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CS/HB 1535

2007 Legislature

1 A bill to be entitled
2 An act relating to the Sebastian River Drainage District,
3 Indian River County; codifying, amending, and reenacting
4 special acts relating to the district; renaming the
5 district as the Sebastian River Improvement District;
6 providing purposes of the district; providing boundaries;
7 providing for applicability of ch. 298, F.S.; providing
8 powers of the district; providing for compliance with
9 county plans and regulations; providing for the election
10 of a board of supervisors; providing for organization,
11 powers, duties, terms of office, and compensation of the
12 board; providing for meetings; providing for compensation
13 of certain county officers under certain circumstances;
14 providing for the levy of non-ad valorem assessments;
15 providing for costs; providing for collection,
16 enforcement, and penalties; providing for issuance of
17 revenue bonds, assessment bonds, and bond anticipation
18 notes; providing severability; repealing chapters 12258
19 (1927), 20478 (1941), 57-1109, 59-768, 63-820, 65-809, and
20 70-739, Laws of Florida, relating to the district;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. (1) The reenactment of existing law in this
26 act shall not be construed as a grant of additional authority to
27 or to supersede the authority of any entity pursuant to law.

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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40 codified, amended, reenacted, and repealed as provided in this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

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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.

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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;

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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.