



29 or to supersede the authority of any entity pursuant to law.  
 30 Exceptions to law contained in any special act that are  
 31 reenacted pursuant to this act shall continue to apply.

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

40 Section 2. Chapters 12258 (1927), 20478 (1941), 57-1109,  
 41 59-768, 63-820, 65-809, and 70-739, Laws of Florida, are  
 42 codified, amended, reenacted, and repealed as provided in this  
 43 act.

44 Section 3. The Sebastian River Drainage District is re-  
 45 created, and the charter for such district is re-created and  
 46 reenacted to read:

47 Section 1. District renamed.--The Sebastian River Drainage  
 48 District shall henceforth be known as the Sebastian River  
 49 Improvement District.

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

57 established in Indian River County, Florida, to be known as the  
58 Sebastian River Improvement District, the territorial boundaries  
59 of which shall be as follows, to wit:

60  
61 Beginning at a point on the Northeast corner of  
62 Section 1, Township 32 South, Range 38 East, in Indian  
63 River County, Florida, thence run East along the  
64 Township line to the Southeast corner of the West half  
65 of Section 32, Township 31 South, Range 39 East;

66  
67 Thence run North on the center line of Sections to the  
68 Northeast corner of the Southwest quarter of Section  
69 20, Township 31 South, Range 39 East;

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71 Thence run West through center of sections to the  
72 Northwest corner of the Southwest quarter of Section  
73 26, Township 31 South, Range 38 East;

74  
75 Thence run South on Section line to the Southwest  
76 corner of Section 35, Township 32 South, Range 38  
77 East;

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79 Thence run East along Township line to the Southeast  
80 corner of Township 32 South, Range 38 East;

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82 Thence run North along Range line to the Northeast  
83 corner of Township 32 South, Range 38 East to the  
84 point of beginning.

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All of the S1/2 of Sections 25 and 26, and all of Sections 35 and 36 of Township 31 South, Range 38 East.

The SW1/4 of Section 29; the S1/2 of Section 30; all of Section 31; and the W1/2 of Section 32; all in Township 31 South, Range 39 East.

All of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, in Township 32 South, Range 38 East.

Section 3. Provisions of law made applicable.--The provisions of chapter 298, Florida Statutes, are hereby declared to be applicable to the Sebastian River Improvement District. The Sebastian River Improvement District shall have all of the powers and authorities mentioned in or conferred by chapter 298, Florida Statutes.

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

(1) The district shall have the following powers:

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

(b) To acquire by purchase, gift, or condemnation real or personal property within or without the district and to convey and dispose of such real or personal property as may be necessary or convenient to carry out the purposes of this act

113 and chapter 298, Florida Statutes;

114 (c) To construct, operate, and maintain canals, ditches,  
115 drains, levees, lakes, ponds, and other works for water  
116 management and control purposes;

117 (d) To acquire, purchase, operate, and maintain pumps,  
118 plants, and pumping systems for water management and control  
119 purposes;

120 (e) To construct, operate, and maintain irrigation works,  
121 machinery, and plants;

122 (f) To construct, improve, pave, and maintain roadways and  
123 roads necessary and convenient for the exercise of the powers or  
124 duties of the district or the supervisors thereof and to include  
125 as a component of roads, parkways, bridges, landscaping,  
126 irrigation, bicycle and jogging paths, street lighting, traffic  
127 signals, road striping, and all other customary elements of a  
128 modern road system;

129 (g) To finance, fund, plan, establish, acquire, construct  
130 or reconstruct, enlarge or extend, equip, operate, and maintain  
131 systems and facilities for providing transportation throughout  
132 the district, including private or contract carriers, buses,  
133 vehicles, railroads, and other transportation facilities, to  
134 meet the transportation requirements of the district in  
135 activities conducted within the district;

136 (h) To finance, fund, plan, establish, acquire, construct  
137 or reconstruct, enlarge or extend, equip, operate, and maintain  
138 parking facilities within the district boundaries;

139 (i) To finance, fund, plan, establish, acquire, construct  
140 or reconstruct, enlarge or extend, equip, operate, and maintain

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141 additional systems and facilities for parks and facilities for  
142 indoor and outdoor recreational, cultural, and educational uses;

143 (j) To acquire, construct, finance, operate, and maintain  
144 water plants and systems to produce, purify, and distribute  
145 water for consumption;

146 (k) To acquire, construct, finance, operate, and maintain  
147 sewer systems for the collection, disposal, and reuse of waste  
148 and to prevent water pollution in the district;

149 (l) To levy ad valorem taxes and non-ad valorem  
150 assessments and to prescribe, fix, establish, and collect rates,  
151 fees, rentals, fares, or other charges, and to revise the same  
152 from time to time, for the facilities and services furnished or  
153 to be furnished by the district and to recover the cost of  
154 making connection to any district facility or system;

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

162 (n) To enter into agreements with any person, firm, or  
163 corporation for the furnishing by such person, firm, or  
164 corporation of any facilities and services of the type provided  
165 for in this act;

166 (o) To enter into impact fee credit agreements with local  
167 general purpose governments. In the event the district enters  
168 into an impact fee credit agreement with a local general purpose

169 government where the district constructs or makes contributions  
 170 for public facilities for which impact fee credits would be  
 171 available, the agreement may provide that such impact fee  
 172 credits shall inure to the landowners within the district in  
 173 proportion to their relative assessments, and the district  
 174 shall, from time to time, execute such instruments, such as  
 175 assignments of impact fee credits, as may be necessary or  
 176 desirable to accomplish or confirm the foregoing;

177 (p) To construct and maintain facilities for and take  
 178 measures to control mosquitoes and other arthropods of public  
 179 health importance;

180 (q) To finance, fund, plan, establish, acquire, construct  
 181 or reconstruct, enlarge or extend, equip, operate, and maintain  
 182 additional systems and facilities for conservation areas,  
 183 mitigation areas, and wildlife habitat, including the  
 184 maintenance of any plant or animal species, and any related  
 185 interest in real or personal property;

186 (r) To borrow money and issue negotiable or other bonds of  
 187 said district as hereinafter provided; to borrow money, from  
 188 time to time, and issue negotiable or other notes of said  
 189 district therefor, bearing interest at not exceeding the maximum  
 190 interest allowable by law, in anticipation of the collection of  
 191 taxes, levies, and assessments or revenues of said district and  
 192 to pledge or hypothecate such taxes, levies, assessments, and  
 193 revenues to secure such bonds, notes, or obligations and to  
 194 sell, discount, negotiate, and dispose of the same;

195 (s) To provide public safety, including, but not limited  
 196 to, security, guardhouses, fences and gates, electronic

197 intrusion detection systems, and patrol cars, when authorized by  
 198 proper governmental agencies, except that the district may not  
 199 exercise any police power but may contract with the appropriate  
 200 local general purpose government agencies for an increased level  
 201 of such service within the district boundaries;

202 (t) To provide systems and facilities for fire prevention  
 203 and control and emergency medical services, including the  
 204 construction or purchase of fire stations, water mains and  
 205 plugs, fire trucks, and other vehicles and equipment;

206 (u) To finance, fund, plan, establish, acquire, construct  
 207 or reconstruct, enlarge or extend, equip, and maintain  
 208 additional systems and facilities for school buildings and  
 209 related structures, which may be leased, sold, or donated to the  
 210 school district for use in the educational system when  
 211 authorized by the district school board;

212 (v) To establish and create such departments, committees,  
 213 boards, or other agencies, including a public relations  
 214 committee, as from time to time the board of supervisors may  
 215 deem necessary or desirable in the performance of the acts or  
 216 other things necessary to the exercise of the powers provided in  
 217 this act, and to delegate to such departments, committees,  
 218 boards, or other agencies such administrative duties and other  
 219 powers as the board of supervisors may deem necessary or  
 220 desirable; and

221 (w) To exercise all other powers necessary, convenient, or  
 222 proper in connection with any of the powers or duties of the  
 223 district stated in this act. The powers and duties of the  
 224 district shall be exercised by and through the board of



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225 supervisors thereof, which board shall have the authority to  
226 employ engineers, attorneys, agents, employees, and  
227 representatives as the board of supervisors may from time to  
228 time determine and to fix their compensation and duties.  
229 However, in addition thereto, the district shall have all of the  
230 powers provided for in chapter 298, Florida Statutes. All powers  
231 and authority of the district shall extend and apply to the  
232 district as a whole and to each unit of development as from time  
233 to time may be designated by the board of supervisors.

234 (2) Notwithstanding any authority contained within this  
235 section, the development, operation, or maintenance of any  
236 district facilities or services shall comply with the adopted  
237 comprehensive plan for Indian River County and any land  
238 development regulations adopted thereunder that apply within the  
239 geographic boundaries of the district.

240 Section 5. Board of supervisors; organization, powers,  
241 duties, and terms of office.--

242 (1) There is hereby created a board of supervisors of the  
243 Sebastian River Improvement District, which shall be the  
244 governing body of the district. The board of supervisors shall  
245 consist of three persons who, except as herein otherwise  
246 provided, shall hold office for a term of 3 years and until  
247 their successors are duly elected and qualified.

248 (2) Each year during the month of June, a supervisor shall  
249 be elected, as hereinafter provided, by the landowners of the  
250 district to take the place of the retiring supervisor. All  
251 vacancies or expirations on the board shall be filled as  
252 required by this act and chapter 298, Florida Statutes. The

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253 supervisors of the Sebastian River Improvement District shall be  
254 residents of the State of Florida and citizens of the United  
255 States. In case of a vacancy in the office of any supervisor,  
256 the remaining supervisors may fill such vacancy until the next  
257 annual meeting of the landowners, when his or her successor  
258 shall be elected by the landowners for the unexpired term. As  
259 soon as practicable after their election, the board of  
260 supervisors shall organize by choosing one of their number as  
261 president of the board of supervisors and by electing some  
262 suitable person as secretary, who may or may not be a member of  
263 the board. The board of supervisors shall adopt a seal, which  
264 shall be the seal of the district. At each annual meeting of the  
265 landowners of the district, the board of supervisors shall  
266 report all work undertaken or completed during the preceding  
267 year and the status of the finances of the district.

268 (3) All supervisors shall hold office until their  
269 successors are elected and qualified. Whenever any election is  
270 authorized or required by this act to be held by the landowners  
271 at any particular or stated time or day but for any reason is  
272 not or cannot be held at such time or on such day, then the  
273 power or duty to hold such election shall not cease or lapse,  
274 but such election shall be held thereafter as soon as  
275 practicable and consistent with this act.

276 Section 6. Compensation of board.--Each supervisor shall  
277 be paid for his or her services a per diem of \$25 for each day  
278 actually engaged in work pertaining to the district. In addition  
279 to such per diem, supervisors shall be paid travel and related  
280 expenses at rates authorized by general law for public officials

281 pursuant to chapter 112, Florida Statutes.

282 Section 7. Meetings of landowners; election of  
283 supervisors.--Each year during the month of June, a meeting of  
284 the landowners of the district shall be held for the purpose of  
285 electing a supervisor to take the place of the retiring  
286 supervisor and hearing reports of the board of supervisors.  
287 Elections shall be conducted in accordance with applicable  
288 provisions of chapter 298, Florida Statutes.

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

290 (1) AD VALOREM TAXES.--The board of supervisors, subject  
291 to referendum approval pursuant to s. 9, Art. VII of the State  
292 Constitution, shall have the power to levy and assess an ad  
293 valorem tax on all the taxable real and tangible personal  
294 property in the district to pay the principal of and interest on  
295 any general obligation bonds of the district, to provide for any  
296 sinking or other funds established in connection with any such  
297 bonds, and to pay the costs for construction or maintenance of  
298 any of the projects or activities of the district authorized by  
299 this act or applicable general law. The total amount of such ad  
300 valorem taxes levied in any year shall not be in excess of 10  
301 mills on the dollar per annum on the assessed value of the  
302 taxable property within the district. The ad valorem tax  
303 provided for herein shall be in addition to county and municipal  
304 ad valorem taxes provided for by law.

305 (2) NON-AD VALOREM ASSESSMENTS.--Non-ad valorem  
306 assessments for the construction, operation, or maintenance of  
307 district facilities, services, and operations shall be assessed,  
308 levied, and collected pursuant to chapter 298, chapter 170, or

309 chapter 197, Florida Statutes.

310 (3) TAXES, ASSESSMENTS, AND COSTS, A LIEN ON LAND AGAINST  
 311 WHICH ASSESSED, ETC.--All taxes and assessments provided for in  
 312 this act, together with all penalties for default in payment of  
 313 the same and all costs in collecting the same, shall, from the  
 314 date of assessment thereof until paid, constitute a lien of  
 315 equal dignity with the liens for county taxes, and other taxes  
 316 of equal dignity with county taxes, upon all the lands against  
 317 which such taxes shall be levied as provided in this chapter.

318 (4) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR, AND  
 319 CLERK OF THE CIRCUIT COURT.--The property appraiser, tax  
 320 collector, and clerk of the circuit court of Indian River County  
 321 shall be entitled to compensation for services performed in  
 322 connection with taxes and assessments of the district as  
 323 provided by general law.

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

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

335 Section 10. Enforcement of taxes and assessments.--The  
 336 collection and enforcement of all taxes and assessments levied

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

348 Section 11. Bonds.--

349 (1) ISSUANCE OF REVENUE BONDS, ASSESSMENT BONDS, AND BOND  
 350 ANTICIPATION NOTES.--

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

361 (b) Pursuant to chapter 298, Florida Statutes, and  
 362 applicable general law, the district shall have the power to  
 363 issue assessment bonds and revenue bonds, from time to time,  
 364 without limitation as to amount for the purpose of financing

365 those systems and facilities provided for in section 4. Such  
366 revenue bonds may be secured by, or payable from, the gross or  
367 net pledge of the revenues to be derived from any project or  
368 combination of projects; from the rates, fees, or other charges  
369 to be collected from the users of any project or projects; from  
370 any revenue-producing undertaking or activity of the district;  
371 from special assessments; or from any other source or pledged  
372 security. Such bonds shall not constitute an indebtedness of the  
373 district, and the approval of the qualified electors shall not  
374 be required unless such bonds are additionally secured by the  
375 full faith and credit and taxing power of the district.

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

393 (d) Bonds of each issue shall be dated; shall bear  
394 interest at such rate or rates, including variable rates, which  
395 interest may be tax exempt or taxable for federal income tax  
396 purposes; shall mature at such time or times from their date or  
397 dates; and may be made redeemable before maturity at such price  
398 or prices and under such terms and conditions as may be  
399 determined by the board.

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

402 (2) GENERAL OBLIGATION BONDS.--

403 (a) Pursuant to this act, the district shall have the  
404 power from time to time to issue general obligation bonds to  
405 finance or refinance capital projects or to refund outstanding  
406 bonds in an aggregate principal amount of bonds outstanding at  
407 any one time not in excess of 35 percent of the assessed value  
408 of the taxable property within the district as shown on the  
409 pertinent tax records at the time of the authorization of the  
410 general obligation bonds for which the full faith and credit of  
411 the district is pledged. Except for refunding bonds, no general  
412 obligation bonds shall be issued unless the bonds are issued to  
413 finance or refinance a capital project and the issuance has been  
414 approved at an election held in accordance with the requirements  
415 for such election as prescribed by the State Constitution. Such  
416 elections shall be called to be held in the district by the  
417 Board of County Commissioners of Indian River County upon the  
418 request of the board of the district. The expenses of calling  
419 and holding an election shall be at the expense of the district,  
420 and the district shall reimburse the county for any expenses

421 incurred in calling or holding such election.

422 (b) The district may pledge its full faith and credit for  
 423 the payment of the principal and interest on such general  
 424 obligation bonds and for any reserve funds provided therefor and  
 425 may unconditionally and irrevocably pledge itself to levy ad  
 426 valorem taxes on all taxable property within the district, to  
 427 the extent necessary for the payment thereof, without  
 428 limitations as to rate or amount.

429 (c) If the board determines to issue general obligation  
 430 bonds for more than one capital project, the approval of the  
 431 issuance of the bonds for each and all such projects may be  
 432 submitted to the elector on one and the same ballot. The failure  
 433 of the electors to approve the issuance of bonds for any one or  
 434 more of the capital projects shall not defeat the approval of  
 435 bonds for any capital project that has been approved by the  
 436 electors.

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

441 1. Special assessments levied in the amount sufficient to  
 442 pay the principal and interest on a general obligation bond so  
 443 additionally secured, which assessments have been equalized and  
 444 confirmed by resolution or ordinance of the board pursuant to  
 445 section 170.08, Florida Statutes.

446 2. Water revenues, sewer revenues, or water and sewer  
 447 revenues of the district to be derived from user fees in an  
 448 amount sufficient to pay the principal and interest on the



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449 general obligation bond so additionally secured.

450 3. Any combination of assessments and revenues described  
451 in subparagraphs 1. and 2.

452 Section 4. In case any one or more of the sections or  
453 provisions of this act or the application of such sections or  
454 provisions to any situations, circumstances, or person shall for  
455 any reason be held to be unconstitutional, such  
456 unconstitutionality shall not affect any other sections or  
457 provisions of this act or the application of such sections or  
458 provisions to any other situation, circumstance, or person, and  
459 it is intended that this law shall be construed and applied as  
460 if such section or provision had not been included herein for  
461 any unconstitutional application.

462 Section 5. Chapters 12258 (1927), 20478 (1941), 57-1109,  
463 59-768, 63-820, 65-809, and 70-739, Laws of Florida, are  
464 repealed.

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