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1 A bill to be entitled

2 An act relating to the St Johns Water Control District,
3 Indian River County; codifying, amending, reenacting, and
4 repealing a special act relating to St. Johns Water
5 Control District, a special tax district; providing that
6 the name of the district shall be the St. Johns
7 Improvement District; providing for legislative intent;
8 providing for applicability of chapter 298, F.S., and
9 other general laws; providing additional authority
10 relating to the provision of public infrastructure,
11 services, assessment, levy, and collection of taxes, non-
12 ad valorem assessments and fees, public finance, and
13 district operations; providing powers of the district;
14 providing for compliance with county plans and
15 regulations; providing for election of a board of
16 supervisors; providing for organization, powers, duties,
17 terms of office, and compensation of the board; providing
18 for levy of ad valorem taxes and non-ad valorem
19 assessments; providing for costs; requiring a referendum
20 under specified circumstances; providing for collection,
21 enforcement, and penalties; providing for issuance of
22 revenue bonds, assessment bonds, and bond anticipation
23 notes; providing for general obligation bonds; providing a
24 district charter; repealing chapter 2006-342, Laws of
25 Florida, relating to the district; providing severability;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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

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29
30 Section 1. (1) The reenactment of existing law in this
31 act shall not be construed as a grant of additional authority to
32 nor to supersede the authority of any entity pursuant to law.
33 Exceptions to law contained in any special act that are
34 reenacted pursuant to this act shall continue to apply.

35 (2) The reenactment of existing law in this act shall not
36 be construed to modify, amend, or alter any covenants,
37 contracts, or other obligations of the district with respect to
38 bonded indebtedness. Nothing pertaining to the reenactment of
39 existing law in this act shall be construed to affect the
40 ability of the district to levy and collect taxes, assessments,
41 fees, or charges for the purpose of redeeming or servicing
42 bonded indebtedness of the district.

43 Section 2. Chapter 2006-342, Laws of Florida, is codified,
44 reenacted, amended, and repealed as herein provided.

45 Section 3. The St. Johns Water Control District is renamed
46 and the charter for such district is re-created and reenacted to
47 read:

48 Section 1. District renamed.--The St. Johns Water Control
49 District shall henceforth be known as the "St. Johns Improvement
50 District."

51 Section 2. District created and boundaries thereof.--For
52 the purposes of providing public infrastructure, services, the
53 assessment, levy, and collection of taxes, non-ad valorem
54 assessments and fees, the operation of district facilities and
55 services, and all other purposes stated in this act consistent
56 with chapters 189 and 298, Florida Statutes, and other

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57 applicable general law, an independent improvement district is
58 hereby created and established in Indian River County, to be
59 known as the St. Johns Improvement District, the territorial
60 boundaries of which shall be as follows, to wit:

61
62 From the center of Section 5, Township 33 South, Range
63 38 East, run West along the centerline of Highway 60
64 through Sections 5 and 6, and in Township 33 South,
65 Range 37 East continue west along the centerline of
66 State Highway 60 through Sections 1, 2, 3, 4, 5, and 6
67 to the West Boundary of Section 6; thence South along
68 the West boundary of Sections 6, 7, 18, 19 to the
69 Southwest corner of Section 19; thence East along the
70 South boundary of Section 19 to the Southeast corner
71 of said Section 19; thence South along the West
72 boundary of Sections 29 and 32 to the Southwest corner
73 of Section 32; thence Easterly along the South
74 boundary of Sections 32, 33, 34, 35 and 36 to the
75 Southeast corner of Section 36, all lying in Township
76 33 South, Range 37 East; thence in Township 33 South,
77 Range 38 East, run Easterly along the South boundary
78 of Sections 31 and 32 to the Southeast corner of
79 Section 32; thence run North to the Northeast corner
80 of Section 29, Township 33 South, Range 38 East;
81 thence run Easterly to the Southeast corner of Section
82 21, Township 33 South, Range 38 East; thence Northerly
83 along the East boundaries of Sections 21 and 16 to the
84 Northeast corner of the Southeast one-quarter (SE

85 1/4) of Section 16, Township 33 South, Range 38 East;
 86 thence Westerly to the center of Section 16; thence
 87 Northerly to the Northeast corner of the Northwest
 88 one-quarter (NW 1/4) of Section 16; thence Westerly to
 89 the Southeast corner of Section 8; thence North to the
 90 Northeast corner of Section 8; thence Westerly to the
 91 Southeast corner of the Southwest one-quarter (SW 1/4)
 92 of Section 5; thence North to the Center of Section 5
 93 and the point of beginning; LESS HOWEVER, all rights-
 94 of-way and road easements of record.

95
 96 All in the County of Indian River, State of Florida,
 97 consisting of 27,743,40 acres, more or less.

98
 99 Section 3. Provisions of other laws made applicable.--The
 100 provisions of chapter 298, Florida Statutes, and all of the laws
 101 amendatory thereof, now existing or hereafter enacted, are
 102 applicable to said St. Johns Improvement District. St. Johns
 103 Improvement District shall have all of the powers and
 104 authorities mentioned in or conferred by said chapter 298,
 105 Florida Statutes.

106 Section 4. Powers of the district; compliance with county
 107 plans and regulations.--

108 (1) The district shall have the following powers:

109 (a) To sue and be sued in its name in any court of law or in
 110 equity, to make contracts, to adopt and use a corporate seal, and
 111 to alter the same at pleasure.

112 (b) To acquire by purchase, gift, or condemnation real and

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113 personal property, either or both, within or without the
114 district, and to convey and dispose of such real and personal
115 property, either or both, as may be necessary or convenient to
116 carry out the purposes, or any of the purposes, of this act, and
117 chapter 298, Florida Statutes.

118 (c) To finance, fund, plan, establish, construct, equip,
119 operate, and maintain canals, ditches, drains, levees, lakes,
120 ponds, control structures, or similar devices for water control
121 and diversion and other works for water management and control
122 purposes.

123 (d) To acquire, purchase, finance, fund, plan, establish,
124 equip, operate, and maintain pumps, plants, and pumping systems
125 for water management and control purposes.

126 (e) To finance, fund, plan, establish, construct, equip,
127 operate, and maintain irrigation works, machinery, and plants.

128 (f) To finance, fund, plan, establish, construct, improve,
129 pave, equip, operate, and maintain roadways and roads necessary
130 and convenient for the exercise of the powers or duties or any
131 of the powers or duties of said district or the supervisors
132 thereof; and to include as a component of roads, parkways,
133 bridges, landscaping, irrigation, drainage, bicycle and jogging
134 paths, street lighting, traffic signals, road striping, and all
135 other customary elements of a modern road system.

136 (g) To finance, fund, plan, establish, acquire, construct
137 or reconstruct, enlarge or extend, equip, operate, and maintain
138 systems and facilities for providing transportation throughout
139 the district, including private or contract carriers, buses,
140 vehicles, railroads, and other transportation facilities, to

141 meet the transportation requirements of the district in
 142 activities conducted within the district.

143 (h) To finance, fund, plan, establish, acquire, construct
 144 or reconstruct, enlarge or extend, equip, operate, and maintain
 145 parking facilities within the district boundaries.

146 (i) To finance, fund, plan, establish, acquire, construct
 147 or reconstruct, enlarge or extend, equip, operate, and maintain
 148 additional systems and facilities for parks and facilities for
 149 indoor and outdoor recreational, cultural, and educational uses.

150 (j) To acquire, construct, finance, fund, plan, establish,
 151 equip, operate, and maintain water plants and systems to
 152 produce, purify, and distribute water for consumption.

153 (k) To acquire, construct, finance, fund, establish, plan,
 154 equip, operate, and maintain sewer systems for the collection,
 155 disposal, and reuse of waste and wastewater and to prevent water
 156 pollution in the district.

157 (l) To levy ad valorem taxes, non-ad valorem assessments,
 158 prescribe, fix, establish, and collect rates, fees, rentals,
 159 fares, or other charges, and to revise the same from time to
 160 time, for the facilities and services furnished or to be
 161 furnished by the district and to recover the cost of making
 162 connection to any district facility or system.

163 (m) To provide for the discontinuance of service and
 164 reasonable penalties including attorney's fees, against any user
 165 or property for any such rates, fees, rentals, fares, or other
 166 charges that become delinquent and require collection. However,
 167 no charges or fees shall be established until after a public
 168 hearing of the board at the district at which all affected

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169 persons shall be given an opportunity to be heard.

170 (n) To enter into agreements with any person, firm, or
171 corporation for the furnishing by such person, firm, or
172 corporation of any facilities and services of the type provided
173 for in this act.

174 (o) To enter into impact fee credit agreements with local
175 general purpose governments. In the event the district enters
176 into an impact fee credit agreement with a local general purpose
177 government where the district constructs or makes contributions
178 for public facilities for which impact fee credits would be
179 available, the agreement may provide that such impact fee
180 credits shall inure to the landowners within the district in
181 proportion to their relative assessments, and the district
182 shall, from time to time, execute such instruments, such as
183 assignments of impact fee credits, as may be necessary or
184 desirable to accomplish or confirm the foregoing.

185 (p) To finance, fund, plan, establish, equip, construct,
186 operate, and maintain facilities for and take measures to
187 control mosquitoes and other arthropods of public health
188 importance.

189 (q) To finance, fund, plan, establish, acquire, construct
190 or reconstruct, enlarge or extend, equip, operate, and maintain
191 additional systems and facilities for conservation areas,
192 mitigation areas, and wildlife habitat, including the
193 maintenance of any plant or animal species, and any related
194 interest in real or personal property.

195 (r) To borrow money and issue negotiable or other bonds of
196 said district as hereinafter provided; to borrow money, from

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197 time to time, and issue negotiable or other notes of said
198 district therefore, bearing interest at not exceeding the
199 maximum interest allowable by law, in anticipation of the
200 collection of taxes, levies, and assessments or revenues of said
201 district; to pledge or hypothecate such taxes, levies,
202 assessments, and revenues to secure such bonds, notes, or
203 obligations; and to sell, discount, negotiate, and dispose of
204 the same.

205 (s) To provide public safety, including, but not limited
206 to, security, guardhouses, fences and gates, electronic
207 intrusion detection systems, and patrol cars, when authorized by
208 proper governmental agencies; except that the district may not
209 exercise any police power, but may contract with the appropriate
210 local general purpose government agencies for an increased level
211 of such service within the district boundaries.

212 (t) To provide systems and facilities for fire prevention
213 and control and emergency medical services, including the
214 construction or purchase of fire stations, water mains and
215 plugs, fire trucks, and other vehicles and equipment.

216 (u) To finance, fund, plan, establish, acquire, construct
217 or reconstruct, enlarge or extend, equip, operate, and maintain
218 additional systems and facilities for school buildings and
219 related structures, which may be leased, sold, or donated to the
220 school district for use in the educational system when
221 authorized by the district school board.

222 (v) To establish and create such departments, committees,
223 boards, or other agencies, including a public relations
224 committee, as from time to time the board of supervisors may

225 deem necessary or desirable in the performance in the acts or
 226 other things necessary to the exercise of the powers provided in
 227 this act, and to delegate to such departments, boards, or other
 228 agencies such administrative duties and other powers as the
 229 board of supervisors may deem necessary or desirable.

230 (w) To exercise all other powers necessary convenient or
 231 proper in connection with any of the powers or duties of said
 232 district stated in this act. The powers and duties of said
 233 district shall be exercised by and through the board of
 234 supervisors thereof, which board shall have the authority to
 235 employ engineers, attorneys, agents, employees, and
 236 representatives as the board of supervisors may, from time to
 237 time, determine, and to fix their compensation and duties.
 238 However, in addition thereto, said district shall have all of
 239 the powers provided for in chapter 298, Florida Statutes. All
 240 powers and authority of the district shall extend and apply to
 241 the district as a whole and to each unit of development as, from
 242 time to time, may be designated by the board of supervisors.

243 (2) Notwithstanding any authority contained within this
 244 section, the development, operation, or maintenance of any
 245 district facilities or services shall comply with the adopted
 246 comprehensive plan for Indian River County and any adopted land
 247 development regulations adopted thereunder which apply within
 248 the geographic boundaries of the district.

249 Section 5. Board of supervisors, organization, powers,
 250 duties, and terms of office.--

251 (1) There is created a Board of Supervisors of St. Johns
 252 Improvement District that shall be the governing body of said

253 district. Said board of supervisors shall consist of three
254 persons, who, except as herein otherwise provided, shall hold
255 office for terms of 3 years each and until their successors
256 shall be duly elected and qualified.

257 (2) Each year during the month of June, a supervisor shall
258 be elected, as hereinafter provided, by the landowners of said
259 district to take the place of the retiring supervisor. All
260 vacancies or expirations on said board shall be filled as
261 required by this act and chapter 298, Florida Statutes. The
262 supervisors of said St. Johns Improvement District shall be
263 residents of the state and citizens of the United States. In
264 case of a vacancy in the office of any supervisor, the remaining
265 supervisors may fill such vacancy until the next annual meeting
266 of the landowners, when his or her successor shall be elected by
267 the landowners for the unexpired term. As soon as practicable
268 after their election, the board of supervisors of said district
269 shall organize by choosing one of their number president of said
270 board of supervisors and by electing some suitable person
271 secretary, who may or may not be a member of said board. The
272 board of supervisors shall adopt a seal that shall be the seal
273 of said district. At each annual meeting of the landowners of
274 the district, the board of supervisors shall report all work
275 undertaken or completed during the preceding year, and the
276 status of the finances of the district.

277 (3) All supervisors shall hold office until their
278 successors are elected and qualified. Any election shall be
279 authorized or required by this act to be held by the landowners
280 at any particular or stated time or day, and if for any reason

281 such election shall not or cannot be held at such time or on
 282 such day, then in such event and in all and every such event,
 283 the power or duty to hold such election shall not cease or
 284 lapse, but such election shall be held thereafter as soon as
 285 practicable and consistent with this act.

286 Section 6. Compensation of board.--Each supervisor shall
 287 be paid for his or her services a per diem of \$25 for each day
 288 actually engaged in work pertaining to the district. In addition
 289 to the said per diem, supervisors shall be paid travel and
 290 related expenses at rates authorized by general law for public
 291 officials pursuant to chapter 112, Florida Statutes.

292 Section 7. Meetings of landowners; election of
 293 supervisors.--Each year during the month of June, a meeting of
 294 the landowners of said district shall be held for the purpose of
 295 electing a supervisor to take the place of the retiring
 296 supervisor, and hearing reports of the board of supervisors.
 297 Elections shall be conducted in accord with applicable
 298 provisions of chapter 298, Florida Statutes.

299 Section 8. Taxes; non-ad valorem assessments.--

300 (1) AD VALOREM TAXES.--The board of supervisors, subject
 301 to referendum approval pursuant to Art. VII, s. 9 of the State
 302 Constitution, shall have the power to levy and assess an ad
 303 valorem tax on all the taxable real and tangible personal
 304 property in the district to pay the principal of and interest on
 305 any general obligation bonds of the district; to provide for any
 306 sinking or other funds established in connection with any such
 307 bonds; and to pay the costs for construction or maintenance of
 308 any of the projects or activities of the district authorized by

309 the provisions of this act or applicable general law. The total
 310 amount of such ad valorem taxes levied in any year shall not be
 311 in excess of 10 mills on the dollar per annum on the assessed
 312 value of the taxable property within the district. The ad
 313 valorem tax provided for herein shall be in addition to county
 314 and municipal ad valorem taxes provided for by law.

315 (2) NON-AD VALOREM ASSESSMENTS.--Non-ad valorem
 316 assessments for the construction, operation, or maintenance of
 317 district facilities, services, and operations shall be assessed,
 318 levied, and collected pursuant to chapter 298, chapter 170, or
 319 chapter 197, Florida Statutes.

320 (3) TAXES, ASSESSMENTS, AND COSTS; LIEN ON ASSESSED
 321 LAND.--All taxes and assessments provided for in this act,
 322 together with all penalties for default in payment of the same,
 323 and all costs in collecting the same, shall, from the date of
 324 assessment thereof until paid, constitute a lien of equal
 325 dignity with the liens for county taxes, and other taxes of
 326 equal dignity with county taxes, upon all the lands against
 327 which such taxes shall be levied as is provided in this act.

328 (4) COMPENSATION OF PROPERTY APPRAISER AND TAX
 329 COLLECTOR.--The Property Appraiser of Indian River County shall
 330 be paid annually an amount equal to 1 percent of the total taxes
 331 of the district and the Tax Collector of Indian River County
 332 shall be paid annually an amount equal to 1 percent of the total
 333 taxes of the district collected for their respective services to
 334 the St. Johns Improvement Control District in said county for
 335 respectively assessing and collecting said drainage district
 336 taxes, provided, however, that the total amount to be paid to

337 said property appraiser and tax collector in any one year shall
 338 not exceed the sum of \$1,500 to each. All compensation paid to
 339 the property appraiser and the tax collector shall be paid from
 340 the proceeds of the maintenance tax.

341 (5) LEVIES OF NON-AD VALOREM ASSESSMENTS.--In levying and
 342 assessing all assessments, each tract or parcel of land less
 343 than 1 acre in area shall be assessed as a full acre, and each
 344 tract or parcel of land more than 1 acre in area that contains a
 345 fraction of an acre shall be assessed at the nearest whole
 346 number of acres, a fraction of one half or more to be assessed
 347 as a full acre.

348 Section 9. Unpaid taxes and assessments; penalty.--All
 349 taxes and assessments provided for in this act shall be and
 350 become delinquent and bear penalties on the amount of said taxes
 351 in the same manner as county taxes.

352 Section 10. Enforcement of taxes and assessments.--The
 353 collection and enforcement of all taxes and assessments levied
 354 by said district shall be at the same time and in like manner as
 355 county taxes, and the provisions of general law relating to the
 356 sale of lands for unpaid and delinquent county taxes; the
 357 issuance, sale, and delivery of tax certificates for such unpaid
 358 and delinquent county taxes; the redemption thereof; the
 359 issuance to individuals of tax deeds based thereon; and all
 360 other procedure in connection therewith, shall be applicable to
 361 said district and the delinquent and unpaid taxes of said
 362 district to the same extent as if said statutory provisions were
 363 expressly set forth in this act. All taxes and assessments shall
 364 be subject to the same discounts as county taxes.

365 Section 11. Bonds.--

366 (1) ISSUANCE OF REVENUE BONDS, ASSESSMENT BONDS, AND BOND
 367 ANTICIPATION NOTES.--

368 (a) In addition to the other powers provided the district,
 369 and not in limitation thereof, the district shall have the
 370 power, pursuant to chapter 298, Florida Statutes, and applicable
 371 general law, at any time, and, from time to time, after the
 372 issuance of any bonds of the district shall have been
 373 authorized, to borrow money for the purposes for which such
 374 bonds are to be issued in anticipation of the receipt of the
 375 proceeds of the sale of such bonds and to issue bond
 376 anticipation notes in a principal sum not in excess of the
 377 authorized maximum amount of such bond issue.

378 (b) Pursuant to chapter 298, Florida Statutes, and
 379 applicable general law, the district shall have the power to
 380 issue assessment bonds and revenue bonds, from time to time,
 381 without limitation as to amount for the purpose of financing
 382 those systems and facilities provided for in section 5. Such
 383 revenue bonds may be secured by, or payable from, the gross or
 384 net pledge of the revenues to be derived from any project or
 385 combination of projects; from the rates, fees, or other charges
 386 to be collected from the users of any project or projects; from
 387 any revenue-producing undertaking or activity of the district;
 388 from special assessments; or from any other source or pledged
 389 security. Such bonds shall not constitute an indebtedness of the
 390 district, and the approval of the qualified electors shall not
 391 be required unless such bonds are additionally secured by the
 392 full faith and credit and taxing power of the district.

393 (c) Any issue of bonds may be secured by a trust agreement
394 by and between the district and a corporate trustee or trustees,
395 which may be any trust company or bank having the powers of a
396 trust company within or without the state. The resolution
397 authorizing the issuance of the bonds or such trust agreement
398 may pledge the revenues to be received from any projects of the
399 district and may contain such provisions for protecting and
400 enforcing the rights and remedies of the bondholders as the
401 board may approve, including, without limitation, covenants
402 setting forth the duties of the district in relation to the
403 acquisition, construction, reconstruction, improvement,
404 maintenance, repair, operation, and insurance of any projects;
405 the fixing and revising of the rates, fees, and charges, and the
406 custody, safeguarding, and application of all moneys and for the
407 employment of consulting engineers in connection with such
408 acquisition, construction, reconstruction, improvement,
409 maintenance, repair, or operation.

410 (d) Bonds of each issue shall be dated; shall bear
411 interest at such rate or rates, including variable rates, which
412 interest may be tax exempt or taxable for federal income tax
413 purposes; shall mature at such time or times from their date or
414 dates; and may be made redeemable before maturity at such price
415 or prices and under such terms and conditions as may be
416 determined by the board.

417 (e) The district shall have the power to issue bonds for
418 the purpose of refunding any outstanding bonds of the district.

419 (2) GENERAL OBLIGATION BONDS.--

420 (a) Pursuant to this act, the district shall have the

421 power from time to time to issue general obligation bonds to
422 finance or refinance capital projects or to refund outstanding
423 bonds in an aggregate principal amount of bonds outstanding at
424 any one time not in excess of 35 percent of the assessed value
425 of the taxable property within the district as shown on the
426 pertinent tax records at the time of the authorization of the
427 general obligation bonds for which the full faith and credit of
428 the district is pledged. Except for refunding bonds, no general
429 obligation bonds shall be issued unless the bonds are issued to
430 finance or refinance a capital project and the issuance has been
431 approved at an election held in accordance with the requirements
432 for such election as prescribed by the State Constitution. Such
433 elections shall be called and held in the district upon the
434 request of the board of the district. The expenses of calling
435 and holding an election shall be at the expense of the district
436 and the district shall reimburse the county for any expenses
437 incurred in calling or holding such elections.

438 (b) The district may pledge its full faith and credit for
439 the payment of the principal and interest on such general
440 obligation bonds and for any reserve funds provided therefore
441 and met unconditionally and irrevocably pledge itself to ad
442 valorem taxes on all taxable property within the district, to
443 the extent necessary for the payment thereof, without
444 limitations as to greater amount.

445 (c) If the board determines to issue general obligation
446 bonds for more than one capital project, the approval of the
447 issuance of the bonds for each and all such projects may be
448 submitted to the elector on one and the same ballot. The failure

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449 of the electors to approve the issuance of bonds for any one or
450 more of the capital projects shall not defeat the approval of
451 bonds for any capital project which has been approved by the
452 electors.

453 (d) In arriving at the amount of general obligation bonds
454 permitted to be outstanding at any one time pursuant to
455 paragraph (a), there shall not be included any general
456 obligation bonds that are additionally secured by the pledge of:

457 1. Special assessments levied in the amount sufficient to
458 pay the principal and interest on a general obligation bond so
459 additionally secured, which assessments have been equalized and
460 confirmed by resolution or ordinance of the board pursuant to
461 section 170.08, Florida Statutes.

462 2. Water revenues, sewer revenues, or water and sewer
463 revenues of the district to be derived from user fees in an
464 amount sufficient to pay the principal and interest on the
465 general obligation bond so additionally secured.

466 3. Any combination of assessments and revenues described
467 in subparagraphs 1 and 2.

468 Section 4. Chapter 2006-342, Laws of Florida, is repealed.

469 Section 5. In case any one or more of the sections or
470 provisions of this act or the application of such sections or
471 provisions to any situations, circumstances, or person shall for
472 any reason be held to be unconstitutional, such
473 unconstitutionality shall not affect any other sections or
474 provisions of this act or the application of such sections or
475 provisions to any other situation, circumstance, or person; and
476 it is intended that this law shall be construed and applied as

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477 | if such section or provision had not been included herein for
478 | any unconstitutional application.

479 | Section 6. This act shall take effect upon becoming a law.