

ENROLLED
CS/HB 1387

2007 Legislature

29 act shall not be construed as a grant of additional authority to
 30 nor to supersede the authority of any entity pursuant to law.
 31 Exceptions to law contained in any special act that are
 32 reenacted pursuant to this act shall continue to apply.

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

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 42 reenacted, amended, and repealed as herein provided.

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

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

49 Section 2. District created and boundaries thereof.--For
 50 the purposes of providing public infrastructure, services, the
 51 assessment, levy, and collection of non-ad valorem assessments
 52 and fees, the operation of district facilities and services, and
 53 all other purposes stated in this act consistent with chapters
 54 189 and 298, Florida Statutes, and other applicable general law,
 55 an independent improvement district is hereby created and
 56 established in Indian River County, to be known as the St. Johns

ENROLLED

CS/HB 1387

2007 Legislature

57 Improvement District, the territorial boundaries of which shall
58 be as follows, to wit:

59
60 From the center of Section 5, Township 33 South, Range
61 38 East, run West along the centerline of Highway 60
62 through Sections 5 and 6, and in Township 33 South,
63 Range 37 East continue west along the centerline of
64 State Highway 60 through Sections 1, 2, 3, 4, 5, and 6
65 to the West Boundary of Section 6; thence South along
66 the West boundary of Sections 6, 7, 18, 19 to the
67 Southwest corner of Section 19; thence East along the
68 South boundary of Section 19 to the Southeast corner
69 of said Section 19; thence South along the West
70 boundary of Sections 29 and 32 to the Southwest corner
71 of Section 32; thence Easterly along the South
72 boundary of Sections 32, 33, 34, 35 and 36 to the
73 Southeast corner of Section 36, all lying in Township
74 33 South, Range 37 East; thence in Township 33 South,
75 Range 38 East, run Easterly along the South boundary
76 of Sections 31 and 32 to the Southeast corner of
77 Section 32; thence run North to the Northeast corner
78 of Section 29, Township 33 South, Range 38 East;
79 thence run Easterly to the Southeast corner of Section
80 21, Township 33 South, Range 38 East; thence Northerly
81 along the East boundaries of Sections 21 and 16 to the
82 Northeast corner of the Southeast one-quarter (SE
83 1/4) of Section 16, Township 33 South, Range 38 East;
84 thence Westerly to the center of Section 16; thence

ENROLLED
CS/HB 1387

2007 Legislature

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

93
 94 All in the County of Indian River, State of Florida,
 95 consisting of 27,743,40 acres, more or less.

96
 97 Section 3. Provisions of other laws made applicable.--The
 98 provisions of chapter 298, Florida Statutes, and all of the laws
 99 amendatory thereof, now existing or hereafter enacted, are
 100 applicable to said St. Johns Improvement District. St. Johns
 101 Improvement District shall have all of the powers and
 102 authorities mentioned in or conferred by said chapter 298,
 103 Florida Statutes.

104 Section 4. Powers of the district; compliance with county
 105 plans and regulations.--

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

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

110 (b) To acquire by purchase, gift, or condemnation real and
 111 personal property, either or both, within or without the
 112 district, and to convey and dispose of such real and personal

ENROLLED
CS/HB 1387

2007 Legislature

113 property, either or both, as may be necessary or convenient to
114 carry out the purposes, or any of the purposes, of this act, and
115 chapter 298, Florida Statutes.

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

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

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

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

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

ENROLLED
CS/HB 1387

2007 Legislature

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

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

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

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

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

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

168 (n) To enter into agreements with any person, firm, or

ENROLLED

CS/HB 1387

2007 Legislature

169 corporation for the furnishing by such person, firm, or
 170 corporation of any facilities and services of the type provided
 171 for in this act.

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

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

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

193 (r) To borrow money and issue negotiable or other bonds of
 194 said district as hereinafter provided; to borrow money, from
 195 time to time, and issue negotiable or other notes of said
 196 district therefore, bearing interest at not exceeding the

ENROLLED

CS/HB 1387

2007 Legislature

197 maximum interest allowable by law, in anticipation of the
 198 collection of taxes, levies, and assessments or revenues of said
 199 district; to pledge or hypothecate such levies, assessments, and
 200 revenues to secure such bonds, notes, or obligations; and to
 201 sell, discount, negotiate, and dispose of the same.

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

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

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

219 (v) To establish and create such departments, committees,
 220 boards, or other agencies, including a public relations
 221 committee, as from time to time the board of supervisors may
 222 deem necessary or desirable in the performance in the acts or
 223 other things necessary to the exercise of the powers provided in
 224 this act, and to delegate to such departments, boards, or other

ENROLLED
CS/HB 1387

2007 Legislature

225 agencies such administrative duties and other powers as the
226 board of supervisors may deem necessary or desirable.

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

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

246 Section 5. Board of supervisors, organization, powers,
247 duties, and terms of office.--

248 (1) There is created a Board of Supervisors of St. Johns
249 Improvement District that shall be the governing body of said
250 district. Said board of supervisors shall consist of three
251 persons, who, except as herein otherwise provided, shall hold
252 office for terms of 3 years each and until their successors

ENROLLED
CS/HB 1387

2007 Legislature

253 shall be duly elected and qualified.

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

274 (3) All supervisors shall hold office until their
 275 successors are elected and qualified. Any election shall be
 276 authorized or required by this act to be held by the landowners
 277 at any particular or stated time or day, and if for any reason
 278 such election shall not or cannot be held at such time or on
 279 such day, then in such event and in all and every such event,
 280 the power or duty to hold such election shall not cease or

ENROLLED
CS/HB 1387

2007 Legislature

281 lapse, but such election shall be held thereafter as soon as
282 practicable and consistent with this act.

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

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

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

297 (1) NON-AD VALOREM ASSESSMENTS.--Non-ad valorem
298 assessments for the construction, operation, or maintenance of
299 district facilities, services, and operations shall be assessed,
300 levied, and collected pursuant to chapter 298, chapter 170, or
301 chapter 197, Florida Statutes.

302 (2) TAXES, ASSESSMENTS, AND COSTS; LIEN ON ASSESSED
303 LAND.--All taxes and assessments provided for in this act,
304 together with all penalties for default in payment of the same,
305 and all costs in collecting the same, shall, from the date of
306 assessment thereof until paid, constitute a lien of equal
307 dignity with the liens for county taxes, and other taxes of
308 equal dignity with county taxes, upon all the lands against

ENROLLED
CS/HB 1387

2007 Legislature

309 which such taxes shall be levied as is provided in this act.

310 (3) COMPENSATION OF PROPERTY APPRAISER AND TAX

311 COLLECTOR.--The Property Appraiser of Indian River County shall
 312 be paid annually an amount equal to 1 percent of the total taxes
 313 of the district and the Tax Collector of Indian River County
 314 shall be paid annually an amount equal to 1 percent of the total
 315 taxes of the district collected for their respective services to
 316 the St. Johns Improvement Control District in said county for
 317 respectively assessing and collecting said drainage district
 318 taxes, provided, however, that the total amount to be paid to
 319 said property appraiser and tax collector in any one year shall
 320 not exceed the sum of \$1,500 to each. All compensation paid to
 321 the property appraiser and the tax collector shall be paid from
 322 the proceeds of the maintenance tax.

323 (4) LEVIES OF NON-AD VALOREM ASSESSMENTS.--In levying and
 324 assessing all assessments, each tract or parcel of land less
 325 than 1 acre in area shall be assessed as a full acre, and each
 326 tract or parcel of land more than 1 acre in area that contains a
 327 fraction of an acre shall be assessed at the nearest whole
 328 number of acres, a fraction of one half or more to be assessed
 329 as a full acre.

330 Section 9. Unpaid taxes and assessments; penalty.--All
 331 taxes and assessments provided for in this act shall be and
 332 become delinquent and bear penalties on the amount of said taxes
 333 in the same manner as county taxes.

334 Section 10. Enforcement of taxes and assessments.--The
 335 collection and enforcement of all taxes and assessments levied
 336 by said district shall be at the same time and in like manner as

ENROLLED

CS/HB 1387

2007 Legislature

337 county taxes, and the provisions of general law relating to the
338 sale of lands for unpaid and delinquent county taxes; the
339 issuance, sale, and delivery of tax certificates for such unpaid
340 and delinquent county taxes; the redemption thereof; the
341 issuance to individuals of tax deeds based thereon; and all
342 other procedure in connection therewith, shall be applicable to
343 said district and the delinquent and unpaid taxes of said
344 district to the same extent as if said statutory provisions were
345 expressly set forth in this act. All taxes and assessments shall
346 be subject to the same discounts as county taxes.

347 Section 11. Issuance of revenue bonds, assessment bonds,
348 and bond anticipation notes.--

349 (1) In addition to the other powers provided the district,
350 and not in limitation thereof, the district shall have the
351 power, pursuant to chapter 298, Florida Statutes, and applicable
352 general law, at any time, and, from time to time, after the
353 issuance of any bonds of the district shall have been
354 authorized, to borrow money for the purposes for which such
355 bonds are to be issued in anticipation of the receipt of the
356 proceeds of the sale of such bonds and to issue bond
357 anticipation notes in a principal sum not in excess of the
358 authorized maximum amount of such bond issue.

359 (2) Pursuant to chapter 298, Florida Statutes, and
360 applicable general law, the district shall have the power to
361 issue assessment bonds and revenue bonds, from time to time,
362 without limitation as to amount for the purpose of financing
363 those systems and facilities provided for in section 4. Such
364 revenue bonds may be secured by, or payable from, the gross or

ENROLLED
CS/HB 1387

2007 Legislature

365 net pledge of the revenues to be derived from any project or
 366 combination of projects; from the rates, fees, or other charges
 367 to be collected from the users of any project or projects; from
 368 any revenue-producing undertaking or activity of the district;
 369 from special assessments; or from any other source or pledged
 370 security. Such bonds shall not constitute an indebtedness of the
 371 district, and the approval of the qualified electors shall not
 372 be required unless such bonds are additionally secured by the
 373 full faith and credit and taxing power of the district.

374 (3) Any issue of bonds may be secured by a trust agreement
 375 by and between the district and a corporate trustee or trustees,
 376 which may be any trust company or bank having the powers of a
 377 trust company within or without the state. The resolution
 378 authorizing the issuance of the bonds or such trust agreement
 379 may pledge the revenues to be received from any projects of the
 380 district and may contain such provisions for protecting and
 381 enforcing the rights and remedies of the bondholders as the
 382 board may approve, including, without limitation, covenants
 383 setting forth the duties of the district in relation to the
 384 acquisition, construction, reconstruction, improvement,
 385 maintenance, repair, operation, and insurance of any projects;
 386 the fixing and revising of the rates, fees, and charges, and the
 387 custody, safeguarding, and application of all moneys and for the
 388 employment of consulting engineers in connection with such
 389 acquisition, construction, reconstruction, improvement,
 390 maintenance, repair, or operation.

391 (4) Bonds of each issue shall be dated; shall bear
 392 interest at such rate or rates, including variable rates, which

ENROLLED
CS/HB 1387

2007 Legislature

393 interest may be tax exempt or taxable for federal income tax
 394 purposes; shall mature at such time or times from their date or
 395 dates; and may be made redeemable before maturity at such price
 396 or prices and under such terms and conditions as may be
 397 determined by the board.

398 (5) The district shall have the power to issue bonds for
 399 the purpose of refunding any outstanding bonds of the district.

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

401 Section 5. In case any one or more of the sections or
 402 provisions of this act or the application of such sections or
 403 provisions to any situations, circumstances, or person shall for
 404 any reason be held to be unconstitutional, such
 405 unconstitutionality shall not affect any other sections or
 406 provisions of this act or the application of such sections or
 407 provisions to any other situation, circumstance, or person; and
 408 it is intended that this law shall be construed and applied as
 409 if such section or provision had not been included herein for
 410 any unconstitutional application.

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