

House Bill No. 711

An act relating to the St. Lucie County Erosion District; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; preserving current authority; providing definitions; providing the board of the district shall be the St. Lucie County Commission; providing for meetings and applicability of ch. 189, F.S.; providing district powers; providing that employees of the district shall be considered employees of St. Lucie County; providing that contracts for services, supplies, and materials shall be entered into as provided by the charter and general law; providing district board authorization to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; providing that the purchase of commodities and services shall be in accordance with the purchasing policies of St. Lucie County; providing for severability; repealing chapters 67-2001 and 97-354, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the St. Lucie County Erosion District, located in St. Lucie County. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act, chapter 189, Florida Statutes, and chapters 67-2001 and 97-354, Laws of Florida, as amended from time to time. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy against the taxable property in the district.

Section 2. Chapters 67-2001 and 97-354, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

Section 3. The St. Lucie County Erosion District is re-created and the charter for the district is re-created and reenacted to read:

Section 1. Popular name.—This act may be known by the popular name the “St. Lucie County Erosion District Act.”

Section 2. Legislative statement.—It is hereby declared as a matter of legislative determination that tidal waves and currents, high waters, floodwaters, and other causes have given rise to soil and beach erosion problems in St. Lucie County and that it is the intent and purpose of this act to provide means to alleviate such conditions in the county.

Section 3. Definitions.—As used in this act, unless the context otherwise requires:

- (1) “District” means the St. Lucie County Erosion District.
- (2) “County board” means the Board of County Commissioners of St. Lucie County.
- (3) “District board” or “board” means the Board of County Commissioners of St. Lucie County constituting the governing body of said district.
- (4) “Erosion prevention facilities” means and includes any seawalls, groins, pumping stations, breakwaters, dams, bulkheads, fills, floodways, or any and all other works or structures of any type whatsoever necessary or useful in the protection of the lands, including beaches, within said district from tidal waves, tidal currents, high waters, floodwaters, and other causes of beach and soil erosion, and any other purposes appurtenant, necessary, or incidental thereto, and shall include all real and personal property and any interests therein, rights, easements, and franchises of any nature whatsoever relating to any such erosion prevention facilities and necessary or convenient for the construction, acquisition, reconstruction, improvement, operation, and maintenance thereof.
- (5) “Cost” as applied to erosion prevention facilities includes the cost of construction, reconstruction, acquisition, improvement, operation, or maintenance of said facilities; the cost of all labor, materials, machinery, and equipment; the cost of all lands and interest therein, real or personal property, rights, easements, and franchises of any nature whatsoever; financing charges; interest prior to and during construction and after the completion of the acquisition, construction, reconstruction, or improvement of such erosion prevention facilities; the creation of initial reserve or debt service funds; bond discount, if any; cost of plans and specifications, surveys, and estimates of costs and revenues; cost of engineering, financial, and legal services; all other expenses necessary or incidental in determining the feasibility or practicability of such acquisition, construction, reconstruction, or improvement; and administrative expenses and such other expenses as may be necessary or incidental to financing authorized by this act, including reimbursement of the county or any other person, firm, or corporation for any moneys advanced to said district for any expenses incurred by said district in connection with any of the foregoing items of cost, or the creation of such district.
- (6) “Secretary/treasurer” means the Clerk of the Circuit Court of St. Lucie County, who shall serve ex officio as secretary and treasurer of the erosion district. The treasurer shall be the custodian of all funds belonging to the board and the erosion district, and such funds may be disbursed only upon the order of the board, signed by the secretary and countersigned by the chair of the board. The board is authorized to select as a depository any bank or trust company organized under the laws of the United States or the state and authorized pursuant to general law to accept deposit of county funds. Such funds shall be deposited by the treasurer in such depository upon such terms and conditions as the board may deem just and reasonable,

and may be deposited in the name of St. Lucie County as long as they are properly accounted for by the treasurer.

(7) “Bonds” means any evidence of indebtedness issued and delivered by the district for consideration and includes, without limitation, revenue bonds, general obligation bonds, limited tax bonds, non-ad valorem assessment bonds, notes, and other obligations.

(8) “Non-ad valorem assessments” means only those assessments which are not based upon millage and which can become a lien against a home-
stead as permitted in section 4, Article X of the State Constitution.

Section 4. District establishment; status; powers.—There is hereby created and established in St. Lucie County a dependent special district, to be known as the St. Lucie County Erosion District. The district is a body corporate and politic, exercising essential governmental functions for the purposes hereinafter set forth. The district’s powers shall include the power to sue; to contract; to adopt and use a corporate seal and alter the same; to purchase, hold, lease, or otherwise acquire and convey such real property and personal property and interests therein; and any other authority granted by chapter 189, Florida Statutes, or other applicable general law, as they may be amended from time to time, as may be necessary or proper to carry out the purposes of this act.

Section 5. Boundaries.—The territorial boundaries of the district shall coincide with the territorial boundaries of St. Lucie County and shall include all lands and property within the county, including lands and property within incorporated areas of the county, within any district in the county, and within the unincorporated area of the county.

Section 6. Governing board; creation; organization.—The governing body of the St. Lucie County Erosion District shall be known and designated as the “Board of Commissioners of the St. Lucie County Erosion District,” and shall be made up ex officio of the five county commissioners of St. Lucie County, who shall serve ex officio as the governing body. The chair and vice chair shall each hold office at the will of the board and until their successor is duly elected by the board. The chair and vice chair serving at the time of the effective date of this act shall continue to serve until their terms expire and their successors are duly elected. The chair shall preside at all meetings of the district and perform such duties as the district may prescribe. The vice chair shall perform the duties of the chair in the absence of the chair. The board shall hold at least one regular meeting per month. Special meetings shall be held pursuant to chapter 189, Florida Statutes, as it may be amended from time to time. In the event of a bona fide emergency, a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the board. Three members of the board shall constitute a quorum to transact business.

Section 7. District powers.—The district board for and on behalf of the district, in addition to and supplementing other powers granted in this act, and any other applicable general law, is hereby authorized and empowered:

(1) To adopt rules and regulations for its own government and proceedings and to adopt an official seal for the district and for complete exercise of jurisdiction and control over district operations, projects, and facilities.

(2) To employ engineers, attorneys, accountants, financial or other experts, and such other agents and employees as the district board may require or deem necessary to effectuate the purposes of this act, or to contract for any of such services. All employees of the district shall be considered employees of St. Lucie County who shall be assigned to the district, and whose salary and other costs of employment shall be paid by the county from funds held on behalf of the district. Such employees, except collective bargaining unit employees, shall be subject to the personnel rules and regulations and shall participate in the employee benefit and retirement benefit plans of St. Lucie County. Collective bargaining unit employees of the district shall be members of a collective bargaining unit of St. Lucie County employees pursuant to general law.

(3) To acquire, construct, reconstruct, improve, operate, or maintain erosion prevention facilities in and for the district, including the acquisition of any erosion prevention facilities constructed by any person, firm, corporation, or other body, or partially constructed by any person, firm, corporation, or other body, and the completion of such erosion prevention facilities by such district; to have the exclusive control and jurisdiction of such erosion prevention facilities; and to issue its bonds to pay all or any part of the cost of such acquisition, construction, reconstruction, improvement, operation, or maintenance of such erosion prevention facilities.

(4) To levy and assess ad valorem taxes without limitation of rate or amount on all taxable property within said district for the purpose of paying the principal of and interest on any bonds issued pursuant to this act or for the operation and maintenance of such erosion prevention facilities or other corporate purposes of said district.

(5) To assess, levy, and collect non-ad valorem assessments upon property within the district as authorized by this act and chapters 189 and 197, Florida Statutes, as they may be amended from time to time.

(6) To regulate the acquisition, construction, reconstruction, improvement, or maintenance of erosion prevention facilities within the district, and to grant or deny permits for the construction of any erosion prevention facilities in the district. However, if the erosion prevention facilities are to be located in whole or in part within the territorial boundaries of any municipality, the approval of the governing body of such municipality shall also be obtained before the issuance by the district of a permit for the construction of such erosion prevention facilities. The district shall have authority to enjoin any unauthorized construction or work done which does not comply with any permit issued in any court of competent jurisdiction, and a certified copy of the resolution of the district denying a permit for such construction shall constitute prima facie evidence in all courts that such construction would be detrimental to the prevention of erosion.

(7) To enter upon any lands, either within or without the district, through its officials, agents, or employees, or through contractors and their

officials, agents, or employees in the performance of work or services for the district, in order to make surveys and examinations to accomplish the necessary purposes of the district, including preliminary surveys and other work. The district shall be liable for any actual damages done in connection therewith, and no unnecessary damage shall be done. The provisions of this subsection may be enforced by the district in any court of competent jurisdiction.

(8) To acquire in the name of the district by purchase, gift, or the exercise of the right of eminent domain such lands and rights and interest therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, maintenance, or operation of such erosion prevention facilities and to hold and dispose of all real and personal property under its control.

(9) To exercise exclusive jurisdiction, control, and supervision over any erosion prevention facilities owned, operated, and maintained by the district and to make and enforce such rules and regulations for the maintenance and operation of such erosion prevention facilities as in the judgment of the district board are necessary or desirable for the efficient operation of such erosion prevention facilities in accomplishing the purposes of this act.

(10) To acquire, hold, and improve beachfront lands as a part of erosion prevention facilities, and to operate such beachfront lands for public purposes, including public bathing facilities, and to comply with any agreements made with the Federal Government relative to such beachfront lands for which financial assistance has been given to the district by the Federal Government.

(11) To join with any other districts, cities, towns, counties, or other political subdivisions, public agencies, or authorities in the exercise of common powers.

(12) To enter into contracts for the purchase of services, supplies, materials, and equipment pursuant to this act and general laws, as they may be amended from time to time.

(13) Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds issued under the provisions of this act, to enter into contracts or agreements with the United States or any agency or instrumentality thereof, the state or any agency or instrumentality thereof, or any county, municipality, district, authority, or political subdivision, private corporation, partnership, association, or individual providing for or relating to erosion prevention facilities and any other matters relevant thereto or otherwise necessary to effect the purposes of this act, and to receive and accept from the United States, or any agency or instrumentality thereof, the state or any agency or instrumentality thereof, or any other public body, grants or loans for or in aid of the planning, construction, reconstruction, improvement, or financing of any erosion prevention facilities and to receive and accept aid or contributions or loans from any other source of either money, property, labor, or other things of value, to be held, used, and applied only for the purpose for which such grants, contributions,

or loans may be made. The district shall have power to provide funds in order to qualify for financial and other assistance by federal, state, or other governmental agencies or political subdivisions and to do and perform all acts necessary to obtain any required federal or state permits for the carrying out of the purposes provided in this act, and to adopt all proceedings and perform all acts necessary to comply with and perform all such contracts or agreements referred to in this subsection.

(14) To rent, lease, and sell, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein.

(15) To make and execute financing agreements, lease-purchase agreements, contracts, deeds, and other instruments necessary or convenient to the exercise of its powers and functions, including contracts with persons, firms, corporations, and federal, state, and local governmental agencies and instrumentalities, and to cooperate with such persons with reference to any of the powers hereby granted.

(16) To provide adequate insurance on all real and personal property, equipment, employees, and other personnel.

(17) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

Section 8. Ad valorem assessments; zones.—

(1) It is hereby found, determined, and declared that all of the lands and real estate within the district will be benefited by the acquisition, construction, improvement, or maintenance of erosion prevention facilities authorized by this act, and the full faith and credit and ad valorem taxing power of the district, without limitation as to rate or amount, shall be pledged for the payment of the principal of and interest on any bonds issued by the district pursuant to this act. It is further found, determined, and declared that for the purposes of the levy and collection of ad valorem taxes within the district, the lands and real estate therein are classified and divided into five zones which are hereby designated as Zones A, B, C, D, and E, with the zones having the following boundaries:

(a) Zone A: Beginning at the intersection of the south line of section 7, township 35 south, range 41 east and the Atlantic Ocean; thence northeasterly along the Atlantic Ocean to the centerline of the Fort Pierce ship channel; thence southwesterly along the centerline of said channel to the centerline of the intra-coastal waterway; thence southeasterly along said centerline to its intersection with the south line of section 12, township 35 south, range 40 east extended; thence east along said extension and the south line of said section 12 to the southeast corner of said section 12; thence east along the south line of section 7, township 35 south, range 41 east to the point of beginning.

(b) Zone B: Beginning at the intersection of the south line of section 7, township 35 south, range 41 east and the Atlantic Ocean; thence southeasterly along the Atlantic Ocean to the south line of section 22, township 36

south, range 41 east; thence west along the south line of said section 22 and the extension thereof to the centerline of the intracoastal waterway; thence northwesterly along the centerline of the intracoastal waterway to its intersection with the south line of section 12, township 35 south, range 40 east extended; thence east along said extension and the south line of said section 12 to the southeast corner of said section 12; thence east along the southline of section 7, township 35 south, range 41 east to the point of beginning.

(c) Zone C: Except for lands in Zones A and B, all lands east of a line beginning on the north county line at the northwest corner of section 3, township 34 south, range 38 east; thence south to the southwest corner of section 34, township 34 south, range 38 east; east to the southeast corner of section 35, township 34 south, range 38 east; south to the southwest corner of section 12, township 36 south, range 38 east; east to the northwest corner of section 15, township 36 south, range 39 east; south to the southwest corner of section 34, township 37 south, range 39 east, at the south county line.

(d) Zone D: All lands in St. Lucie County west of Zone C.

(e) Zone E: All lands within District boundaries.

(2) It is further hereby found, determined, and declared that as between the lands and real estate located within said Zones A to D, inclusive, the percentages of the total benefits which such lands and real estate located within such zones will receive from the acquisition, construction, reconstruction, improvement, or maintenance of the erosion prevention facilities authorized by this act are as follows:

(a) Zone A: Five and nine-tenths percent.

(b) Zone B: One and three-tenths percent.

(c) Zone C: Eighty-three and four-tenths percent.

(d) Zone D: Nine and four-tenths percent.

(3) As authorized by subsection (5), Zone E, created pursuant to County Commission Resolution 97-05, was established for the purpose of funding the district's share of the costs of the United States Army Corp of Engineers Fort Pierce Florida Shore Protection Project and future projects for which the board determines the lands and real estate within Zone E receive 100 percent of project benefits.

(4) Any ad valorem taxes assessed by the district for the payment of debt service or reserves on bonds or other obligations issued by the district or for the operation and maintenance of the erosion prevention facilities and other corporate purposes of the district shall be levied in each zone in ratio to the percentage of benefits set out above for said Zones A through D, inclusive, and, of the total amount of such ad valorem taxes levied on the taxable property in the district at any time, the separate amounts to be levied in each of such zones shall be the percentage set out for such zones above of such total amount. In the event that the full amounts of taxes levied in any

zone shall not be collected in any year, the deficit shall be paid from general funds of the district or shall be levied in the succeeding year on all taxable property of the entire district, and the district shall be mandatorily obligated to levy and collect ad valorem taxes without limitations as to rate or amount on all taxable property in the entire district to the full extent necessary to pay all principal of and interest on any bonds or other obligations issued by the district, or such operation and maintenance and other corporate purposes of the district. The amount of any deficit in collections in any zone in any year shall, however, notwithstanding that such deficit may have been made up from general funds of the district or from ad valorem taxes levied on all taxable property in the entire district, be levied in each succeeding year on all taxable property in the zone in which such deficit occurs until such deficit has been made up in full and all amounts reimbursed to the general funds of the district or to the owners of taxable property in other zones for payments made on account of such deficits, it being the express intent of this act as far as the payment of debt service on any bonds or other obligations of the district or such operation and maintenance and other corporate purposes of the district are concerned, the entire taxable property in all of the district shall be subject to the levy of ad valorem taxes without limit as to rate or amount for the full payment of all such debt service and operation and maintenance and other corporate purposes of said district, but that as between the zones within such entire district, the district shall continue to levy and relevy sufficient ad valorem taxes on the taxable property in the zone in which a deficit occurs until any amounts which may have been previously paid by any other zone to make up such deficit have been paid in full. Any reimbursement to the owners of taxable property of any zone for amounts collected in such zone for any deficits in any other zone may be in the form of reductions in the amount of taxes to be collected in such zone, but only after the amount of such reimbursement shall be available in cash for application to debt service on such bonds or other obligations or for the operation and maintenance or other corporate purposes of the district.

(5) Upon the effective date of this act, the district board shall be authorized to amend by resolution existing zone boundaries, abolish or consolidate existing zones, create new zones, and determine the percentage benefit accruing to lands within said zones as a result of district projects, programs, and activities. Any ad valorem taxes levied for district purposes shall be levied in each zone in proportion to the percentage of benefits determined by the board for the new, amended, or consolidated zones.

(6) All such taxes shall be levied and collected as a separate special tax and the county board, as the governing body of such district, shall certify in each year to the property appraiser of the county the total amount of the ad valorem taxes to be levied in such district and the separate amount to be levied in each of said zones in each year and the said property appraiser shall levy and collect such special taxes at the same time and in the same manner as other general county taxes are collected. Such taxes, when collected by the county tax collector, shall be paid and turned over to the proper officials of the district for application in the manner provided in this act.

Section 9. Non-ad valorem assessments.—The board is hereby authorized and empowered by resolution to assess, levy, and collect non-ad valorem assessments for the acquisition, construction, reconstruction, rehabilitation, development, improvement, maintenance, repair, management, or operation of district facilities authorized by this act pursuant to chapters 189 and 197, Florida Statutes, as they may be amended from time to time. Such assessments shall be levied only on benefited real property at a rate based upon the special benefit accruing to such property from the acquisition, construction, reconstruction, rehabilitation, development, improvement, maintenance, repair, management, or operation. Cost may include the cost of all labor and materials, the cost of all lands, property rights, easements, and franchises acquired, expenses associated with the issuance of bonds secured in whole or in part by non-ad valorem assessments, including, but not limited to, financing charges, the establishment of reasonable reserves and/or the purchase of insurance and surety bonds, interest prior to and during construction and for 1 year after completion of construction, discount on the sale of bonds, costs of plans and specifications, surveys of estimates of costs and revenues, cost of engineering, financial and legal services, and all other expenses necessary or incidental to determining the feasibility or practicability of the undertaking, administrative expense, and such other expense as may be necessary or incidental to the financing authorized by this act. Non-ad valorem assessments shall be liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid, shall bear interest at the rate prescribed by law for ad valorem taxes, and shall be levied and collected using the procedures provided in chapter 197, Florida Statutes, as it may be amended from time to time, or such other method as the district may prescribe.

Section 10. Bond issuance.—

(1) The district board for and on behalf of the district is authorized to provide by resolution from time to time for the issuance of general obligation bonds, limited tax revenue bonds, revenue bonds, and non-ad valorem assessment bonds to pay all or part of the cost of acquisition, construction, reconstruction, rehabilitation, development, or improvement of any projects, facilities, or activities provided for in this act, or for the purpose of refunding any such bonds of the district which are then outstanding, including any redemption premium thereon and any interest accrued or to accrue to the date of redemption. The district board shall also have the authority to provide by resolution for the issuance of other obligations to pay all or part of the cost of maintenance, repair, management, or operation of district projects, facilities, or activities. However, the issuance of general obligation bonds shall have been approved at an election of the qualified electors who reside in such district, such election to be called, noticed, and conducted as provided by law. The bonds of each issue shall be dated, shall bear interest at such rate or rates as shall not exceed the maximum bond interest rate provided by general law, shall mature at such time or times not exceeding 40 years from the date or dates of the bonds as may be determined by the board, and may be redeemable before maturity, at the option of the board, under such terms and conditions and at such prices as may be fixed by the board prior to the issuance of such bonds. The board shall determine the

form of such bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of such bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. Such authorizing resolution may further provide that such bonds may be executed manually or by the engraved, lithographed, or facsimile signature of the chair of the board. The seal of the district may be affixed or lithographed, engraved, or otherwise reproduced in facsimile on such bonds and shall be attested by the manual or facsimile signature of the secretary or treasurer of the district; provided, however, that the signature of at least one of the officials executing such bonds, including the registrar authenticating such bonds, shall be a manual signature. In case any officer who executes such bonds shall cease to be such officer before the delivery of such bonds, such officer's manual signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. Such bonds may be issued in coupon or registered form as the board may determine in such authorizing resolution and provision may be made for the registration of any coupon bonds as to principal alone and also as to principal and interest, and for the reconversion of coupon bonds or of any bond registered as to principal and interest. The board may sell such bonds either at public or private sale and for such price as it may determine to be for the best interests of the district, but no such sale may be made at a price that requires the payment of interest in excess of the maximum bond interest rate provided by general law.

(2) The proceeds of the sale of any general obligation bonds, limited tax bonds, revenue bonds, and non-ad valorem assessment bonds shall be used solely for the payment of the costs, including engineering, financial, and legal expenses, of the acquisition, construction, reconstruction, rehabilitation, development, maintenance, or improvement of such facilities or the refunding of bonds outstanding, and proceeds from the issuance of other obligations of the district may additionally be used to pay the costs of repair, management, maintenance, or operation of district facilities. The proceeds of bonds issued under the authority of this section shall be disbursed in such manner and under such restrictions as the board may provide in the authorizing resolution. Prior to the preparation or issuance of definitive bonds, the board may, under like restrictions, issue interim receipts or temporary notes or other forms or such temporary obligations, with or without coupons, 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 have become mutilated, destroyed, or lost upon proper indemnification.

(3) The board may provide that the bonds issued hereunder shall be payable from and secured by a pledge of any one or more of the following sources:

(a) Revenues of any one or more district facilities now owned or hereafter acquired or constructed by the district.

(b) Proceeds from the sale or lease of all or any part of any district facilities now or hereafter owned by the district, as such facilities may be extended, enlarged, or improved.

(c) Any money received by the district from the United States or any agency or instrumentality thereof or from any other governmental agency or person in connection with any district facilities or in repayment of any advances made by the district for all or any part of the cost of any district facilities.

(d) The full faith, credit, and taxing power of the district, or limited ad valorem taxes levied by the district, and such bonds may be additionally secured by a pledge of revenues, sale or lease proceeds, or money received by the district from the United States or any agency or instrumentality thereof or other governmental agency or person as herein authorized. The board may provide that such bonds shall be payable as to principal and interest in the first instance from such revenues, sale, or lease proceeds or money received by the district from the United States or any agency or instrumentality thereof or any other person.

(e) The proceeds of any sale or lease of district facilities or property, after paying all costs in connection therewith.

(f) The proceeds of any non-ad valorem assessments levied pursuant to this act.

Section 11. Bond trust agreement.—In the discretion of the board, any bonds issued under the provisions of this act may be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the district in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, lease, operation, and insurance of any district projects, facilities, or activities in connection with which such bonds shall have been authorized, the custody, safeguarding, or application of all moneys, and conditions or limitations with respect to the issuance of additional bonds. It shall be lawful for any bank or trust company incorporated under the laws of Florida, which may act as depository of the proceeds of bonds or of revenues, or other funds, to furnish such indemnifying bonds or to pledge such securities as may be required by the board. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee under any such trust agreement, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the board may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution shall be treated as a part of the costs of the operation of the district facilities.

Section 12. Notice of bonds issuance.—Prior to the issuance of any bonds, the district board may, in its discretion, publish a notice at least once in a newspaper published in the County of St. Lucie and circulating in the district stating the date of adoption of the resolution authorizing such bonds

and the amount, maximum rate of interest, and maturity of such bonds and the purposes in general terms for which such bonds are to be issued, and further stating that any action or proceeding questioning the validity of such bonds, or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within 20 days after the first publication of such notice or the validity of such bonds or of such proceedings or covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such 20-day period, then the validity of such bonds and such proceedings and covenants shall be conclusive, and all persons or parties whosoever shall be forever barred from questioning the validity of such bonds or such proceedings or covenants in any court whatsoever.

Section 13. Bond covenants.—All bonds issued hereunder shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of Florida, and shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers for value. No proceedings in respect to the issuance of such bonds shall be necessary except such as are required by this act. The provisions of this act shall constitute an irrevocable contract between said district and the holders of such bonds or coupons thereof issued pursuant to the provisions hereof. Any holder of such bonds may either at law or in equity, by suit, action, or mandamus, force and compel the performance of the duties required by this act or of any of the officers or persons herein mentioned in relation to said bonds, or the levy, assessment, collection, and enforcement and application of the taxes pledged for the payment of the principal and interest thereof.

Section 14. Public purpose declaration.—The exercise of the powers conferred by this act constitutes the performance of essential public functions and any erosion prevention facilities acquired, constructed, reconstructed, or improved under the provisions of this act constitute public property used for public purposes.

Section 15. Bonds as legal investments.—All bonds issued pursuant to this act shall be and constitute legal investments for state, county, municipal, and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees, and all other fiduciaries; and shall also be and constitute securities eligible as collateral security for all state, county, municipal, or other public funds.

Section 16. Bonds as payments.—The district shall have the power to enter into agreements for the delivery of any bonds at one time or from time to time as full or partial payment for the services of any engineer or work done by any contractor who may have been retained or hired or been awarded a contract for the construction of all or any part of such erosion prevention facilities. However, such bonds so delivered for payment of such services or work performed shall have been authorized and issued in the manner provided in this act and shall otherwise conform to the provisions hereof.

Section 17. District authority to purchase or procure.—Insofar as the exercise of any power or authority granted by this act shall involve the purchase or procurement of commodities or services, the board shall exercise such power in accordance with the purchasing and procurement rules, regulations, ordinances, practices, and procedures of St. Lucie County as the same may exist from time to time. The district shall requisition such commodities and services through such purchasing agents as the county may from time to time appoint, and such requisitions or contract may be issued or entered into in the name of St. Lucie County. The costs of such purchases, procurements, and contract of the district shall be paid with funds of the district.

Section 18. Maintenance tax.—

(1) In addition to the ad valorem taxes authorized to be levied to pay the principal of and interest on bonds issued hereunder, the district is authorized to levy a special ad valorem maintenance tax of a sufficient number of mills upon the dollar of assessed valuation of taxable property in the district to pay for the maintenance and operation of such erosion prevention facilities and other corporate purposes of the district. However, such special maintenance tax shall in no event exceed one mill in any one year for Zone A, eight-tenths of a mill in any one year for Zone B, six-tenths of a mill in any one year for Zone C, four-tenths of a mill in any one year for Zone D, and two mills in any one year for Zone E. Such special maintenance tax shall be levied and collected in the manner provided herein for ad valorem taxes levied and collected for debt service on bonds issued pursuant to this act and in accordance with the provisions of section 8.

(2) Upon the effective date of this act, the district board shall be authorized to levy an ad valorem maintenance tax within new, amended, or consolidated zones established pursuant to subsection (4) of section 8. Such ad valorem maintenance tax millage rate within such zones shall be a rate determined by the board to provide each zones' proportionate share of maintenance tax revenue. Such proportionate share shall be the percentage benefit accruing to lands within such zones as determined pursuant to subsection (4) of section 8. Such taxes shall be levied and collected in the manner provided within section 8.

Section 19. District contracts.—Any contract entered into by the district shall be deemed to have been made for the benefit of any holders of bonds issued pursuant to this act to the extent necessary, and the terms of any such contract shall be enforceable by such bondholders in any appropriate legal proceeding. Any such contract if made with another public body or municipality may be enforceable without the requirement of formal consideration.

Section 20. Real property; personal property; advancement of funds.—The County of St. Lucie, any municipality, or any other political subdivision is authorized to sell, lease, grant, or convey any real or personal property to the district and any such sale, grant, lease, or conveyance may be made without formal consideration. The County of St. Lucie shall further have the power to advance any moneys available to the district to pay any of the

preliminary expenses of the district, including engineering, legal, or financial services or any other purposes necessary in the planning and beginning of construction or erosion prevention facilities authorized by this act. However, all such moneys so advanced shall be repaid to the county from the proceeds of any bonds issued pursuant to this act, or from ad valorem or maintenance taxes levied in the district for operation and maintenance of erosion prevention facilities and other corporate purposes of the district.

Section 21. Authority to delegate.—The district board shall have the power to establish and create such departments, boards, or other agencies as it shall deem necessary or desirable in the performance of any acts or other things necessary in the exercise of the powers provided in this act, and may delegate to such departments, boards, or other agencies such administrative duties and other powers as may be deemed necessary and desirable in the exercise of the powers provided in this act. However, the issuance of bonds, levy of taxes, and authorization of the acquisition, construction, reconstruction, or improvement of erosion prevention facilities shall be authorized by resolution or resolutions duly adopted by the district board.

Section 22. Exemption from taxation.—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 taxes or other revenue; provided, however, that nothing contained herein shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement and collection of any taxes pledged for any bonds issued hereunder.

Section 23. Covenant not to impair.—The state does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant to this act that it will not limit or alter the rights hereby vested in said district to acquire, construct, reconstruct, improve, maintain, and operate said erosion prevention facilities and to levy and collect ad valorem taxes as provided herein, and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and will not in any way impair the rights or remedies of such holders, and will not modify in any way the exemptions from taxation provided for in this act, until all such bonds, together with interest thereon, and with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged.

Section 24. Liberal construction.—The provisions of this act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental, and alternative authority for the exercise of the powers provided herein.

Section 25. Severability.—In case any one or more of the sections or provisions of this act, or the application of such sections or provisions to any situations, circumstances, or persons, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this act or the application of such sections or provisions of this act or the application of such sections or provisions to any other situations, circumstances, or persons, and it is intended

that this act shall be construed and applied as if such section or provision so held unconstitutional or invalid had not been included in this act.

Section 4. Chapters 67-2001 and 97-354, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.