

House Bill No. 1559

An act relating to Brevard County; creating the Viera Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

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

Section 1. Short title.—This act may be cited as the “Viera Stewardship District Act.”

Section 2. Legislative findings and intent; definitions; policy.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The extensive lands located within Brevard County and covered by this act contain many opportunities for thoughtful, comprehensive, environmentally responsible, and consistent development over a long period.

(b) There is a particular special need to use a specialized and limited single-purpose independent special district unit of local government for the district lands located within Brevard County and covered by this act to prevent urban sprawl by providing sustaining and freestanding infrastructure and by preventing needless and counterproductive community development when the existing urban area is not yet developed, and to prevent the needless duplication, fragmentation, and proliferation of local government services in a proposed land use area.

(c) The establishment of such a limited specialized single-purpose local government for the district lands will serve a necessary and useful public purpose by providing an efficient and effective method of ensuring the long-term stewardship of environmental and conservation resources within the

district through the comprehensive management of the district's ecosystem, including, but not limited to, the implementation and administration of habitat protection and management plans approved by regulatory agencies having jurisdiction and the local governing authority.

(d) The creation and establishment of the district will constitute a timely, efficient, effective, responsive, and economical method to deliver capital infrastructure, facilities, and services to accommodate the growth projected under Brevard County's comprehensive land use plan for the extensive lands comprising the district, by providing a legitimate alternative method for owning, operating, constructing, and financing such infrastructure, facilities, and services which will not overburden local general purpose governments and their taxpayers.

(e) While chapter 190, Florida Statutes, provides an opportunity for community development services and facilities to be provided by the establishment of community development districts in a manner that furthers the public interest, given the vast nature of the lands covered by this act and the potentially long-term nature of its development, establishing multiple community development districts over these lands would result in an inefficient, duplicative, and needless proliferation of local special purpose government, contrary to the public interest and the Legislature's findings in chapter 190, Florida Statutes. Instead, it is in the public interest that the long-range provision for, and management, financing, and long-term maintenance, upkeep, and operation of, services and facilities to be provided for ultimate development of the lands covered by this act be under one coordinated entity.

(f) Longer involvement of the initial landowner with regard to the provision of systems, facilities, and services for the district lands, coupled with a severely limited and highly specialized single purpose of the district is in the public interest.

(g) Any public or private system to provide infrastructure improvements, systems, facilities, and services to these lands must be focused on an unfettered, highly specialized, innovative, responsive, and accountable mechanism to provide the components of infrastructure at sustained levels of high quality over the long term only when and as needed for such a unique community in such a unique area.

(h) There is a need to coincide the use and special attributes of various public and private alternatives for the provision of infrastructure to such a community development, including the limited, flexible, focused, and locally accountable management and related financing capabilities of independent special-purpose local government.

(i) The existence and use of such a limited specialized single purpose local government for the district lands, subject to the respective county comprehensive plans, will result in a high propensity to provide for orderly development and prevent urban sprawl; protect and preserve environmental, conservation, and agricultural uses and assets; enhance the market value for both present and future landowners of the property consistent with the need to protect private property; enhance the net economic benefit to the

Brevard County area, including an enhanced and well-maintained tax base to the benefit of all present and future taxpayers in Brevard County; and result in the sharing of costs of providing certain systems, facilities, and services in an innovative, sequential, and flexible manner within the developing area to be serviced by the district.

(j) The creation and establishment of the district will encourage local government financial self-sufficiency in providing public facilities and in identifying and implementing physically sound, innovative, and cost-effective techniques to provide and finance public facilities while encouraging development, use, and coordination of capital improvement plans by all levels of government, pursuant to chapter 187, Florida Statutes.

(k) The creation and establishment of the district will encourage and enhance cooperation among communities that have unique assets, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly and environmentally and economically sound plan for current and future needs and growth.

(l) In order to be responsive to the critical timing required through the exercise of its special management functions, an independent district requires financing of those functions, including bondable lienable and nonlienable revenue, with full and continuing public disclosure and accountability, funded by landowners, both present and future, and funded also by users of the systems, facilities, and services provided to the land area by the district, without unduly burdening the taxpayers and citizens of the state, Brevard County, or any municipality therein.

(m) The district created and established by this act shall not have or exercise any comprehensive planning, zoning, or development permitting power; the establishment of the district shall not be considered a development order within the meaning of chapter 380, Florida Statutes; and all applicable planning and permitting laws, rules, regulations, and policies of Brevard County control the development of the land to be serviced by the district.

(n) The creation by this act of the Viera Stewardship District is not inconsistent with the Brevard County comprehensive plan.

(o) It is the legislative intent and purpose that no debt or obligation of the district constitute a burden on any local general-purpose government without its consent.

(2) DEFINITIONS.—As used in this act:

(a) “Ad valorem bonds” means bonds which are payable from the proceeds of ad valorem taxes levied on real and tangible personal property and which are generally referred to as general obligation bonds.

(b) “Assessable improvements” means, without limitation, any and all public improvements and community facilities that the district is empowered to provide in accordance with this act that provide a special benefit to property within the district.

(c) "Assessment bonds" means special obligations of the district which are payable solely from proceeds of the special assessments or benefit special assessments levied for assessable improvements, provided that, in lieu of issuing assessment bonds to fund the costs of assessable improvements, the district may issue revenue bonds for such purposes payable from special assessments.

(d) "Assessments" means those nonmillage district assessments which include special assessments, benefit special assessments, and maintenance special assessments and a nonmillage, non-ad valorem maintenance tax if authorized by general law.

(e) "Benefit special assessments" are district assessments imposed, levied, and collected pursuant to the provisions of section 6(12)(b).

(f) "Board of supervisors" or "board" means the governing board of the district or, if such board has been abolished, the board, body, or commission assuming the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(g) "Bond" includes "certificate" and the provisions that are applicable to bonds are equally applicable to certificates. The term "bond" includes any general obligation bond, assessment bond, refunding bond, revenue bond, and other such obligation in the nature of a bond as is provided for in this act.

(h) "Cost" or "costs," when used with reference to any project, includes, but is not limited to:

1. The expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction.

2. The cost of surveys, estimates, plans, and specifications.

3. The cost of improvements.

4. Planning, engineering, designing, fiscal, legal, and other professional and consultant expenses and charges.

5. The cost of all labor, materials, machinery, and equipment.

6. The cost of all lands, properties, rights, easements, and franchises acquired.

7. Financing charges.

8. The creation of initial reserve and debt service funds.

9. Working capital.

10. Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.

11. The cost of issuance of bonds pursuant to this act, including advertisements and printing.

12. The cost of any bond or tax referendum held pursuant to this act and all other expenses of issuance of bonds.

13. The discount, if any, on the sale or exchange of bonds.

14. Administrative expenses.

15. Such other expenses as may be necessary or incidental to the acquisition, disposition, transfer, construction, or reconstruction of any project, to the financing thereof, or to the development of any lands within the district.

16. Payments, contributions, dedications, and any other exactions required as a condition of receiving any governmental approval or permit necessary to accomplish any district purpose.

(i) “District” means the Viera Stewardship District.

(j) “District manager” means the manager of the district.

(k) “District roads” means highways, streets, roads, alleys, sidewalks, landscaping, storm drains, bridges, and thoroughfares of all kinds.

(l) “General obligation bonds” means bonds which are secured by, or provide for their payment by, the pledge of the full faith and credit and taxing power of the district, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the resolution authorizing their issuance, and for payment of which recourse may be had against the general fund of the district.

(m) “Governing board member” means any member of the board of supervisors.

(n) “Land development regulations” means those regulations of general purpose local government, adopted under the Florida Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163, Florida Statutes, to which the district is subject and as to which the district may not do anything that is inconsistent. Land development regulations shall not mean specific management, engineering, planning, operating, and other criteria and standards needed in the daily management, implementation, and provision by the district of systems, facilities, services, works, improvements, projects, or infrastructure, including design criteria and standards, so long as they remain subject to and are not inconsistent with the applicable land development regulations.

(o) “Landowner” means the owner of a freehold estate as it appears on the deed record, including a trustee, a private corporation, and an owner of a condominium unit. “Landowner” does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. “Landowner” also means the owner of a ground lease from a governmental entity, which

leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years.

(p) "General-purpose local government" means a county, municipality, or consolidated city-county government.

(q) "Maintenance special assessments" are assessments imposed, levied, and collected pursuant to the provisions of section 6(12)(d).

(r) "Non-ad valorem assessment" means only those assessments which are not based upon millage and which can become a lien against a home-
stead as permitted in s. 4, Art. X of the State Constitution.

(s) "Powers" means powers used and exercised by the board to accom-
plish the single, limited, and special purpose of the district, including:

1. "General powers" means those organizational and administrative pow-
ers of the district as provided in this charter in order to carry out its single
special purpose as a local government public corporate body politic.

2. "Special powers" means those powers enumerated by the district char-
ter to implement its specialized systems, facilities, services, projects, im-
provements, and infrastructure and related functions in order to carry out
its single specialized purpose.

3. Any other powers, authority, or functions set forth in this act or in
chapter 189 or chapter 190, Florida Statutes.

(t) "Project" means any development, improvement, property, power,
utility, facility, enterprise, service, system, works, or infrastructure now
existing or hereafter undertaken or established under the provisions of this
act.

(u) "Qualified elector" means any person at least 18 years of age who is
a citizen of the United States and a legal resident of the state and of the
district and who registers to vote with the Supervisor of Elections of Brevard
County.

(v) "Refunding bonds" means bonds issued to refinance outstanding
bonds of any type and the interest and redemption premium thereon. Re-
funding bonds shall be issuable and payable in the same manner as refi-
nanced bonds, except that no approval by the electorate shall be required
unless required by the State Constitution.

(w) "Revenue bonds" means obligations of the district that are payable
from revenues, including, but not limited to, special assessments and benefit
special assessments, derived from sources other than ad valorem taxes on
real or tangible personal property and that do not pledge the property,
credit, or general tax revenue of the district.

(x) "Sewer system" means any plant, system, facility, or property, and
additions, extensions, and improvements thereto at any future time con-
structed or acquired as part thereof, useful or necessary or having the pres-
ent capacity for future use in connection with the collection, treatment,

purification, or disposal of sewage, including, but not limited to, industrial wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resource. "Sewer system" also includes treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains, laterals, and other devices for the reception and collection of sewage from premises connected therewith; and all real and personal property and any interest therein, and rights, easements, and franchises of any nature relating to any such system and necessary or convenient for operation thereof.

(y) "Special assessments" means assessments as imposed, levied, and collected by the district for the costs of assessable improvements pursuant to the provisions of this act, chapter 170, Florida Statutes, and the additional authority under section 197.3631, Florida Statutes, or other provisions of general law, now or hereinafter enacted, which provide or authorize a supplemental means to impose, levy, or collect special assessments.

(z) "Taxes" or "tax" means those levies and impositions of the board that support and pay for government and the administration of law and that may be:

1. Ad valorem or property taxes based upon both the appraised value of property and millage, at a rate uniform within the jurisdiction; or

2. If and when authorized by general law, non-ad valorem maintenance taxes not based on millage that are used to maintain district systems, facilities, and services.

(aa) "Viera Stewardship District" means the unit of special and single purpose local government created and chartered by this act, including the creation of its charter, and limited to the performance, in implementing its single purpose, of those general and special powers authorized by its charter under this act, the boundaries of which are set forth by the act, the governing head of which is created and authorized to operate with legal existence by this act, and the purpose of which is as set forth in this act.

(bb) "Water management and control facilities" means any lakes, canals, ditches, reservoirs, dams, impoundments, levees, sluiceways, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, and disposal of nonpotable water, and any purposes appurtenant, necessary or incidental thereto. The term "water management and control facilities" includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such water management and control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation or maintenance thereof.

(cc) "Water system" means any plant, system, facility, or property, and any addition, extension, or improvement thereto at any future time constructed or acquired as a part thereof, useful, necessary, or having the present capacity for future use in connection with the development of sources, treatment, purification, or distribution of water. "Water system"

also includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation thereof.

(3) POLICY.—Based upon its findings, ascertainment, determinations, intent, purpose, and definitions, the Legislature states its policy expressly:

(a) The district and the district charter, with its general and special powers, as created in this act, are essential and the best alternative for the residential, commercial, and other community uses, projects, or functions in the included portions of Brevard County consistent with the effective comprehensive plans and designed to serve a lawful public purpose.

(b) The district, which is a local government and political subdivision, is limited to its special purpose as expressed in this act, with the power to provide, plan, implement, construct, operate, maintain, repair, improve, replace, manage, and finance as a local government management entity its systems, facilities, services, improvements, infrastructure, and projects and possessing financing powers to fund its management power over the long term and with sustained levels of high quality.

(c) The creation of the Viera Stewardship District by and pursuant to this act, and its exercise of its management and related financing powers to implement its limited, single, and special purpose, is not a development order and does not trigger or invoke any provision within the meaning of chapter 380, Florida Statutes, and all applicable governmental planning, environmental, and land development laws, regulations, rules, policies, and ordinances apply to all development of the land within the jurisdiction of the district as created by this act. Moreover, the creation of the district itself shall neither cause a reclassification for assessment purposes of any agricultural lands within the district, nor prohibit or preclude the use of any land within the district for agricultural purposes or for any use related thereto.

(d) The district shall operate and function subject to, and not inconsistent with, the comprehensive plan of Brevard County and any applicable development orders, zoning regulations, and other land development regulations.

(e) The special and single purpose Viera Stewardship District shall not have the power of a general-purpose local government to adopt a comprehensive plan or related land development regulation as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act.

(f) This act may be amended, in whole or in part, only by special act of the Legislature. No amendment to this act that alters the district boundaries or the general or special powers of the district may be considered by the Legislature unless it is accompanied by a resolution or official statement as provided for in section 189.404(2)(e)4., Florida Statutes.

Section 3. Minimum charter requirements; creation and establishment; jurisdiction; construction; charter with legal description.—

(1) Pursuant to section 189.404(3), Florida Statutes, the Legislature sets forth that the minimum requirements in paragraphs (a)-(o) have been met in the identified provisions of this act as follows:

(a) The reasons for the district are articulated in the findings in section 2, and the specific functions of the district are described through the powers granted to the district throughout the bill. However, in summary, the general purpose of the district is to provide, through a special purpose governmental entity, certain capital infrastructure, facilities and services which benefit the residents of the district.

(b) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements are set forth in section 6.

(c) The provisions for methods for establishing the district are in this section.

(d) The methods for amending the charter of the district are set forth in section 2.

(e) The provisions for the membership and organization of the governing board and the establishment of a quorum are in section 5.

(f) The provisions regarding maximum compensation of each board member are in section 5.

(g) The provisions regarding the administrative duties of the governing board are found in sections 5 and 6.

(h) The provisions applicable to financial disclosure, noticing, and reporting requirements generally are set forth in sections 5 and 6.

(i) The provisions regarding procedures and requirements for issuing bonds are set forth in section 6.

(j) The provisions regarding elections or referenda and the qualifications of an elector of the district are in sections 2 and 5.

(k) The provisions regarding methods for financing the district are generally in section 6.

(l) Other than taxes levied for the payment of bonds and taxes levied for periods not longer than 2 years when authorized by vote of the electors of the district, the provisions for the authority to levy ad valorem tax and the authorized millage rate are in section 6.

(m) The provisions for the method or methods of collecting non-ad valorem assessments, fees, or service charges are in section 6.

(n) The provisions for planning requirements are in this section and section 6.

(o) The provisions for geographic boundary limitations of the district are set forth in sections 4 and 6.

(2) The Viera Stewardship District, which also may be referred to as the “stewardship district,” “Viera District,” or “district,” is created and incorporated as a public body corporate and politic, an independent, limited, special purpose local government, an independent special district, under section 189.404, Florida Statutes, and as defined in this act and in section 189.403(3), Florida Statutes. Any amendments to chapter 190, Florida Statutes, after January 1, 2006, granting additional general powers, special powers, authorities, or projects to a community development district by amendment to its uniform charter, sections 190.006-190.041, Florida Statutes, shall constitute a general power, special power, authority, or function of the Viera Stewardship District. All notices for the enactment by the Legislature of this special act have been provided pursuant to the State Constitution, the laws of Florida and the Rules of the Florida House of Representatives and of the Florida Senate. Subject to the referendum requirement in section 9, the district, as created by this act, is established on the property described in this act.

(3) The territorial boundary of the district shall embrace and include all of that certain real property described legally in section 4.

(4) The jurisdiction of this district, in the exercise of its general and special powers, and in the carrying out of its special purposes, is both within the external boundaries of the legal description of this district and extraterritorially when limited to, and as authorized expressly elsewhere in, the charter of the district as created in this act or applicable general law. This special-purpose district is created as a public body corporate and politic, and local government authority and power is limited by its charter, this act, and subject to the provisions of other general laws, including chapter 189, Florida Statutes, except that an inconsistent provision in this act shall control and the district has jurisdiction to perform such acts and exercise such authorities, functions, and powers as shall be necessary, convenient, incidental, proper, or reasonable for the implementation of its limited, single, and specialized purpose regarding the sound planning, provision, acquisition, development, operation, maintenance, and related financing of those public systems, facilities, services, improvements, projects, and infrastructure works as authorized herein, including those necessary and incidental thereto.

(5) The exclusive charter of the Viera Stewardship District is this act and, except as otherwise provided in subsection (2), may be amended only by special act of the Legislature.

Section 4. Legal description of the Viera Stewardship District.—

The legal description of the district, within which there are no parcels of property owned by those who do not wish for their property to be included within the district, is as follows:

Commence at a 4” X 4” concrete monument at the Northwest corner of Section 30, Township 25 South, Range 36 East and run N89°21’55”E,

along the North line of said Section 30, a distance of 2,545.93 feet, to an iron rod and the POINT OF BEGINNING of the herein described lands; thence S08°24'33"E, a distance of 748.62 feet, to an iron rod; thence S08°55'25"E, a distance of 405.40 feet, to an iron rod; thence S07°53'09"E, a distance of 404.42 feet, to an iron rod; thence S07°41'38"E, a distance of 556.16 feet, to an iron rod; thence S08°07'57"E, a distance of 556.72 feet, to an iron rod; thence S07°54'48"E, a distance of 556.44 feet, to an iron rod; thence S08°10'16"E, a distance of 880.33 feet, to an iron rod; thence S07°57'39"E, a distance of 482.44 feet, to an iron rod; thence S79°41'18"W, a distance of 8.69 feet, to an iron rod; thence S07°38'31"E, a distance of 396.84 feet, to an iron rod; thence S13°30'01"W, a distance of 6.84 feet, to an iron rod; thence S68°53'11"W, a distance of 456.26 feet, to an iron rod; thence S75°44'29"W, a distance of 86.29 feet, to an iron rod; thence S64°14'40"W, a distance of 129.79 feet, to an iron rod; thence S68°29'29"W, a distance of 703.75 feet, to an iron rod; thence S03°43'55"E, a distance of 774.28 feet, to an iron rod; thence S03°43'05"E, a distance of 420.39 feet, to an iron rod; thence S17°31'55"W, a distance of 31.51 feet, to an iron rod; thence S02°10'23"W, a distance of 15.32 feet, to an iron rod; thence S84°49'06"W, a distance of 1,260.85 feet, to an iron rod; thence S65°26'07"W, a distance of 553.39 feet, to an iron rod; thence S65°16'09"W, a distance of 553.65 feet, to an iron rod; thence S65°26'06"W, a distance of 552.21 feet, to an iron rod; thence S65°42'09"W, a distance of 553.14 feet, to an iron rod; thence S86°33'52"W, a distance of 560.20 feet, to an iron rod; thence S86°36'43"W, a distance of 1,119.98 feet, to an iron rod; thence N15°49'12"W, a distance of 53.08 feet, to an iron rod; thence S88°41'21"W, a distance of 144.31 feet to an iron rod; thence S86°14'12"W, a distance of 360.22 feet, to an iron rod; thence S44°22'00"W, a distance of 2,194.87 feet, to an iron rod; thence S02°24'20"E, a distance of 99.12 feet, to an iron rod; thence S46°55'21"W, a distance of 146.56 feet, to an iron rod; thence S65°38'19"W, a distance of 194.77 feet, to an iron rod; thence S63°42'25"W, a distance of 577.43 feet, to an iron rod; thence S69°45'01"W, a distance of 412.41 feet, to an iron rod; thence N89°15'09", a distance of 79.29 feet, to an iron rod; thence S73°35'49W, a distance of 521.37 feet, to an iron rod; thence S87°25'48"W, a distance of 483.14 feet, to an iron rod; thence S87°26'32"W, a distance of 966.55 feet, to an iron rod; thence S87°21'06"W, a distance of 485.66 feet, to an iron rod; thence S62°14'38"W, a distance of 444.40 feet, to an iron rod; thence S62°17'07"W, a distance of 446.88 feet, to an iron rod; thence S62°19'23"W, a distance of 358.90 feet, to an iron rod; thence S62°27'13"W, a distance of 370.19 feet, to an iron rod; thence S77°23'47"W, a distance of 411.83 feet, to an iron rod; thence S00°53'45"W, a distance of 125.73 feet, to an iron rod; thence S00°13'05"W, a distance of 658.60 feet, to an iron rod; thence S00°02'40"E, a distance of 1,583.00 feet, to an iron rod; thence S00°01'31"E, a distance of 543.46 feet, to an iron rod; thence S06°38'41"E, a distance of 236.05 feet, to an iron rod; thence S00°05'15"W, a distance of 1,609.02 feet, to an iron rod, thence

N89°56'44"E, a distance of 1,150.63 feet, to an iron rod; thence
N89°41'56"E, a distance of 575.37 feet, to an iron rod; thence
S89°48'28"E, a distance of 575.27 feet, to an iron rod; thence
S05°17'41"E, a distance of 5,150.06 feet, to an iron rod; thence
S88°28'59"W, a distance of 892.20 feet, to an iron rod; thence
S89°18'35"W, a distance of 1,352.16 feet, to an iron rod; thence
N88°11'42"W, a distance of 478.57 feet, to an iron rod; thence
S04°20'09"W, a distance of 165.35 feet, to an iron rod; thence
S44°31'42"E, a distance of 1,884.04 feet, to an iron rod; thence
S44°35'30"E, a distance of 3,917.97 feet, to an iron rod; thence
S62°09'21"E, a distance of 2,317.97 feet, to an iron rod; thence
S61°05'48"E, a distance of 649.92 feet, to an iron rod; thence N47°16'55"
E, a distance of 35.75 feet, to an iron rod; thence S61°57'44"E, a distance
of 923.38 feet, to an iron rod; thence S41°26'58"E, a distance of 273.10
feet, to an iron rod; thence S30°04'29"E, a distance of 310.25 feet, to an
iron rod; thence S34°43'38"E, a distance of 598.07 feet, to an iron rod;
thence S26°25'22"E, a distance of 301.86 feet, to an iron rod; thence
S04°19'41"E, a distance of 773.92 feet, to an iron rod; thence
S03°54'52"E, a distance of 1,444.29 feet, to an iron rod; thence
S88°57'24"E, a distance of 504.03 feet, to an iron rod; thence
S13°21'03"W, a distance of 118.12 feet, to an iron rod; thence
S34°02'56"W, a distance of 1,348.21 feet, to an iron rod; thence
S45°13'06"W, a distance of 1,297.85 feet, to an iron rod; thence
S63°01'28"W, a distance of 72.85 feet, to an iron rod; thence S35°48'10"E,
a distance of 45.45 feet, to an iron rod; thence S36°43'44"E, a distance
of 81.14 feet, to an iron rod; thence S43°22'10"E, a distance of 2,416.90
feet, to an iron rod; thence S54°43'27"E, a distance of 118.25 feet, to an
iron rod; thence S76°01'08"E, a distance of 114.63 feet, to an iron rod;
thence S89°15'48"E, a distance of 397.01 feet, to an iron rod; thence
S67°53'23"E, a distance of 92.26 feet, to a iron rod; thence S27°40'02"E,
a distance of 156.14 feet, to an iron rod; thence S64°16'29"E, a distance
of 37.61 feet, to an iron rod; thence S89°15'14"E, a distance of 352.87 feet,
to an iron rod; thence S85°51'17"E, a distance of 307.67 feet, to an iron
rod; thence N86°54'20"E, a distance of 151.74 feet, to an iron rod; thence
N76°30'06"E, a distance of 261.56 feet, to an iron rod; thence
N87°06'14"E, a distance of 251.77 feet, to an iron rod; thence
N88°53'08"E, a distance of 158.24 feet, to an iron rod; thence
N85°02'05"E, a distance of 159.48 feet, to an iron rod; thence
S87°50'11"E, a distance of 174.88 feet, to an iron rod; thence
S83°44'02"E, a distance of 176.43 feet, to an iron rod; thence
S86°24'25"E, a distance of 258.17 feet, to an iron rod; thence
S81°07'19"E, a distance of 151.23 feet, to an iron rod; thence
N73°40'28"E, a distance of 247.99 feet, to an iron rod; thence
N84°35'54"E, a distance of 81.80 feet, to an iron rod; thence S79°39'38"E,
a distance of 98.82 feet, to an iron rod; thence S67°29'44"E, a distance
of 168.94 feet, to an iron rod; thence S56°25'12"E, a distance of 206.81
feet, to an iron rod; thence S70°16'15"E, a distance of 241.47 feet, to an
iron rod; thence S71°16'02"E, a distance of 271.51 feet, to an iron rod;
thence S76°57'22"E, a distance of 144.38 feet, to an iron rod; thence
S83°43'51"E, a distance of 362.54 feet, to an iron rod; thence
S82°09'02"E, a distance of 428.93 feet, to an iron rod; thence

S76°54'20"E, a distance of 74.04 feet, to an iron rod; thence S69°05'45"E, a distance of 73.41 feet, to an iron rod; thence S54°06'44"E, a distance of 97.18 feet, to an iron rod; thence S37°26'00"E, a distance of 287.82 feet, to an iron rod; thence S54°56'39"E, a distance of 72.06 feet, to an iron rod; thence S73°11'26"E, a distance of 65.07 feet, to an iron rod; thence S79°38'52"E, a distance of 374.93 feet, to an iron rod; thence S74°51'17"E, a distance of 156.56 feet, to an iron rod; thence S60°41'38"E, a distance of 171.07 feet, to an iron rod; thence S75°22'42"E, a distance of 109.56 feet, to an iron rod; thence S52°26'28"E, a distance of 84.10 feet, to an iron rod; thence S41°24'22"E, a distance of 210.47 feet, to an iron rod; thence S38°52'45"E, a distance of 174.40 feet, to an iron rod; thence S33°54'38"E, a distance of 212.94 feet, to an iron rod; thence S37°40'21"E, a distance of 119.90 feet, to an iron rod; thence S63°38'27"E, a distance of 397.23 feet, to an iron rod; thence S54°42'23"E, a distance of 137.02 feet, to an iron rod; thence S66°28'00"E, a distance of 72.13 feet, to an iron rod; thence S74°03'50"E, a distance of 526.89 feet, to an iron rod; thence S65°07'14"E, a distance of 169.50 feet, to an iron rod; thence S56°11'35"E, a distance of 261.82 feet, to an iron rod; thence S62°05'45"E, a distance of 141.63 feet, to an iron rod; thence S82°38'30"E, a distance of 227.95 feet, to an iron rod; thence S64°34'06"E, a distance of 134.09 feet, to an iron rod; thence S44°50'15"E, a distance of 117.21 feet, to an iron rod; thence S36°18'31"E, a distance of 242.72 feet, to an iron rod; thence S49°43'39"E, a distance of 178.02 feet, to an iron rod; thence S45°48'41"E, a distance of 179.26 feet, to an iron rod; thence S49°49'20"E, a distance of 214.19 feet, to an iron rod; thence S41°48'48"E, a distance of 222.20 feet, to an iron rod; thence S48°35'30"E, a distance of 200.25 feet, to an iron rod; thence S61°25'40"E, a distance of 428.09 feet, to an iron rod; thence S63°06'44"E, a distance of 644.39 feet, to an iron rod; thence S62°46'04"E, a distance of 678.14 feet, to an iron rod; thence S62°43'50"E, a distance of 652.63 feet, to an iron rod; thence S53°36'34"E, a distance of 218.94 feet, to an iron rod; thence S64°10'09"E, a distance of 726.09 feet, to an iron rod; thence S64°07'34"E, a distance of 634.55 feet, to an iron rod; thence S62°56'15"E, a distance of 752.40 feet, to an iron rod; thence S65°29'06"E, a distance of 118.42 feet, to an iron rod; thence S59°29'15"E, a distance of 116.71 feet, to an iron rod; thence S41°56'01"E, a distance of 88.47 feet, to an iron rod; thence S39°21'46"E, a distance of 287.92 feet, to an iron rod; thence S39°13'55"E, a distance of 321.23 feet, to an iron rod; thence S39°37'39"E, a distance of 318.13 feet, to an iron rod; thence S51°26'09"E, a distance of 73.03 feet, to an iron rod; thence S75°43'21"E, a distance of 132.64 feet, to an iron rod; thence S81°00'26"E, a distance of 449.69 feet, to an iron rod; thence S61°25'12"E, a distance of 181.24 feet, to an iron rod; thence S76°11'38"E, a distance of 79.34 feet, to an iron rod; thence N83°23'17"E, a distance of 57.02 feet, to an iron rod; thence N57°28'51"E, a distance of 65.75 feet, to an iron rod; thence N48°12'37"E, a distance of 218.65 feet, to an iron rod; thence S71°43'37"E, a distance of 109.38 feet, to an iron rod; thence S55°14'02"E, a distance of 91.32 feet, to an iron rod; thence S38°01'21"E, a distance of 56.46 feet, to an iron rod; thence

S03°46'11"E, a distance of 62.49 feet, to an iron rod; thence S00°46'56"W, a distance of 262.22 feet, to an iron rod; thence S13°01'47"E, a distance of 243.27 feet, to an iron rod; thence S16°57'33"E, a distance of 140.72 feet, to an iron rod on the South line of the Southeast one-quarter of Section 33, Township 26 South, Range 36 East; thence N88°28'46"E along the South line of said Section 33, 1212.95 feet to Southwest Corner of Section 34, Township 26 South, Range 36 East; thence N89°06'05"E along the South line of said Section 34, 4798.14 feet to a point on the West Right-of-Way line of Interstate 95 (Circuit Court Book 53, Pages 359-363, Public Records of Brevard County Florida), thence N00°03'59"W, along said Right-of-Way 2480.30 feet; thence N00°28'45"W, 328.41 feet, to a point on the South Boundary line of Nail Farms (Deed Book 63, Page 155, Public Records of Brevard County, Florida); thence S78°21'10"W along said South Line, 303.63 feet; thence N00°38'50"W, 554.40 feet; thence N89°21'11"E, 290.53 feet, to a point on the said West Right-of-Way line of Interstate 95 and a non-tangent intersection with a curve to the left; Thence along said Right-of-Way line and the arc of said curve, (said curve being concave to the West and having a radius of 22800.32 feet; a radial bearing of S87°51'38"W, a delta angle of 12°22'37", a chord distance of 4915.73 feet; and a chord bearing of N08°19'41"W) a distance of 4925.30 feet to the end of said curve; thence N14°30'59"W, 4457.16 feet; thence S75°29'01"W, 200.00 feet; thence N14°30'59"W, 950.00 feet; thence N75°29'01"E, 200.00 feet; thence N14°30'59"W, 4932.58 feet to the Southeast corner of the Plat of Viera Central PUD, Tract 12, Unit 1, Parcels 1-3, Phase 3 (Plat Book 44 Pages 52-54, Public Records of Brevard County, Florida); thence S61°38'33"W along the South line of said Plat, 86.02 feet to a non-tangent intersection with a curve to the left; Thence along the arc of said curve, (said curve being concave to the West and having a radius of 750.00 feet; a radial bearing of S61°38'33"W, a delta angle of 33°08'08", a chord distance of 427.72 feet; and a chord bearing of N44°55'31"W) a distance of 433.74 feet to the end of said curve and a point on the East line of a parcel of land described in Official Records Book 4568, Pages 518-522, Public Records of Brevard County, Florida; thence S14°30'59"E along the East line of said parcel, 253.23 feet; thence S75°13'39"W, 717.10 feet; thence N14°17'52"W, 287.62 feet to the beginning of a curve to the right; Thence along the arc of said curve, (said curve being curved concave to the East and having a radius of 50.00 feet; a delta angle of 39°18'18", a chord distance of 33.63 feet; and a chord bearing of N05°21'17"E) a distance of 34.30 feet to the beginning of a reverse curve to the left; Thence along the arc of said curve, (said curve being curved concave to the West and having a radius of 195.00 feet; a delta angle of 39°31'10", a chord distance of 131.85 feet, and a chord bearing of N05°14'51"E) a distance of 134.50 feet to the Southeast corner of the Plat of Viera Central PUD, Tract 12, Unit 1, Parcels 1-3, Phase 5 (Plat Book 45, Page 22, Public Records of Brevard County, Florida) and a non-tangent intersection with a curve to the left; Thence along the South line of said Plat and the arc of said curve, (said curve being concave to the Southeast and having a radius of 750.00 feet; a radial bearing of S25°55'03"E, a delta angle of 47°24'20", a chord distance of 602.99 feet; and a chord bearing of S40°22'47"W) a distance of 620.54 feet to the end

of said curve; thence S76°30'35"W, 326.62 feet to the Southwest corner of said plat and a point on the East line of the Plat of Trafford West (Plat Book 51, Page 54, Public Records of Brevard County, Florida) and a non-tangent intersection with a curve to the right; Thence along the East line of said plat and arc of said curve, (said curve being concave to the West and having a radius of 3025.00 feet; a delta angle of 01°51'26", a chord distance of 98.06 feet; and a chord bearing of S12°33'47"E) a distance of 98.06 feet to a non-tangent intersection with the Southerly boundary of said plat; thence along said Southerly boundary the following 5 courses and distances:

- 1) S89°08'33"W, 217.69 feet;
- 2) S35°10'57"W, 136.27 feet;
- 3) S00°51'27"E, 242.81 feet;
- 4) S89°08'33"W, 725.22 feet;

5) N00°51'27"W, 898.20 feet to the Northwest corner of Tract A of said Trafford West, and a point on the South Right-of-Way line of Trafford Drive; thence S89°08'33"W along said Right-of-Way line of Trafford Drive, 50.00 feet to the Southwest corner of Trafford Drive; thence N00°51'27" W along the West line of Trafford Drive, 100.00 feet to the Northwest corner of Trafford Drive; thence N89°08'33"E along the North Right-of-Way line of Trafford Drive, 70.79 feet to the Southwest corner of that certain parcel of land described in Official Records Book 4939, Page 1184; thence N00°51'24"W, along the West line of said parcel, 401.50 feet to the Northwest corner of said parcel; thence N89°08'33"E, along the North line of said Parcel, 590.76 feet to the Northeast corner of said parcel and a point on the West Right-of-Way line of Lake Andrew Drive (150' Right-of-Way, Tract G-1, Plat of Viera Central PUD, Tract 12, Unit 1, Parcels 1-3, Phase 4, Plat Book 44, Pages 91-92); thence N31°59'26" W along said West Right-of-Way, 1061.84 feet to the beginning of a curve to the right; Thence along the arc of said curve, (said curve being concave to the Northeast and having a radius of 7025.00 feet; a delta angle of 10°02'20", a chord distance of 242.21 feet, and a chord bearing of N26°58'16"W) a distance of 363.57 feet to the end of said curve; thence S69°25'46"W, 700.00 feet; thence N20°34'14"W, 100.00 feet; thence S69°25'46"W, 208.37 feet; thence S89°08'33"W, 566.39 feet; thence S44°08'33"W, 1022.48 feet; thence S89°08'33"W, 150.00 feet; thence N00°51'27"W, 318.85 feet; thence S89°08'33"W, 40.00 feet; thence N00°51'27"W, 40.00 feet; thence S89°08'33"W, 1293.68 feet; thence N00°51'27"W, 1059.47 feet; thence S89°08'33"W, 150.00 feet; thence S00°51'27"E, 438.26 feet; thence S89°08'33"W, 1552.65 feet; thence N00°35'21"E, 849.03 feet to a point on the South Right-of-Way line of Wickham Road (Plat of Wickham Road Extension, Plat Book 50, Page 10, Public Records of Brevard County, Florida); thence S89°08'33"W along the South line of said plat, 2225.96 feet to the Southwest corner of said Plat; thence N00°51'27"W along the West line of said plat, 150.00 feet to the Northwest corner of said plat of Wickham Road Extension, and a point on the South line of the Plat of Heritage Isle - Phase 1 (Plat Book

50, Pages 61-66, Public Records of Brevard County, Florida); thence S89°08'33"W along the South line of said plat of Heritage Isle – Phase 1, 1772.10 feet to a point on the West line of the Viera Development of Regional Impact (DRI) (as described in the BREVARD COUNTY RESOLUTION 01-391, Public Records of Brevard County, Florida) and the West line of Section 8, Township 26 South, Range 36 East; thence N00°35'22"W along the West line of said Viera DRI and Section 8, 5227.90 feet to the Southwest Corner of Section 5, Township 26 South, Range 36 East; thence N00°33'35"W along the West line of said Section 5, 5290.28 feet to the Southwest corner of Section 32, Township 25 South, Range 36 East thence N00°31'18"E along the West line of said Section 32, 4667.92 feet; thence N66°33'30"E, 1990.78 feet to the beginning of a curve to the left; Thence along the arc of said curve, (said curve being curved concave to the Northwest and having a radius of 2988.25 feet; a delta angle of 28°53'46", a chord distance of 1491.15 feet; , and a chord bearing of N52°06'37"E) a distance of 1507.07 feet to the end of said curve and an intersection with a non-tangent line; thence N26°25'15"W, along said non-tangent line, 1508.04 feet; thence N00°33'05"W, 470.00 feet; thence N45°39'16"W, 1200.05 feet; thence S89°26'55"W, 150.00 feet; thence N45°51'06"W, 274.34 feet; thence N00°33'05"W, 1456.41 feet to a point on the North line of Section 29, Township 25 South, Range 36 East; thence S89°20'44"W along the North line of said Section 29, 1153.36 feet to the Northeast corner of Section 30, Township 25 South, Range 36 East; Thence S89°23'19"W along the North line of said Section 30, 2789.62 feet to the POINT OF BEGINNING.

Subject to Easements, Restrictions, Reservations and Rights-of-way of record.

LESS AND EXCEPT those certain parcels of land described in Official Records Book 2951, Page 1574; Official Records Book 3412, Page 4823; Official Records Book 4203, Page 2463; Official Records Book 5262, Page 3838; AND LESS AND EXCEPT that certain parcel of land described in Civil Action Documents 96-16731-CA-F; all being recorded in the Public Records of Brevard County, Florida.

TOGETHER WITH that certain parcel described in Official Records Book 5262, Page 3836, Public Records of Brevard County, Florida

Section 5. Board of supervisors; members and meetings; organization; powers; duties; terms of office; related election requirements.—

(1) The board of the district shall exercise the powers granted to the district pursuant to this act. The board shall consist of five members, each of whom shall hold office for a term of 4 years, as provided in this section, except as otherwise provided herein for initial board members, and until a successor is chosen and qualified. The members of the board must be residents of the state and citizens of the United States.

(2)(a) Within 90 days following the effective date of the law establishing the district, there shall be held a meeting of the landowners of the district for the purpose of electing five supervisors for the district. Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks

in a newspaper which is in general circulation in the area of the district, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chair, who shall conduct the meeting. The chair may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. The landowners present at the meeting, in person or by proxy, shall constitute a quorum. At any landowners' meeting, 50 percent of the district acreage shall not be required to constitute a quorum, and each governing board member elected by landowners shall be elected by a majority of the acreage represented either by owner or proxy present and voting at said meeting.

(b) At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. The two candidates receiving the highest number of votes shall be elected for a term expiring November 18, 2008, and the three candidates receiving the next largest number of votes shall be elected for a term expiring November 7, 2006, with the term of office for each successful candidate commencing upon election. The members of the first board elected by landowners shall serve their respective terms; however, the next election of board members shall be held on the first Tuesday after the first Monday in November 2006. Thereafter, there shall be an election by landowners for the district every 2 years on the first Tuesday after the first Monday in November, which shall be noticed pursuant to paragraph (a). The second and subsequent landowners' election shall be announced at a public meeting of the board at least 90 days prior to the date of the landowners' meeting and shall also be noticed pursuant to paragraph (a). Instructions on how all landowners may participate in the election, along with sample proxies, shall be provided during the board meeting that announces the landowners' meeting. Each supervisor elected in or after November 2006 shall serve a 4-year term, unless the supervisor is elected to complete a term created by a vacancy in the office.

(3)(a)1. The board may not exercise the ad valorem taxing power or the general obligation bond power authorized by this act until such time as all members of the board are qualified electors who are elected by qualified electors of the district.

2.a. Regardless of whether the district has proposed to levy ad valorem taxes or issue general obligation bonds, board members shall begin being elected by qualified electors of the district as the district becomes populated with qualified electors. The transition shall occur such that the composition

of the board, after the first general election following a trigger as set forth below, shall be as follows:

(I) Five years following the creation of the district, one governing board member shall be a person who was elected by the qualified electors and four governing board members shall be persons who were elected by the landowners.

(II) Ten years following the creation of the district, two governing board members shall be persons who were elected by the qualified electors and three governing board members shall be persons elected by the landowners.

(III) When the district is populated by 60 percent of the projected total qualified electors, three governing board members shall be persons who were elected by the qualified electors and two governing members shall be persons who were elected by the landowners.

(IV) Three years following the trigger in sub-sub-subparagraph (III), four governing board members shall be persons who were elected by the qualified electors and one governing board member shall be a person who was elected by the landowners.

(V) Five years following the trigger in subparagraph (III), all five governing board members shall be persons who were elected by the qualified electors.

For purposes of this subparagraph, “projected total qualified electors” shall mean and refer to the product of: (the total number of single-family and multi-family units approved within the district by a development order issued by Brevard County and in effect in the tenth year following creation of the district) x (the average number of persons residing within a household located within Brevard County based on the 2010 U.S. Census) x (the percentage of Brevard County’s general population registered to vote as reported by the Brevard County Supervisor of Elections as of the general election occurring November 2014).

Nothing in this sub-subparagraph is intended to require an election prior to the expiration of an existing board member’s term.

b. On or before June 1, 2016, the board shall determine the number of projected qualified electors in the district as of the immediately preceding April 15. Additionally, on or before June 1, 2016, and each year thereafter until the trigger in subparagraph (III) is met, the board shall determine the actual number of qualified electors in the district as of the immediately preceding April 15. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in each county in making this determination. Such determination shall be made at a properly noticed meeting of the board and shall become a part of the official minutes of the district.

c. All governing board members elected by qualified electors shall be elected at large at an election occurring as provided in subsection (2) and this subsection.

d. Once the district qualifies to have any of its board members elected by the qualified electors of the district, the initial and all subsequent elections by the qualified electors of the district shall be held at the general election in November, except as provided in sub-subparagraph e. The board shall adopt a resolution if necessary to this requirement. The transition process described herein is intended to be in lieu of the process set forth in section 189.4051, Florida Statutes.

e. If, during the term of office, a vacancy occurs, the remainder of the unexpired term shall be filled as follows:

(I) If the vacancy arises with respect to a supervisor that was elected by landowners, the vacancy shall be filled by a supervisor elected by the landowners; and

(II) If the vacancy arises with respect to a supervisor that was elected by the qualified electors of the district, the vacancy shall be filled by a supervisor elected by the qualified electors of the district, in which case the district shall be responsible for paying the expenses associated with any special election that is required to be conducted.

(b) Elections of board members by qualified electors held pursuant to this subsection shall be nonpartisan and shall be conducted in the manner prescribed by law for holding general elections. Board members shall assume the office on the second Tuesday following their election.

(c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions of chapter 106, Florida Statutes, and shall file qualifying papers and qualify for individual seats in accordance with section 99.061, Florida Statutes. Candidates shall pay a qualifying fee, which shall consist of a filing fee and an election assessment or, as an alternative, shall file a petition signed by not less than 1 percent of the registered voters of the district, and take the oath required in section 99.021, Florida Statutes, with the supervisor of elections in the county affected by such candidacy. The amount of the filing fee is 3 percent of \$4,800; however, if the electors have provided for compensation, the amount of the filing fee is 3 percent of the maximum annual compensation so provided. The amount of the election assessment is 1 percent of \$4,800; however, if the electors have provided for compensation, the amount of the election assessment is 1 percent of the maximum annual compensation so provided. The filing fee and election assessment shall be distributed as provided in section 105.031(3), Florida Statutes.

(d) The supervisors of elections shall appoint the inspectors and clerks of elections, prepare and furnish the ballots, designate polling places, and canvass the returns of the election of board members by qualified electors. The county canvassing boards shall declare and certify the results of the election.

(4) Members of the board, regardless of how elected, shall be public officers, shall be known as supervisors, and, upon entering into office, shall take and subscribe to the oath of office as prescribed by section 876.05, Florida Statutes. Members of the board shall be subject to ethics and conflict of

interest laws of the state that apply to all local public officers. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified.

(5) Any elected board member may be removed by the Governor for malfeasance, misfeasance, dishonesty, incompetency, or failure to perform the duties imposed upon him or her by this act, and any vacancies that may occur in such office for such reasons shall be filled by the Governor as soon as practicable.

(6) A majority of the members of the board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the district shall be upon a vote of a majority of the members present unless general law or a rule of the district requires a greater number.

(7) As soon as practicable after each election or appointment, the board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary.

(8) The board shall keep a permanent record book entitled "Record of Proceedings of Viera Stewardship District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book and all other district records shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the board in a designated location in Brevard County.

(9) Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200 per board meeting, not to exceed \$4,800 per year per supervisor, or an amount established by the electors at a referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in section 112.061, Florida Statutes.

(10) All meetings of the board shall be open to the public and governed by the provisions of chapter 286, Florida Statutes.

Section 6. Board of supervisors; general duties.—

(1) DISTRICT MANAGER AND EMPLOYEES.—The board shall employ and fix the compensation of a district manager, who shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112, Florida Statutes, for a board member, the district manager, or another employee of the district to be a stockholder, officer, or employee of a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation,

professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

(2) TREASURER.—The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of or pursuant to a resolution of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.

(3) PUBLIC DEPOSITORY.—The board is authorized to select as a depository for its funds any qualified public depository as defined in section 280.02, Florida Statutes, which meets all the requirements of chapter 280, Florida Statutes, and has been designated by the treasurer as a qualified public depository upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(4) BUDGET; REPORTS AND REVIEWS.—

(a) The district shall provide financial reports in such form and such manner as prescribed pursuant to this act and chapter 218, Florida Statutes, as amended from time to time.

(b) On or before July 15 of each year, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be not fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted prior to October 1 of each year.

(c) At least 60 days prior to adoption, the Board of Supervisors of the district shall submit to the Brevard County Board of County Commissioners, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year, and the Board of County Commissioners may submit written comments to the Board of Supervisors solely for the assistance and information of the Board of Supervisors of the district in adopting its annual district budget.

(d) The Board of Supervisors of the district shall submit annually, to the Board of County Commissioners of Brevard County, its district public facilities report under section 189.415(2), Florida Statutes, or the most recent Development of Regional Impact report required by section 380.06(15) and (18), Florida Statutes, to the extent the report provides the information required by section 189.415(2), Florida Statutes, which reports the board of county commissioners shall use and rely upon in the preparation or revision of its comprehensive plan, specifically under section 189.415(6), Florida Statutes.

(5) DISCLOSURE OF PUBLIC FINANCING.—The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing residents and all prospective residents of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy; and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement. The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498, Florida Statutes, meet the requirements of section 190.009(1), Florida Statutes.

(6) GENERAL POWERS.—The district shall have, and the board may exercise, the following general powers, together with all other general powers authorized under chapters 189 and 190:

(a) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to own and dispose of, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(b) To apply for coverage of its employees under the Florida Retirement System in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the Florida Retirement System Trust Fund.

(c) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such

contracts shall be subject to public bidding or competitive negotiation requirements as set forth in general law applicable to independent special districts.

(d) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(e) To adopt and enforce rules and orders pursuant to the provisions of chapter 120, Florida Statutes, prescribing powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt and enforce administrative rules with respect to any of the projects of the district and define the area to be included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.

(f) To maintain an office at such place or places as the board of supervisors designates in Brevard County, and within the district when facilities are available.

(g) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for the purposes authorized by this act.

(h) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out the purposes authorized by this act.

(i) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such taxes and assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(j) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of district activities and services and the maintenance of district facilities and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(k) To exercise within the district, or beyond the district with prior approval by vote of a resolution of the governing body of Brevard County if the taking will occur in an unincorporated area in that county, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property within the state, except municipal, county, state, and federal property, for the uses and purpose of the district relating solely to water, sewer, district roads, and water management and

control, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(l) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(m) To assess and to impose upon lands in the district ad valorem taxes as provided by this act.

(n) If and when authorized by general law to determine, order, levy, impose, collect, and enforce maintenance taxes.

(o) To determine, order, levy, impose, collect, and enforce assessments pursuant to this act and chapter 170, Florida Statutes, as amended from time to time, pursuant to authority granted in section 197.3631, Florida Statutes, or pursuant to other provisions of general law now or hereinafter enacted which provide or authorize a supplemental means to order, levy, impose, or collect special assessments. Such special assessments, in the discretion of the district, may be collected and enforced pursuant to the provisions of sections 197.3632 and 197.3635, Florida Statutes, and chapters 170 and 173, Florida Statutes, as they may be amended from time to time, or as provided by this act, or by other means authorized by general law now or hereinafter enacted.

(p) To exercise such special powers and other express powers as may be authorized and granted by this act in the charter of the district, including powers as provided in any interlocal agreement entered into pursuant to chapter 163, Florida Statutes, or which shall be required or permitted to be undertaken by the district pursuant to any development order or development of regional impact, including any interlocal service agreement with Brevard County for proportionate, fair-share, or pipelining capital construction funding for any certain capital facilities or systems required of the developer pursuant to any applicable development order or agreement.

(q) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any other powers or duties or the special purpose of the district authorized by this act.

The provisions of this subsection shall be construed liberally in order to carry out effectively the specialized purpose of this act.

(7) SPECIAL POWERS.—The district shall have, and the board may exercise, the following special powers to implement its lawful and special purpose and to provide, pursuant to that purpose, systems, facilities, services, improvements, projects, works, and infrastructure, each of which constitutes a lawful public purpose when exercised pursuant to this charter, subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area included therein, and to plan, establish, acquire, construct or reconstruct, enlarge or extend,

equip, operate, finance, fund, and maintain improvements, systems, facilities, services, works, projects, and infrastructure. Any or all of the following special powers are granted by this act in order to implement the special purpose of the district:

(a) To provide water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges and to construct, acquire and operate any dam, work, appurtenant work, impoundment, or reservoir and any connecting, intercepting or outlet mains and pipes in, along or under any street, alley, highway or other public place or ways; including, but not limited to, acquiring, operating, maintaining, repairing and improving water management and control facilities necessary for the collection, storage control, development, utilization and distribution of nonpotable waters for irrigation purposes.

(b) To provide water systems, sewer systems, and wastewater management, reclamation and reuse, or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

1. The district may not purchase or sell a water, sewer, or wastewater reuse utility that provides service to the public for compensation, or enter into a wastewater facility privatization contract for a wastewater facility, until the governing body of the district has held a public hearing on the purchase, sale, or wastewater facility privatization contract and made a determination that the purchase, sale, or wastewater facility privatization contract is in the public interest. This limitation is not applicable to an irrigation water utility provided pursuant to paragraph (a).

2. In determining if the purchase, sale, or wastewater facility privatization contract is in the public interest, the district shall consider, at a minimum, the following:

a. The most recent available income and expense statement for the utility.

b. The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions in aid of construction and the accumulated depreciation thereon.

c. A statement of the existing rate base of the utility for regulatory purposes.

d. The physical condition of the utility facilities being purchased or sold or subject to a wastewater facility privatization contract.

e. The reasonableness of the purchase, sale, or wastewater facility privatization contract price and terms.

f. The impacts of the purchase, sale, or wastewater facility privatization contract on utility customers, both positive and negative.

g. Any additional investment required and the ability and willingness of the purchaser or the private firm under a wastewater facility privatization contract to make that investment, whether the purchaser is the district or the entity purchasing the utility from the district.

h. In the case of a wastewater facility privatization contract, the terms and conditions on which the private firm will provide capital investment and financing or a combination thereof for contemplated capital replacements, additions, expansions, and repairs.

i. The alternatives to the purchase, sale, or wastewater facility privatization contract and the potential impact on utility customers if the purchase, sale, or wastewater facility privatization contract is not made.

j. The ability of the purchaser or the private firm under a wastewater facility privatization contract to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the district or the entity purchasing the utility from the district.

k. In the case of a wastewater facility privatization contract, the district shall give significant weight to the technical expertise and experience of the private firm in carrying out the obligations specified in the wastewater facility privatization contract.

l. All moneys paid by a private firm to a district pursuant to a wastewater facility privatization contract shall be used for the purpose of reducing or offsetting property taxes, wastewater service rates, or debt reduction or making infrastructure improvements or capital asset expenditures or other public purpose, provided, however, that nothing herein shall preclude the district from using all or part of the moneys for the purpose of the district's qualification for relief from the repayment of federal grant awards associated with the wastewater system as may be required by federal law or regulation. The district shall prepare a statement showing that the purchase, sale, or wastewater facility privatization contract is in the public interest, including a summary of the purchaser's or private firm's experience in water, sewer, or wastewater reuse utility operation and a showing of financial ability to provide the service, whether the purchaser or private firm is the district or the entity purchasing the utility from the district.

(c) To provide bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of way, highway, grade, fill, or cut.

(d) To provide public roads and related improvements equal to or exceeding the specifications of Brevard County, including, but not limited to transportation improvements necessary to comply with conditions of development approval applicable to lands within the district. This special power includes, but is not limited to, roads, parkways, interchanges, bridges, landscaping, hardscaping, irrigation, bicycle lanes, jogging paths, street lighting, traffic signals, regulatory or informational signage, road striping, underground

conduit, underground cable or fiber or wire installed to pursuant an agreement with or tariff of a retail provider of services, and all other related improvements and the elements of a functioning modern road system in general or as related to the conditions of development approval for the lands within the district, together with transportation improvements and facilities that are freestanding or that may be related to any innovative strategic intermodal system of transportation pursuant to applicable federal, state, and local law and ordinance.

(e) To provide buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(f) To provide investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(g) To provide conservation areas, mitigation areas, wilderness areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property, and to evaluate, acquire, enhance, manage, monitor and maintain conservation, mitigation, and preservation lands and wildlife habitat.

(h) Using its general and special powers as set forth in this act, to provide any other project within or without the boundaries of the district when the project is the subject of an agreement between the district and the Board of County Commissioners of Brevard County or with any other applicable public or private entity, or is approved or required by a development order pursuant to sections 380.06 or sections 380.061, Florida Statutes and is not inconsistent with the effective local comprehensive plan.

(i) To provide parks and facilities for indoor and outdoor recreational, cultural, and educational uses, provided, however, that in no event shall the district finance or own a golf course..

(j) To provide fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.

(k) To provide school buildings and related structures, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the district school board.

(l) To provide security, including, but not limited to, guardhouses, fences, and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; however, the district may not exercise any powers of a law enforcement agency but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. Notwithstanding any provision of general law, the district may operate guardhouses for the limited purpose of providing security for the residents of the district and which serve a predominate public, as opposed to private, purpose. Such guardhouses shall he operated by the district or any other unit of local government

pursuant to procedures designed to serve such security purposes as set forth in rules adopted by the board, from time to time, following the procedures set forth in chapter 120, Florida Statutes.

(m) To provide control and elimination of mosquitoes and other arthropods of public health importance.

(n) To provide waste collection and disposal.

(o) To enter into impact fee credit agreements.

(p) To provide buildings and structures for district offices, maintenance facilities, meeting facilities, community centers, or any other project authorized or granted by this act.

(q) To establish and create, at noticed meetings, such governmental departments of the Board of Supervisors of the district, as well as committees, task forces, boards, or commissions, or other agencies under the supervision and control of the district, as from time to time the board may deem necessary or desirable in the performance of the acts or other things necessary to exercise the board's general or special powers to implement an innovative project to carry out the special purpose of the district as provided in this act and to delegate the exercise of its powers to such departments, boards, task forces, committees or other agencies and such administrative duties and other powers as the board may deem necessary or desirable but only if there is a set of expressed limitations for accountability, notice, and periodic written reporting to the board that shall retain the powers of the board.

(r) To adopt and enforce appropriate rules following the procedures of chapter 120, in connection with the provision of one or more services through its systems and facilities.

The enumeration of special powers herein shall not be deemed exclusive or restrictive but shall be deemed to incorporate powers express or implied necessary or incident to carrying out such enumerated special powers, including also the general powers provided by this special act charter to the district to implement its single purpose. Further, the provisions of this subsection shall be construed liberally in order to carry out effectively the special purpose of this district under this act. The district may exercise its powers to provide facilities for potable water, sewer, fire protection, mosquito control, waste collection and waste disposal services only if such facilities are to be dedicated to and operated by the county or a municipality already providing the service or if such county or municipality declines or is unable to provide the service at the time the service becomes necessary. Nothing herein:

1. Shall prevent the district from dedicating transportation or other facilities to the county or a municipality;

2. Shall be construed to authorize the district to provide or approve franchises for emergency medical ambulance services, which authority is reserved to Brevard County under chapter 71-556 Laws of Florida;

3. Is intended to authorize the imposition of impact fees based upon alleged police powers or regulatory powers of the district;

4. Is intended to limit the power of the county or a city to provide such facilities and to require landowners to utilize such facilities as a condition to development of lands within the district; or

5. Is intended to prohibit the district from providing additional services beyond those offered by the county or a municipality.

(8) ISSUANCE OF BOND ANTICIPATION NOTES.—In addition to the other powers provided for in this act, and not in limitation thereof, the district shall have the power, at any time and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine not to exceed the maximum rate allowed by general law, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but, in such event, a like amount of the bonds authorized shall not be issued.

(9) BORROWING.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear interest as the board determines, not to exceed the maximum rate allowed by general law, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine, subject, however, to the provisions contained in any proceeding under which bonds were theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times and to bear such interest as the board may determine, not to exceed the maximum rate allowed by general law, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the electors residing in the district shall not be necessary except when required by the State Constitution.

(10) BONDS.—

(a) Sale of bonds.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than 90 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

1. The money paid for the bonds.
2. The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds.
3. In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

(b) Authorization and form of bonds.—Any general obligation bonds, special assessment bonds, or revenue bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs as defined in section 2(2)(i); the rate or rates of interest, not to exceed the maximum rate allowed by general law; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state at which payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by section 159.825(1)(f) and (g), Florida Statutes, regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in

facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

(c) Interim certificates; replacement certificates.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which become mutilated lost, or destroyed.

(d) Negotiability of bonds.—Any bond issued under this act or any temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument within the meaning and for all purposes of the law merchant and the laws of the state.

(e) Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than moneys held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

(f) Issuance of additional bonds.—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(g) Refunding bonds.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequent thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time that in the judgment of the board such issuance will be advantageous to the district. No

approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

(h) Revenue bonds.—

1. The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from benefit special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

2. Any two or more projects may be combined and consolidated into a single project and may hereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects, regardless of whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the district and that revenue bonds to be thereafter issued by the district shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original bonds.

(i) General obligation bonds.—

1. Subject to the limitations of this charter, the district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project

and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the Board of County Commissioners of Brevard County upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

2. The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitation as to rate or amount.

3. If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for one or more capital projects shall not defeat the approval of any bonds for any capital project which has been approved by the electors.

4. In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to subparagraph 1., there shall not be included any general obligation bonds which are additionally secured by the pledge of:

a. Any assessments levied in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured, which assessments have been equalized and confirmed by resolution of the board pursuant to this act or section 170.08, Florida Statutes.

b. Water revenues, sewer revenues, or water and sewer revenues of the district to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured.

c. Any combination of assessments and revenues described in subparagraphs a. and b.

(j) Bonds as legal investment or security.—

1. Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall be and constitute security which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.

2. Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

(k) Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to ensure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

(l) Validation proceedings.—The power of the district to issue bonds under the provisions of this act may be determined, and any of the bonds of the district maturing over a period of more than 5 years shall be validated and confirmed, by court decree, under the provisions of chapter 75, Florida Statutes, and laws amendatory thereof or supplementary thereto.

(m) Tax exemption.—To the extent allowed by general law, all bonds issued hereunder and interest paid thereon and all fees, charges, and other revenues derived by the district from the projects provided by this act are exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof; however, any interest, income, or profits on debt obligations issued hereunder are not exempt from the tax imposed by chapter 220, Florida Statutes.

(n) Application of section 189.4085, Florida Statutes.—Bonds issued by the district shall meet the criteria set forth in section 189.4085, Florida Statutes.

(o) Act furnishes full authority for issuance of the bonds.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officer, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to perform anything under this act, except that the issuance or sale of bonds pursuant to the provisions of this act shall comply with the general law requirements applicable to the issuance or sale of bonds by the district.

Nothing in this act shall be construed to authorize the district to utilize bond proceeds to fund the ongoing operations of the district.

(p) Pledge by the state to the bondholders of the district.—The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations and that it will not in any way impair the rights or remedies of such holders.

(q) Default.—A default on the bonds or obligations of a district shall not constitute a debt or obligation of the state or any general-purpose local government or the state.

(11) TRUST AGREEMENTS.—Any issue of bonds shall be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company within or without the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

(12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL ASSESSMENTS; MAINTENANCE TAXES.—

(a) Ad valorem taxes.—When all members of the board are qualified electors who are elected by qualified electors of the district, the board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation

bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and at the same time as county taxes. The levy of ad valorem taxes must be approved by referendum as required by s. 9, Article VII of the State Constitution.

(b) Benefit special assessments.—The board annually shall determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance assessable improvements. These assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year. Such assessment shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either section 197.3632, Florida Statutes or chapter 173, Florida Statutes, as each may be amended from time to time, for collecting and enforcing these assessments. Each annual installment of benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under subsections (6) and (7) shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to the benefits received by each tract of land. The board may, if it determines it is in the best interests of the district, set forth in the proceedings initially levying such benefit special assessments or in subsequent proceedings a formula for the determination of an amount, which when paid by a taxpayer with respect to any tax parcel, shall constitute a prepayment all future annual installments of such benefit special assessments and that the payment of which amount with respect such tax parcel shall relieve and discharge such tax parcel of the lien of such benefit special assessments and any subsequent annual installment thereof. The board may provide further that upon delinquency in the payment of any annual installment of benefit special assessments, the prepayment amount of all future annual installments of benefit special assessments as determined in the preceding sentence shall be and become immediately due and payable together with such delinquent annual installment.

(c) Non-ad valorem maintenance taxes.—If and when authorized by general law, to maintain and to preserve the physical facilities and services constituting the works, improvements, or infrastructure provided by the district pursuant to this act, to repair and restore any one or more of them, when needed, and to defray the current expenses of the district, including any sum which may be required to pay state and county ad valorem taxes on any taxable lands which may have been purchased and which are held

by the district under the provisions of this act, the Board of Supervisors may, upon the completion of said systems, facilities, services, works, improvements, or infrastructure, in whole or in part, as may be certified to the board by the engineer of the board, levy annually a non-ad valorem and nonmillage tax upon each tract or parcel of land within the district, to be known as a "maintenance tax." This non-ad valorem maintenance tax shall be apportioned upon the basis of the net assessments of benefits assessed as accruing from the original construction and shall be evidenced to and certified by the Board of Supervisors of the district not later than June 1 of each year to the property appraiser of Brevard County and shall be extended by the property appraiser on the tax roll of the property appraiser, as certified by the property appraiser to the tax collector, and collected by the tax collector on the merged collection roll of the tax collector in the same manner and at the same time as county ad valorem taxes, and the proceeds therefrom shall be paid to the district. This non-ad valorem maintenance tax shall be a lien until paid on the property against which assessed and enforceable in like manner and of the same dignity as county ad valorem taxes.

(d) Maintenance special assessments.—To maintain and preserve the facilities and projects of the district, the board may levy a maintenance special assessment. This assessment may be evidenced to and certified to the property appraiser by the Board of Supervisors not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds therefrom shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either section 197.363, section 197.3631, or section 197.3632, Florida Statutes, for collecting and enforcing these assessments. These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under this section shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

(e) Special assessments.—To levy and impose any special assessments pursuant to this subsection.

(f) Enforcement of taxes.—The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes, and the provisions of the laws of Florida relating to the sale of lands for unpaid and delinquent county taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon; and all other procedures in connection therewith shall be applicable to the district to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(g) When unpaid tax is delinquent; penalty.—All taxes provided for in this act shall become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

(h) Status of assessments.—Benefit special assessments, maintenance special assessments, and special assessments are hereby found and determined to be non-ad valorem assessments as defined by section 197.3632, Florida Statutes. Maintenance taxes are non-ad valorem taxes and are not special assessments.

(i) Assessments constitute liens; collection.—Any and all assessments, including special assessments, benefit special assessments, and maintenance special assessments authorized by this section, and including special assessments as defined by section 2(2)(z) and granted and authorized by this subsection, and including maintenance taxes if authorized by general law, shall constitute a lien on the property against which assessed from the date of levy and imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes. These assessments may be collected, at the district’s discretion, under authority of section 197.3631, Florida Statutes, as amended from time to time, by the tax collector pursuant to the provisions of sections 197.3632 and 197.3635, Florida Statutes, as amended from time to time, or in accordance with other collection measures provided by law. In addition to, and not in limitation of, any powers otherwise set forth herein or in general law, these assessments may also be enforced pursuant to the provisions of chapter 173, Florida Statutes, as amended from time to time.

(j) Land owned by governmental entity.—Except as otherwise provided by law, no levy of ad valorem taxes or non-ad valorem assessments under this act, chapter 170, or chapter 197, Florida Statutes, as each may be amended from time to time, or otherwise, by a board of a District, on property of a governmental entity that is subject to a ground lease as described in section 190.003(13), Florida Statutes, shall constitute a lien or encumbrance on the underlying fee interest of such governmental entity.

(13) SPECIAL ASSESSMENTS.—

(a) As an alternative method to the levy and imposition of special assessments pursuant to chapter 170, Florida Statutes, pursuant to the authority of section 197.3631, Florida Statutes, or pursuant to other provisions of general law, now or hereafter enacted, which provide a supplemental means or authority to impose, levy, and collect special assessments as otherwise authorized under this act, the board may levy and impose special assessments to finance the exercise of any of its powers permitted under this act using the following uniform procedures:

1. At a noticed meeting, the board of supervisors of the district may consider and review an engineer’s report on the costs of the systems, facilities, and services to be provided, a preliminary assessment methodology, and a preliminary roll based on acreage or platted lands, depending upon whether platting has occurred.

a. The assessment methodology shall address and discuss and the board shall consider whether the systems, facilities, and services being contemplated will result in special benefits peculiar to the property, different in kind and degree than general benefits, as a logical connection between the systems, facilities, and services themselves and the property, and whether

the duty to pay the assessments by the property owners is apportioned in a manner that is fair and equitable and not in excess of the special benefit received. It shall be fair and equitable to designate a fixed proportion of the annual debt service, together with interest thereon, on the aggregate principal amount of bonds issued to finance such systems, facilities, and services which give rise to unique, special, and peculiar benefits to property of the same or similar characteristics under the assessment methodology so long as such fixed proportion does not exceed the unique, special, and peculiar benefits enjoyed by such property from such systems, facilities, and services.

b. The engineer's cost report shall identify the nature the proposed systems, facilities, and services, their location, a cost breakdown plus a total estimated cost, including cost of construction or reconstruction, labor, and materials, lands, property, rights, easements, franchises, or systems, facilities, and services to be acquired, cost of plans and specifications, surveys of estimates of costs and revenues, costs of engineering, legal, and other professional consultation services, and other expenses or costs necessary or incident to determining the feasibility or practicability of such construction, reconstruction, or acquisition, administrative expenses, relationship to the authority and power of the district in its charter, and such other expenses or costs as may be necessary or incident to the financing to be authorized by the Board of Supervisors.

c. The preliminary assessment roll to be prepared will be in accordance with the method of assessment provided for in the assessment methodology and as may be adopted by the Board of Supervisors; the assessment roll shall be completed as promptly as possible and shall show the acreage, lots, lands, or plats assessed and the amount of the fairly and reasonably apportioned assessment based on special and peculiar benefit to the property, lot, parcel, or acreage of land; and, if the assessment against each such lot, parcel, acreage, or portion of land is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered into and shown upon the assessment roll.

2. The Board of Supervisors of the district may determine and declare by an initial assessment resolution to levy and assess the assessments with respect to assessable improvements stating the nature of the systems, facilities, and services, improvements, projects, or infrastructure constituting such assessable improvements, the information in the engineer's cost report, the information in the assessment methodology as determined by the board at the noticed meeting and referencing and incorporating as part of the resolution the engineer's cost report, the preliminary assessment methodology, and the preliminary assessment roll as referenced exhibits to the resolution by reference. If the board determines to declare and levy the special assessments by the initial assessment resolution, the board shall also adopt and declare a notice resolution which shall provide and cause the initial assessment resolution to be published once a week for a period of 2 weeks in newspapers of general circulation published in Brevard County and said board shall by the same resolution fix a time and place at which the owner or owners of the property to be assessed or any other persons interested therein may appear before said board and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the

manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Thirty days' notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each assessed property owner at his or her last known address, the names and addresses of such property owners to be obtained from the record of the property appraiser of the county political subdivision in which the land is located or from such other sources as the district manager or engineer deems reliable, and proof of such mailing shall be made by the affidavit of the manager of the district or by the engineer, said proof to be filed with the district manager, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. It is provided further that the last publication shall be at least 1 week prior to the date of the hearing on the final assessment resolution. Said notice shall describe the general areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece, parcel, lot, or acre of property may be ascertained at the office of the manager of the district. Such service by publication shall be verified by the affidavit of the publisher and filed with the manager of the district. Moreover, the initial assessment resolution with its attached, referenced, and incorporated engineer's cost report, preliminary assessment methodology, and preliminary assessment roll, along with the notice resolution, shall be available for public inspection at the office of the manager and the office of the engineer or any other office designated by the Board of Supervisors in the notice resolution. Notwithstanding the foregoing, the landowners of all of the property which is proposed to be assessed may give the district written notice of waiver of any notice and publication provided for in this subparagraph and such notice and publication shall not be required, provided, however, that any meeting of the Board of Supervisors to consider such resolution shall be a publicly noticed meeting.

3. At the time and place named in the noticed resolution as provided for in subparagraph 2., the board of supervisors of the district shall meet and hear testimony from affected property owners as to the propriety and advisability of making the systems, facilities, services, projects, works, improvements, or infrastructure and funding them with assessments referenced in the initial assessment resolution on the property. Following the testimony and questions from the members of the board or any professional advisors to the district of the preparers of the engineer's cost report, the assessment methodology, and the assessment roll, the board of supervisors shall make a final decision on whether to levy and assess the particular assessments. Thereafter, the board of supervisors shall meet as an equalizing board to hear and to consider any and all complaints as to the particular assessments and shall adjust and equalize the assessments on the basis of justice and right.

4. When so equalized and approved by resolution or ordinance by the board of supervisors, to be called the final assessment resolution, a final assessment roll shall be filed with the clerk of the board and such assessment shall stand confirmed and remain legal, valid, and binding first liens on the property against which such assessments are made until paid, equal in dignity to the first liens of ad valorem taxation of county and municipal

governments and school boards. However, upon completion of the systems, facilities, service, project, improvement, works, or infrastructure, the district shall credit to each of the assessments the difference in the assessment as originally made, approved, levied, assessed, and confirmed and the proportionate part of the actual cost of the improvement to be paid by the particular special assessments as finally determined upon the completion of the improvement; but in no event shall the final assessment exceed the amount of the special and peculiar benefits as apportioned fairly and reasonably to the property from the system, facility, or service being provided as originally assessed. Promptly after such confirmation, the assessment shall be recorded by the clerk of the district in the minutes of the proceedings of the district, and the record of the lien in this set of minutes shall constitute prima facie evidence of its validity. The board of supervisors, in its sole discretion, may, by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing cost, such as capitalized interest, funded reserves, and bond discounts included in the estimated cost of the project, upon payment in full of any assessments during such period prior to the time such financing costs are incurred as may be specified by the board of supervisors in such resolution.

5. District assessments may be made payable in installments over no more than 30 years from the date of the payment of the first installment thereof and may bear interest at fixed or variable rates.

(b) Notwithstanding any provision of this act or chapter 170, Florida Statutes, that portion of section 170.09, Florida Statutes, that provides that assessments may be paid without interest at any time within 30 days after the improvement is completed and a resolution accepting the same has been adopted by the governing authority shall not be applicable to any district assessments, whether imposed, levied, and collected pursuant to the provisions of this act or other provisions of general law, including, but not limited to chapter 170, Florida Statutes.

(c) In addition, the district is authorized expressly in the exercise of its rulemaking power to adopt a rule or rules which provides or provide for notice, levy, imposition, equalization, and collection of assessments.

(14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

(a) The board may, after any special assessments or benefit special assessments for assessable improvements are made, determined, and confirmed as provided in this act, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the assessment is made. The certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, not to exceed the maximum rate allowed by general law, and may sell

such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. The certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(b) The district may also issue assessment bonds, revenue bonds, or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is authorized to covenant with the holders of such assessment bonds, revenue bonds, or other obligations that it will diligently and faithfully enforce and collect all the special assessments, and interest and penalties thereon, for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(c) The assessment bonds, revenue bonds, or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board; however, the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(d) Such assessment bonds, revenue bonds, or other obligations issued under this section shall bear such interest as the board may determine, not to exceed the maximum rate allowed by general law, and shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner, and shall be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(e) All assessment bonds, revenue bonds, or other obligations issued under the provisions of this section shall be, shall constitute, and shall have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the state.

(15) TAX LIENS.—All taxes of the district provided for in this act, except together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes, upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. In addition to, and not in limitation of, the preceding sentence, for purposes of section 197.552, Florida Statutes, the lien of all special assessments levied by the district shall constitute a lien of record held by a municipal or county governmental unit. The provisions of sections 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.

(16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

(a) The district shall have the power and right to:

1. Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the district.

2. Redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(b) Delinquent taxes paid, or tax sales certificates redeemed or purchased by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes upon all the real property against which the taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

(c) In any sale of land pursuant to section 197.542, Florida Statutes, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold, and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.

(17) FORECLOSURE OF LIENS.—Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 173, Florida Statutes, and the provisions of that chapter shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent; however, no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

(18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS, FACILITIES, AND SERVICES.—To the full extent permitted by law, the district shall require all lands, buildings, premises, persons, firms, and corporations within the district to use the water management and control facilities, water systems, and sewer systems of the district.

(19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS; RELATED PROVISIONS REQUIRED.—

(a) No contract shall be let by the board for any goods, supplies, or materials to be purchased when the amount thereof to be paid by the district shall exceed the amount provided in section 287.017, Florida Statutes, for category four, unless notice of bids shall be advertised once in a newspaper in general circulation in Brevard County. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of section 255.20, Florida Statutes, and other applicable general law. In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high or the board determines it is in the best interests of the district to reject all bids. The board may require the bidders to furnish bond with a responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.

(b) The provisions of the Consultants' Competitive Negotiation Act, section 287.055, Florida Statutes, shall apply to contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services let by the board.

(c) Contracts for maintenance services for any district facility or project shall be subject to competitive bidding requirements when the amount thereof to be paid by the district exceeds the amount provided in section 287.017, Florida Statutes, for category four. The district shall adopt rules, policies, or procedures establishing competitive bidding procedures for maintenance services. Contracts for other services shall not be subject to competitive bidding unless the district adopts a rule, policy, or procedure

applying competitive bidding procedures to said contracts. Nothing herein shall preclude the use of requests for proposal instead of invitations to bid as determined by the district to be in its best interest.

(20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.—

(a) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as “revenues,” and to revise the same from time to time, for the systems, facilities, and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district service, facility, or system; and to provide for reasonable penalties against any user or property for an such rates, fees, rentals, or other charges that are delinquent.

(b) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper of general circulation in Brevard County at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(c) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

(d) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues, or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

1. To provide for all expenses of operation and maintenance of such facility or service.
2. To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose.
3. To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

(e) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services, systems, and facilities furnished or to be furnished by the district.

(21) RECOVERY OF DELINQUENT CHARGES.—In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the district in a civil action.

(22) DISCONTINUANCE OF SERVICE.—In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorney's fees and other expenses may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

(23) ENFORCEMENT AND PENALTIES.—The board or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used in violation of this act or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board or any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid such violation; to prevent the occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

(24) SUITS AGAINST THE DISTRICT.—Any suit or action brought or maintained against the district for damages arising out of tort, including, without limitation, any claim arising upon account of an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in section 768.28, Florida Statutes.

(25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All district property shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues; however, nothing contained herein shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

(26) TERMINATION, CONTRACTION, OR EXPANSION OF DISTRICT.—

(a) The board may ask the Legislature through its local legislative delegation in and for Brevard County to amend this act to contract, to expand or to contract, or to expand the boundaries of the district by amendment of this section.

(b) The district shall remain in existence until:

1. The district is terminated and dissolved pursuant to amendment to this act by the Legislature.

2. The district has become inactive pursuant to section 189.4044, Florida Statutes.

Provided, however, if, within 5 years after the effective date of this act establishing the district, the primary landowner has not received a development permit, as defined in chapter 380, on some part or all of the area covered by the district, then the district will be automatically dissolved and a judge of the circuit court shall cause a statement to that effect to be filed in the public records.

(27) INCLUSION OF TERRITORY.—The inclusion of any or all territory of the district within a municipality does not change, alter, or affect the boundary, territory, existence, or jurisdiction of the district.

(28) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED DISCLOSURE TO PURCHASER.—Subsequent to the creation of this district under this act, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: “THE VIERA STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE DISTRICT.”

NANCE COSTS OF CERTAIN PUBLIC SYSTEMS, FACILITIES, AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.”

(29) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days after the election of the first board of supervisors creating this district, the district shall cause to be recorded in the grantor-grantee index of the property records in each county in which it is located a “Notice of Creation and Establishment of the Viera Stewardship District.” The notice shall, at a minimum, include the legal description of the property covered by this act.

(30) DISTRICT PROPERTY PUBLIC; FEES.—Any system, facility, service, works, improvement, project, or other infrastructure owned by the district, or funded by federal tax exempt bonding issued by the district, is public; and the district by rule may regulate and may impose reasonable charges or fees for the use thereof but not to the extent that such regulation or imposition of such charges or fees constitutes denial of reasonable access.

Section 7. If any provision of this act is determined unconstitutional or otherwise determined invalid by a court of law, all the rest and remainder of the act shall remain in full force and effect as the law of this state.

Section 8. In the election provided for in section 9, each assessable acre or fraction thereof present in person or by proxy shall be counted as one vote.

Section 9. This section and section 8 shall take effect upon this act becoming law, and the remaining sections shall take effect upon approval by a majority vote of the owners of land within the district who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners’ meeting to be held within 90 days after the effective date of this act. Such landowners’ meeting shall be noticed as provided in section 5 for the initial landowners’ meeting and may be combined with such meeting. However, the provisions of this act which authorize the levy of ad valorem taxation and issuance of general obligation bonds shall take effect only upon express approval by a majority vote of those qualified electors of the Viera Stewardship District voting in a referendum election held at such time as all members of the board are qualified electors who are elected by qualified electors of the district as provided in this act.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.