



Council Substitute for House Bill No. 1387

A bill to be entitled

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

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

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27
28 Section 1. (1) The reenactment of existing law in this



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42 reenacted, amended, and repealed as herein provided.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



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



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



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.



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

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

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

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

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

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

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

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

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

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.

Approved by the Governor JUN 26 2007

Filed in Office Secretary of State JUN 26 2007

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Kurt S. Browning, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapter 2007-298, Laws of Florida, Acts of 2007, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
6th day of September, A.D., 2007.



Kurt S. Browning
Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

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"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.