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A bill to be entitled  
 An act relating to the Sebastian River Drainage District,  
 Indian River County; codifying, amending, and reenacting  
 special acts relating to the district; renaming the  
 district as the Sebastian River Improvement District;  
 providing purposes of the district; providing boundaries;  
 providing for applicability of ch. 298, F.S.; providing  
 powers of the district; providing for compliance with  
 county plans and regulations; providing for the election  
 of a board of supervisors; providing for organization,  
 powers, duties, terms of office, and compensation of the  
 board; providing for meetings; providing for compensation  
 of certain county officers under certain circumstances;  
 providing for the levy of non-ad valorem assessments;  
 providing for costs; providing for collection,  
 enforcement, and penalties; providing for issuance of  
 revenue bonds, assessment bonds, and bond anticipation  
 notes; providing severability; repealing chapters 12258  
 (1927), 20478 (1941), 57-1109, 59-768, 63-820, 65-809, and  
 70-739, Laws of Florida, relating to the district;  
 providing an effective date.

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

Section 1. (1) The reenactment of existing law in this act shall not be construed as a grant of additional authority to or to supersede the authority of any entity pursuant to law.

28 Exceptions to law contained in any special act that are  
 29 reenacted pursuant to this act shall continue to apply.

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

38 Section 2. Chapters 12258 (1927), 20478 (1941), 57-1109,  
 39 59-768, 63-820, 65-809, and 70-739, Laws of Florida, are  
 40 codified, amended, reenacted, and repealed as provided in this  
 41 act.

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

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

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

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

58  
59 Beginning at a point on the Northeast corner of  
60 Section 1, Township 32 South, Range 38 East, in Indian  
61 River County, Florida, thence run East along the  
62 Township line to the Southeast corner of the West half  
63 of Section 32, Township 31 South, Range 39 East;

64  
65 Thence run North on the center line of Sections to the  
66 Northeast corner of the Southwest quarter of Section  
67 20, Township 31 South, Range 39 East;

68  
69 Thence run West through center of sections to the  
70 Northwest corner of the Southwest quarter of Section  
71 26, Township 31 South, Range 38 East;

72  
73 Thence run South on Section line to the Southwest  
74 corner of Section 35, Township 32 South, Range 38  
75 East;

76  
77 Thence run East along Township line to the Southeast  
78 corner of Township 32 South, Range 38 East;

79  
80 Thence run North along Range line to the Northeast  
81 corner of Township 32 South, Range 38 East to the  
82 point of beginning.

83

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

87  
 88 The SW1/4 of Section 29; the S1/2 of Section 30; all  
 89 of Section 31; and the W1/2 of Section 32; all in  
 90 Township 31 South, Range 39 East.

91  
 92 All of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26,  
 93 35, and 36, in Township 32 South, Range 38 East.

94  
 95 Section 3. Provisions of law made applicable.--The  
 96 provisions of chapter 298, Florida Statutes, are hereby declared  
 97 to be applicable to the Sebastian River Improvement District.  
 98 The Sebastian River Improvement District shall have all of the  
 99 powers and authorities mentioned in or conferred by chapter 298,  
 100 Florida Statutes.

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

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

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

107 (b) To acquire by purchase, gift, or condemnation real or  
 108 personal property within or without the district and to convey  
 109 and dispose of such real or personal property as may be  
 110 necessary or convenient to carry out the purposes of this act  
 111 and chapter 298, Florida Statutes;

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

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

118       (e) To construct, operate, and maintain irrigation works,  
 119 machinery, and plants;

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

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

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

137       (i) To finance, fund, plan, establish, acquire, construct  
 138 or reconstruct, enlarge or extend, equip, operate, and maintain  
 139 additional systems and facilities for parks and facilities for

140 indoor and outdoor recreational, cultural, and educational uses;

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

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

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

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

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

164 (o) To enter into impact fee credit agreements with local  
165 general purpose governments. In the event the district enters  
166 into an impact fee credit agreement with a local general purpose  
167 government where the district constructs or makes contributions

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

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

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

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

193 (s) To provide public safety, including, but not limited  
194 to, security, guardhouses, fences and gates, electronic  
195 intrusion detection systems, and patrol cars, when authorized by

196 proper governmental agencies, except that the district may not  
197 exercise any police power but may contract with the appropriate  
198 local general purpose government agencies for an increased level  
199 of such service within the district boundaries;

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

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

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

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



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

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

238 Section 5. Board of supervisors; organization, powers,  
 239 duties, and terms of office.--

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

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

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

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

274 Section 6. Compensation of board.--Each supervisor shall  
275 be paid for his or her services a per diem of \$25 for each day  
276 actually engaged in work pertaining to the district. In addition  
277 to such per diem, supervisors shall be paid travel and related  
278 expenses at rates authorized by general law for public officials  
279 pursuant to chapter 112, Florida Statutes.

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

287           Section 8. Non-ad valorem assessments.--

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

293           (2) TAXES, ASSESSMENTS, AND COSTS, A LIEN ON LAND AGAINST  
 294 WHICH ASSESSED, ETC.--All taxes and assessments provided for in  
 295 this act, together with all penalties for default in payment of  
 296 the same and all costs in collecting the same, shall, from the  
 297 date of assessment thereof until paid, constitute a lien of  
 298 equal dignity with the liens for county taxes, and other taxes  
 299 of equal dignity with county taxes, upon all the lands against  
 300 which such taxes shall be levied as provided in this chapter.

301           (3) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR, AND  
 302 CLERK OF THE CIRCUIT COURT.--The property appraiser, tax  
 303 collector, and clerk of the circuit court of Indian River County  
 304 shall be entitled to compensation for services performed in  
 305 connection with taxes and assessments of the district as  
 306 provided by general law.

307           (4) LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN

308 1 ACRE.--In levying and assessing all assessments, each tract or  
 309 parcel of land less than 1 acre in area shall be assessed as a  
 310 full acre, and each tract or parcel of land more than 1 acre in  
 311 area that contains a fraction of an acre shall be assessed at  
 312 the nearest whole number of acres, a fraction of one half or  
 313 more to be assessed as a full acre.

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

318 Section 10. Enforcement of taxes and assessments.--The  
 319 collection and enforcement of all taxes and assessments levied  
 320 by the district shall be at the same time and in like manner as  
 321 county taxes, and the provisions of the Florida Statutes  
 322 relating to the sale of lands for unpaid and delinquent county  
 323 taxes, the issuance, sale, and delivery of tax certificates for  
 324 such unpaid and delinquent county taxes, the redemption thereof,  
 325 the issuance to individuals of tax deeds based thereon, and all  
 326 other procedure in connection therewith shall be applicable to  
 327 the district and the delinquent and unpaid taxes of the district  
 328 to the same extent as if said statutory provisions were  
 329 expressly set forth in this act. All taxes and assessments shall  
 330 be subject to the same discounts as county taxes.

331 Section 11. Issuance of revenue bonds, assessment bonds,  
 332 and bond anticipation notes.--

333 (1) In addition to the other powers provided to the  
 334 district, and not in limitation thereof, the district shall have  
 335 the power, pursuant to chapter 298, Florida Statutes, and

336 applicable general law, at any time, and, from time to time,  
337 after the issuance of any bonds of the district shall have been  
338 authorized, to borrow money for the purposes for which such  
339 bonds are to be issued in anticipation of the receipt of the  
340 proceeds of the sale of such bonds and to issue bond  
341 anticipation notes in a principal sum not in excess of the  
342 authorized maximum amount of such bond issue.

343 (2) Pursuant to chapter 298, Florida Statutes, and  
344 applicable general law, the district shall have the power to  
345 issue assessment bonds and revenue bonds, from time to time,  
346 without limitation as to amount for the purpose of financing  
347 those systems and facilities provided for in section 4. Such  
348 revenue bonds may be secured by, or payable from, the gross or  
349 net pledge of the revenues to be derived from any project or  
350 combination of projects; from the rates, fees, or other charges  
351 to be collected from the users of any project or projects; from  
352 any revenue-producing undertaking or activity of the district;  
353 from special assessments; or from any other source or pledged  
354 security. Such bonds shall not constitute an indebtedness of the  
355 district, and the approval of the qualified electors shall not  
356 be required.

357 (3) Any issue of bonds may be secured by a trust agreement  
358 by and between the district and a corporate trustee or trustees,  
359 which may be any trust company or bank having the powers of a  
360 trust company within or without the state. The resolution  
361 authorizing the issuance of the bonds or such trust agreement  
362 may pledge the revenues to be received from any projects of the  
363 district and may contain such provisions for protecting and

364 enforcing the rights and remedies of the bondholders as the  
 365 board may approve, including, without limitation, covenants  
 366 setting forth the duties of the district in relation to the  
 367 acquisition, construction, reconstruction, improvement,  
 368 maintenance, repair, operation, and insurance of any projects  
 369 and the fixing and revising of the rates, fees, and charges, the  
 370 custody, safeguarding, and application of all moneys, and the  
 371 employment of consulting engineers in connection with such  
 372 acquisition, construction, reconstruction, improvement,  
 373 maintenance, repair, or operation.

374 (4) Bonds of each issue shall be dated; shall bear  
 375 interest at such rate or rates, including variable rates, which  
 376 interest may be tax exempt or taxable for federal income tax  
 377 purposes; shall mature at such time or times from their date or  
 378 dates; and may be made redeemable before maturity at such price  
 379 or prices and under such terms and conditions as may be  
 380 determined by the board.

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

383 Section 4. In case any one or more of the sections or  
 384 provisions of this act or the application of such sections or  
 385 provisions to any situations, circumstances, or person shall for  
 386 any reason be held to be unconstitutional, such  
 387 unconstitutionality shall not affect any other sections or  
 388 provisions of this act or the application of such sections or  
 389 provisions to any other situation, circumstance, or person, and  
 390 it is intended that this law shall be construed and applied as

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391 if such section or provision had not been included herein for  
392 any unconstitutional application.

393 Section 5. Chapters 12258 (1927), 20478 (1941), 57-1109,  
394 59-768, 63-820, 65-809, and 70-739, Laws of Florida, are  
395 repealed.

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