the fairly and reasonably apportioned

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2176 assessment based on special and peculiar benefit to the
2177 property, lot, parcel, or acreage of land; and, if the
2178 assessment against each such lot, parcel, acreage, or portion of
2179 land is to be paid in installments, the number of annual
2180 installments in which the assessment is divided shall be entered
2181 into and shown upon the assessment roll.

2182 2. The Board of Supervisors of the district may determine
2183 and declare by an initial assessment resolution to levy and
2184 assess the assessments with respect to assessable improvements
2185 stating the nature of the systems, facilities, and services,
2186 improvements, projects, or infrastructure constituting such
2187 assessable improvements, the information in the engineer's cost
2188 report, the information in the assessment methodology as
2189 determined by the board at the noticed meeting and referencing
2190 and incorporating as part of the resolution the engineer's cost
2191 report, the preliminary assessment methodology, and the
2192 preliminary assessment roll as referenced exhibits to the
2193 resolution by reference. If the board determines to declare and
2194 levy the special assessments by the initial assessment
2195 resolution, the board shall also adopt and declare a notice
2196 resolution which shall provide and cause the initial assessment
2197 resolution to be published once a week for a period of 2 weeks
2198 in newspapers of general circulation published in Brevard County
2199 and said board shall by the same resolution fix a time and place
2200 at which the owner or owners of the property to be assessed or
2201 any other persons interested therein may appear before said
2202 board and be heard as to the propriety and advisability of

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2203 making such improvements, as to the costs thereof, as to the
 2204 manner of payment therefor, and as to the amount thereof to be
 2205 assessed against each property so improved. Thirty days' notice
 2206 in writing of such time and place shall be given to such
 2207 property owners. The notice shall include the amount of the
 2208 assessment and shall be served by mailing a copy to each
 2209 assessed property owner at his or her last known address, the
 2210 names and addresses of such property owners to be obtained from
 2211 the record of the property appraiser of the county political
 2212 subdivision in which the land is located or from such other
 2213 sources as the district manager or engineer deems reliable, and
 2214 proof of such mailing shall be made by the affidavit of the
 2215 manager of the district or by the engineer, said proof to be
 2216 filed with the district manager, provided that failure to mail
 2217 said notice or notices shall not invalidate any of the
 2218 proceedings hereunder. It is provided further that the last
 2219 publication shall be at least 1 week prior to the date of the
 2220 hearing on the final assessment resolution. Said notice shall
 2221 describe the general areas to be improved and advise all persons
 2222 interested that the description of each property to be assessed
 2223 and the amount to be assessed to each piece, parcel, lot, or
 2224 acre of property may be ascertained at the office of the manager
 2225 of the district. Such service by publication shall be verified
 2226 by the affidavit of the publisher and filed with the manager of
 2227 the district. Moreover, the initial assessment resolution with
 2228 its attached, referenced, and incorporated engineer's cost
 2229 report, preliminary assessment methodology, and preliminary

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2230 assessment roll, along with the notice resolution, shall be
2231 available for public inspection at the office of the manager and
2232 the office of the engineer or any other office designated by the
2233 Board of Supervisors in the notice resolution. Notwithstanding
2234 the foregoing, the landowners of all of the property which is
2235 proposed to be assessed may give the district written notice of
2236 waiver of any notice and publication provided for in this
2237 subparagraph and such notice and publication shall not be
2238 required, provided, however, that any meeting of the Board of
2239 Supervisors to consider such resolution shall be a publicly
2240 noticed meeting.

2241 3. At the time and place named in the noticed resolution
2242 as provided for in subparagraph 2., the board of supervisors of
2243 the district shall meet and hear testimony from affected
2244 property owners as to the propriety and advisability of making
2245 the systems, facilities, services, projects, works,
2246 improvements, or infrastructure and funding them with
2247 assessments referenced in the initial assessment resolution on
2248 the property. Following the testimony and questions from the
2249 members of the board or any professional advisors to the
2250 district of the preparers of the engineer's cost report, the
2251 assessment methodology, and the assessment roll, the board of
2252 supervisors shall make a final decision on whether to levy and
2253 assess the particular assessments. Thereafter, the board of
2254 supervisors shall meet as an equalizing board to hear and to
2255 consider any and all complaints as to the particular assessments

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2256 | and shall adjust and equalize the assessments on the basis of
 2257 | justice and right.

2258 | 4. When so equalized and approved by resolution or
 2259 | ordinance by the board of supervisors, to be called the final
 2260 | assessment resolution, a final assessment roll shall be filed
 2261 | with the clerk of the board and such assessment shall stand
 2262 | confirmed and remain legal, valid, and binding first liens on
 2263 | the property against which such assessments are made until paid,
 2264 | equal in dignity to the first liens of ad valorem taxation of
 2265 | county and municipal governments and school boards. However,
 2266 | upon completion of the systems, facilities, service, project,
 2267 | improvement, works, or infrastructure, the district shall credit
 2268 | to each of the assessments the difference in the assessment as
 2269 | originally made, approved, levied, assessed, and confirmed and
 2270 | the proportionate part of the actual cost of the improvement to
 2271 | be paid by the particular special assessments as finally
 2272 | determined upon the completion of the improvement; but in no
 2273 | event shall the final assessment exceed the amount of the
 2274 | special and peculiar benefits as apportioned fairly and
 2275 | reasonably to the property from the system, facility, or service
 2276 | being provided as originally assessed. Promptly after such
 2277 | confirmation, the assessment shall be recorded by the clerk of
 2278 | the district in the minutes of the proceedings of the district,
 2279 | and the record of the lien in this set of minutes shall
 2280 | constitute prima facie evidence of its validity. The board of
 2281 | supervisors, in its sole discretion, may, by resolution grant a
 2282 | discount equal to all or a part of the payee's proportionate

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2283 share of the cost of the project consisting of bond financing
2284 cost, such as capitalized interest, funded reserves, and bond
2285 discounts included in the estimated cost of the project, upon
2286 payment in full of any assessments during such period prior to
2287 the time such financing costs are incurred as may be specified
2288 by the board of supervisors in such resolution.

2289 5. District assessments may be made payable in
2290 installments over no more than 30 years from the date of the
2291 payment of the first installment thereof and may bear interest
2292 at fixed or variable rates.

2293 (b) Notwithstanding any provision of this act or chapter
2294 170, Florida Statutes, that portion of section 170.09, Florida
2295 Statutes, that provides that assessments may be paid without
2296 interest at any time within 30 days after the improvement is
2297 completed and a resolution accepting the same has been adopted
2298 by the governing authority shall not be applicable to any
2299 district assessments, whether imposed, levied, and collected
2300 pursuant to the provisions of this act or other provisions of
2301 general law, including, but not limited to chapter 170, Florida
2302 Statutes.

2303 (c) In addition, the district is authorized expressly in
2304 the exercise of its rulemaking power to adopt a rule or rules
2305 which provides or provide for notice, levy, imposition,
2306 equalization, and collection of assessments.

2307 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON
2308 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.--

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2309 (a) The board may, after any special assessments or
 2310 benefit special assessments for assessable improvements are
 2311 made, determined, and confirmed as provided in this act, issue
 2312 certificates of indebtedness for the amount so assessed against
 2313 the abutting property or property otherwise benefited, as the
 2314 case may be, and separate certificates shall be issued against
 2315 each part or parcel of land or property assessed, which
 2316 certificates shall state the general nature of the improvement
 2317 for which the assessment is made. The certificates shall be
 2318 payable in annual installments in accordance with the
 2319 installments of the special assessment for which they are
 2320 issued. The board may determine the interest to be borne by such
 2321 certificates, not to exceed the maximum rate allowed by general
 2322 law, and may sell such certificates at either private or public
 2323 sale and determine the form, manner of execution, and other
 2324 details of such certificates. The certificates shall recite that
 2325 they are payable only from the special assessments levied and
 2326 collected from the part or parcel of land or property against
 2327 which they are issued. The proceeds of such certificates may be
 2328 pledged for the payment of principal of and interest on any
 2329 revenue bonds or general obligation bonds issued to finance in
 2330 whole or in part such assessable improvement, or, if not so
 2331 pledged, may be used to pay the cost or part of the cost of such
 2332 assessable improvements.

2333 (b) The district may also issue assessment bonds, revenue
 2334 bonds, or other obligations payable from a special fund into
 2335 which such certificates of indebtedness referred to in the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2336 preceding subsection may be deposited or, if such certificates
 2337 of indebtedness have not been issued, the district may assign to
 2338 such special fund for the benefit of the holders of such
 2339 assessment bonds or other obligations, or to a trustee for such
 2340 bondholders, the assessment liens provided for in this act
 2341 unless such certificates of indebtedness or assessment liens
 2342 have been theretofore pledged for any bonds or other obligations
 2343 authorized hereunder. In the event of the creation of such
 2344 special fund and the issuance of such assessment bonds or other
 2345 obligations, the proceeds of such certificates of indebtedness
 2346 or assessment liens deposited therein shall be used only for the
 2347 payment of the assessment bonds or other obligations issued as
 2348 provided in this section. The district is authorized to covenant
 2349 with the holders of such assessment bonds, revenue bonds, or
 2350 other obligations that it will diligently and faithfully enforce
 2351 and collect all the special assessments, and interest and
 2352 penalties thereon, for which such certificates of indebtedness
 2353 or assessment liens have been deposited in or assigned to such
 2354 fund; to foreclose such assessment liens so assigned to such
 2355 special fund or represented by the certificates of indebtedness
 2356 deposited in the special fund, after such assessment liens have
 2357 become delinquent, and deposit the proceeds derived from such
 2358 foreclosure, including interest and penalties, in such special
 2359 fund; and to make any other covenants deemed necessary or
 2360 advisable in order to properly secure the holders of such
 2361 assessment bonds or other obligations.

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2362 (c) The assessment bonds, revenue bonds, or other
2363 obligations issued pursuant to this section shall have such
2364 dates of issue and maturity as shall be deemed advisable by the
2365 board; however, the maturities of such assessment bonds or other
2366 obligations shall not be more than 2 years after the due date of
2367 the last installment which will be payable on any of the special
2368 assessments for which such assessment liens, or the certificates
2369 of indebtedness representing such assessment liens, are assigned
2370 to or deposited in such special fund.

2371 (d) Such assessment bonds, revenue bonds, or other
2372 obligations issued under this section shall bear such interest
2373 as the board may determine, not to exceed the maximum rate
2374 allowed by general law, and shall be executed, shall have such
2375 provisions for redemption prior to maturity, shall be sold in
2376 the manner, and shall be subject to all of the applicable
2377 provisions contained in this act for revenue bonds, except as
2378 the same may be inconsistent with the provisions of this
2379 section.

2380 (e) All assessment bonds, revenue bonds, or other
2381 obligations issued under the provisions of this section shall
2382 be, shall constitute, and shall have all the qualities and
2383 incidents of negotiable instruments under the law merchant and
2384 the laws of the state.

2385 (15) TAX LIENS.--All taxes of the district provided for in
2386 this act, except together with all penalties for default in the
2387 payment of the same and all costs in collecting the same,
2388 including a reasonable attorney's fee fixed by the court and

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

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

2408 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE
 2409 DISTRICT; SHARING IN PROCEEDS OF TAX SALE.--

2410 (a) The district shall have the power and right to:

2411 1. Pay any delinquent state, county, district, municipal,
 2412 or other tax or assessment upon lands located wholly or
 2413 partially within the boundaries of the district.

2414 2. Redeem or purchase any tax sales certificates issued or
 2415 sold on account of any state, county, district, municipal, or

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2416 other taxes or assessments upon lands located wholly or
 2417 partially within the boundaries of the district.

2418 (b) Delinquent taxes paid, or tax sales certificates
 2419 redeemed or purchased by the district, together with all
 2420 penalties for the default in payment of the same and all costs
 2421 in collecting the same and a reasonable attorney's fee, shall
 2422 constitute a lien in favor of the district of equal dignity with
 2423 the liens of state and county taxes and other taxes of equal
 2424 dignity with state and county taxes upon all the real property
 2425 against which the taxes were levied. The lien of the district
 2426 may be foreclosed in the manner provided in this act.

2427 (c) In any sale of land pursuant to section 197.542,
 2428 Florida Statutes, the district may certify to the clerk of the
 2429 circuit court of the county holding such sale the amount of
 2430 taxes due to the district upon the lands sought to be sold, and
 2431 the district shall share in the disbursement of the sales
 2432 proceeds in accordance with the provisions of this act and under
 2433 the laws of the state.

2434 (17) FORECLOSURE OF LIENS.--Any lien in favor of the
 2435 district arising under this act may be foreclosed by the
 2436 district by foreclosure proceedings in the name of the district
 2437 in a court of competent jurisdiction as provided by general law
 2438 in like manner as is provided in chapter 173, Florida Statutes,
 2439 and the provisions of that chapter shall be applicable to such
 2440 proceedings with the same force and effect as if those
 2441 provisions were expressly set forth in this act. Any act
 2442 required or authorized to be done by or on behalf of a

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2443 municipality in foreclosure proceedings under chapter 173,
 2444 Florida Statutes, may be performed by such officer or agent of
 2445 the district as the board of supervisors may designate. Such
 2446 foreclosure proceedings may be brought at any time after the
 2447 expiration of 1 year from the date any tax, or installment
 2448 thereof, becomes delinquent; however, no lien shall be
 2449 foreclosed against any political subdivision or agency of the
 2450 state. Other legal remedies shall remain available.

2451 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,
 2452 FACILITIES, AND SERVICES.--To the full extent permitted by law,
 2453 the district shall require all lands, buildings, premises,
 2454 persons, firms, and corporations within the district to use the
 2455 water management and control facilities, water systems, and
 2456 sewer systems of the district.

2457 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED
 2458 PROVISIONS REQUIRED.--

2459 (a) No contract shall be let by the board for any goods,
 2460 supplies, or materials to be purchased when the amount thereof
 2461 to be paid by the district shall exceed the amount provided in
 2462 section 287.017, Florida Statutes, for category four, unless
 2463 notice of bids shall be advertised once in a newspaper in
 2464 general circulation in Brevard County. Any board seeking to
 2465 construct or improve a public building, structure, or other
 2466 public works shall comply with the bidding procedures of section
 2467 255.20, Florida Statutes, and other applicable general law. In
 2468 each case, the bid of the lowest responsive and responsible
 2469 bidder shall be accepted unless all bids are rejected because

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2470 the bids are too high or the board determines it is in the best
 2471 interests of the district to reject all bids. The board may
 2472 require the bidders to furnish bond with a responsible surety to
 2473 be approved by the board. Nothing in this section shall prevent
 2474 the board from undertaking and performing the construction,
 2475 operation, and maintenance of any project or facility authorized
 2476 by this act by the employment of labor, material, and machinery.

2477 (b) The provisions of the Consultants' Competitive
 2478 Negotiation Act, section 287.055, Florida Statutes, shall apply
 2479 to contracts for engineering, architecture, landscape
 2480 architecture, or registered surveying and mapping services let
 2481 by the board.

2482 (c) Contracts for maintenance services for any district
 2483 facility or project shall be subject to competitive bidding
 2484 requirements when the amount thereof to be paid by the district
 2485 exceeds the amount provided in section 287.017, Florida
 2486 Statutes, for category four. The district shall adopt rules,
 2487 policies, or procedures establishing competitive bidding
 2488 procedures for maintenance services. Contracts for other
 2489 services shall not be subject to competitive bidding unless the
 2490 district adopts a rule, policy, or procedure applying
 2491 competitive bidding procedures to said contracts. Nothing herein
 2492 shall preclude the use of requests for proposal instead of
 2493 invitations to bid as determined by the district to be in its
 2494 best interest.

2495 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
 2496 AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.--

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2497 (a) The district is authorized to prescribe, fix,
 2498 establish, and collect rates, fees, rentals, or other charges,
 2499 hereinafter sometimes referred to as "revenues," and to revise
 2500 the same from time to time, for the systems, facilities, and
 2501 services furnished by the district, within the limits of the
 2502 district, including, but not limited to, recreational
 2503 facilities, water management and control facilities, and water
 2504 and sewer systems; to recover the costs of making connection
 2505 with any district service, facility, or system; and to provide
 2506 for reasonable penalties against any user or property for an
 2507 such rates, fees, rentals, or other charges that are delinquent.

2508 (b) No such rates, fees, rentals, or other charges for any
 2509 of the facilities or services of the district shall be fixed
 2510 until after a public hearing at which all the users of the
 2511 proposed facility or services or owners, tenants, or occupants
 2512 served or to be served thereby and all other interested persons
 2513 shall have an opportunity to be heard concerning the proposed
 2514 rates, fees, rentals, or other charges. Rates, fees, rentals,
 2515 and other charges shall be adopted under the administrative
 2516 rulemaking authority of the district, but shall not apply to
 2517 district leases. Notice of such public hearing setting forth the
 2518 proposed schedule or schedules of rates, fees, rentals, and
 2519 other charges shall have been published in a newspaper of
 2520 general circulation in Brevard County at least once and at least
 2521 10 days prior to such public hearing. The rulemaking hearing may
 2522 be adjourned from time to time. After such hearing, such
 2523 schedule or schedules, either as initially proposed or as

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2524 modified or amended, may be finally adopted. A copy of the
2525 schedule or schedules of such rates, fees, rentals, or charges
2526 as finally adopted shall be kept on file in an office designated
2527 by the board and shall be open at all reasonable times to public
2528 inspection. The rates, fees, rentals, or charges so fixed for
2529 any class of users or property served shall be extended to cover
2530 any additional users or properties thereafter served which shall
2531 fall in the same class, without the necessity of any notice or
2532 hearing.

2533 (c) Such rates, fees, rentals, and charges shall be just
2534 and equitable and uniform for users of the same class, and when
2535 appropriate may be based or computed either upon the amount of
2536 service furnished, upon the average number of persons residing
2537 or working in or otherwise occupying the premises served, or
2538 upon any other factor affecting the use of the facilities
2539 furnished, or upon any combination of the foregoing factors, as
2540 may be determined by the board on an equitable basis.

2541 (d) The rates, fees, rentals, or other charges prescribed
2542 shall be such as will produce revenues, together with any other
2543 assessments, taxes, revenues, or funds available or pledged for
2544 such purpose, at least sufficient to provide for the items
2545 hereinafter listed, but not necessarily in the order stated:

2546 1. To provide for all expenses of operation and
2547 maintenance of such facility or service.

2548 2. To pay when due all bonds and interest thereon for the
2549 payment of which such revenues are, or shall have been, pledged
2550 or encumbered, including reserves for such purpose.

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2551 3. To provide for any other funds which may be required
 2552 under the resolution or resolutions authorizing the issuance of
 2553 bonds pursuant to this act.

2554 (e) The board shall have the power to enter into contracts
 2555 for the use of the projects of the district and with respect to
 2556 the services, systems, and facilities furnished or to be
 2557 furnished by the district.

2558 (21) RECOVERY OF DELINQUENT CHARGES.--In the event that
 2559 any rates, fees, rentals, charges, or delinquent penalties shall
 2560 not be paid as and when due and shall be in default for 60 days
 2561 or more, the unpaid balance thereof and all interest accrued
 2562 thereon, together with reasonable attorney's fees and costs, may
 2563 be recovered by the district in a civil action.

2564 (22) DISCONTINUANCE OF SERVICE.--In the event the fees,
 2565 rentals, or other charges for water and sewer services, or
 2566 either of them, are not paid when due, the board shall have the
 2567 power, under such reasonable rules and regulations as the board
 2568 may adopt, to discontinue and shut off both water and sewer
 2569 services until such fees, rentals, or other charges, including
 2570 interest, penalties, and charges for the shutting off and
 2571 discontinuance and the restoration of such water and sewer
 2572 services or both, are fully paid; and, for such purposes, the
 2573 board may enter on any lands, waters, or premises of any person,
 2574 firm, corporation, or body, public or private, within the
 2575 district limits. Such delinquent fees, rentals, or other charges
 2576 together with interest, penalties, and charges for the shutting
 2577 off and discontinuance and the restoration of such services and

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2578 facilities and reasonable attorney's fees and other expenses may
 2579 be recovered by the district, which may also enforce payment of
 2580 such delinquent fees, rentals, or other charges by any other
 2581 lawful method of enforcement.

2582 (23) ENFORCEMENT AND PENALTIES.--The board or any
 2583 aggrieved person may have recourse to such remedies in law and
 2584 at equity as may be necessary to ensure compliance with the
 2585 provisions of this act, including injunctive relief to enjoin or
 2586 restrain any person violating the provisions of this act or any
 2587 bylaws, resolutions, regulations, rules, codes, or orders
 2588 adopted under this act. In case any building or structure is
 2589 erected, constructed, reconstructed, altered, repaired,
 2590 converted, or maintained, or any building, structure, land, or
 2591 water is used in violation of this act or of any code, order,
 2592 resolution, or other regulation made under authority conferred
 2593 by this act or under law, the board or any citizen residing in
 2594 the district may institute any appropriate action or proceeding
 2595 to prevent such unlawful erection, construction, reconstruction,
 2596 alteration, repair, conversion, maintenance, or use; to
 2597 restrain, correct, or avoid such violation; to prevent the
 2598 occupancy of such building, structure, land, or water; and to
 2599 prevent any illegal act, conduct, business, or use in or about
 2600 such premises, land, or water.

2601 (24) SUITS AGAINST THE DISTRICT.--Any suit or action
 2602 brought or maintained against the district for damages arising
 2603 out of tort, including, without limitation, any claim arising
 2604 upon account of an act causing an injury or loss of property,

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2605 personal injury, or death, shall be subject to the limitations
 2606 provided in section 768.28, Florida Statutes.

2607 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
 2608 district property shall be exempt from levy and sale by virtue
 2609 of an execution, and no execution or other judicial process
 2610 shall issue against such property, nor shall any judgment
 2611 against the district be a charge or lien on its property or
 2612 revenues; however, nothing contained herein shall apply to or
 2613 limit the rights of bondholders to pursue any remedy for the
 2614 enforcement of any lien or pledge given by the district in
 2615 connection with any of the bonds or obligations of the district.

2616 (26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.--

2617 (a) The board may ask the Legislature through its local
 2618 legislative delegation in and for Brevard County to amend this
 2619 act to contract, to expand or to contract, or to expand the
 2620 boundaries of the district by amendment of this section.

2621 (b) The district shall remain in existence until:

2622 1. The district is terminated and dissolved pursuant to
 2623 amendment to this act by the Legislature.

2624 2. The district has become inactive pursuant to section
 2625 189.4044, Florida Statutes.

2626
 2627 Provided, however, if, within 5 years after the effective date
 2628 of this act establishing the district, the primary landowner has
 2629 not received a development permit, as defined in chapter 380, on
 2630 some part or all of the area covered by the district, then the
 2631 district will be automatically dissolved and a judge of the

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2632 circuit court shall cause a statement to that effect to be filed
 2633 in the public records.

2634 (27) INCLUSION OF TERRITORY.--The inclusion of any or all
 2635 territory of the district within a municipality does not change,
 2636 alter, or affect the boundary, territory, existence, or
 2637 jurisdiction of the district.

2638 (28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
 2639 DISCLOSURE TO PURCHASER.--Subsequent to the creation of this
 2640 district under this act, each contract for the initial sale of a
 2641 parcel of real property and each contract for the initial sale
 2642 of a residential unit within the district shall include,
 2643 immediately prior to the space reserved in the contract for the
 2644 signature of the purchaser, the following disclosure statement
 2645 in boldfaced and conspicuous type which is larger than the type
 2646 in the remaining text of the contract: "THE VIERA STEWARDSHIP
 2647 DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES
 2648 AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS
 2649 PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF
 2650 CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT
 2651 AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT.
 2652 THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER
 2653 LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
 2654 ASSESSMENTS PROVIDED FOR BY LAW."

2655 (29) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
 2656 after the election of the first board of supervisors creating
 2657 this district, the district shall cause to be recorded in the
 2658 grantor-grantee index of the property records in each county in

ENROLLED
 HB 1559, Engrossed 1

2006 Legislature

2659 | which it is located a "Notice of Creation and Establishment of
 2660 | the Viera Stewardship District." The notice shall, at a minimum,
 2661 | include the legal description of the property covered by this
 2662 | act.

2663 | (30) DISTRICT PROPERTY PUBLIC; FEES.--Any system,
 2664 | facility, service, works, improvement, project, or other
 2665 | infrastructure owned by the district, or funded by federal tax
 2666 | exempt bonding issued by the district, is public; and the
 2667 | district by rule may regulate and may impose reasonable charges
 2668 | or fees for the use thereof but not to the extent that such
 2669 | regulation or imposition of such charges or fees constitutes
 2670 | denial of reasonable access.

2671 | Section 7. If any provision of this act is determined
 2672 | unconstitutional or otherwise determined invalid by a court of
 2673 | law, all the rest and remainder of the act shall remain in full
 2674 | force and effect as the law of this state.

2675 | Section 8. In the election provided for in section 9, each
 2676 | assessable acre or fraction thereof present in person or by
 2677 | proxy shall be counted as one vote.

2678 | Section 9. This section and section 8 shall take effect
 2679 | upon this act becoming law, and the remaining sections shall
 2680 | take effect upon approval by a majority vote of the owners of
 2681 | land within the district who are not exempt from ad valorem
 2682 | taxes or non-ad valorem assessments and who are present in
 2683 | person or by proxy at a landowners' meeting to be held within 90
 2684 | days after the effective date of this act. Such landowners'
 2685 | meeting shall be noticed as provided in section 5 for the

ENROLLED

HB 1559, Engrossed 1

2006 Legislature

2686 | initial landowners' meeting and may be combined with such
2687 | meeting. However, the provisions of this act which authorize the
2688 | levy of ad valorem taxation and issuance of general obligation
2689 | bonds shall take effect only upon express approval by a majority
2690 | vote of those qualified electors of the Viera Stewardship
2691 | District voting in a referendum election held at such time as
2692 | all members of the board are qualified electors who are elected
2693 | by qualified electors of the district as provided in this act.