

CHAPTER 2020-197

Committee Substitute for House Bill No. 1303

An act relating to Brevard and Volusia Counties; creating the Deering Park 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. 189.031(3), F.S., for creation of an independent special district; providing for creation and establishment of the District; providing District boundaries; providing for the jurisdiction and charter of the District; providing for a governing board 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 election of the board; 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 bonds; providing for future ad valorem taxation; providing for special assessments; providing for authority to borrow money; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing for amendment to the charter; providing for required notices to purchasers of units within the District; defining District public property; providing for construction; providing severability; providing for a referendum; providing effective dates.

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

Section 1. This act may be cited as the “Deering Park Stewardship District Act.”

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

(1) LEGISLATIVE INTENT AND PURPOSE OF THE DISTRICT.—

(a) The extensive lands located wholly within Brevard and Volusia Counties and the City of Edgewater and covered by this act contain many opportunities for thoughtful, comprehensive, responsible, and consistent development over a long period.

(b) There is a need to use a special and limited purpose independent special district unit of local government for the Deering Park Stewardship District (District) lands located within Brevard and Volusia Counties and the City of Edgewater and covered by this act to provide for a more comprehensive conservation and community development approach, which will facilitate an integral relationship between conservation, regional transportation, land use, and urban design to provide for a diverse mix of

housing and regional employment and economic development opportunities, rather than fragmented development with underutilized infrastructure generally associated with urban sprawl.

(c) There is a considerably long period of time during which there is a significant burden to provide various systems, facilities, and services on the initial landowners of the District lands, such that there is a need for flexible management, sequencing, timing, and financing of the various systems, facilities, and services to be provided to these lands, taking into consideration absorption rates, commercial viability, and related factors.

(d) While chapter 190, Florida Statutes, provides an opportunity for previous community development services and facilities to be provided by the continued use of community development districts in a manner that furthers the public interest, given the size of District lands and the duration of development, continuing to utilize multiple community development districts over these lands would result in an inefficient, duplicative, and needless proliferation of local special purpose governments, 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 and conservation of the lands covered by this act be under one coordinated entity. The creation of a single District will assist in integrating the management of state resources and allow for greater and more coordinated stewardship of natural resources.

(e) Longer involvement of the initial landowner with regard to the provision of systems, facilities, and services for the District lands, coupled with the special and limited purpose of the District, is in the public interest.

(f) The existence and use of such a special and limited purpose local government for the District lands, subject to Brevard County, Volusia County, and the City of Edgewater comprehensive plans, will provide for a comprehensive and complete community development approach to promote a sustainable and efficient land use pattern for the District lands with long-term planning for green infrastructure and conservation areas which require perpetual protection and stewardship as well as sustainably planned development; provide opportunities for the mitigation of impacts and development of infrastructure in an orderly and timely manner; prevent the overburdening of the general-purpose local government and the taxpayers; and provide an enhanced tax base and regional employment and economic development opportunities.

(g) The creation and establishment of the District will encourage local government financial self-sufficiency in providing public facilities and in identifying and implementing fiscally sound, innovative, and cost-effective techniques to provide and finance public facilities while encouraging sustainable development, use, and coordination of capital improvement

plans by all levels of government, in accordance with the goals of chapter 187, Florida Statutes.

(h) The creation and establishment of the District is a legitimate supplemental and alternative method available to manage, own, operate, construct, and finance both green and capital infrastructure systems, facilities, and services.

(i) In order to be responsive to the critical timing required through the exercise of its special management functions, the 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, citizens, and ratepayers of the state or Brevard County, Volusia County, or the City of Edgewater.

(j) 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 and Volusia Counties and the City of Edgewater continue to control the conservation and development of the land to be serviced by the District.

(k) The creation by this act of the District is not inconsistent with Brevard County, Volusia County, or the City of Edgewater comprehensive plans.

(l) The creation by this act of the District does not affect any of the existing conservation easements that have been recorded on portions of the property.

(m) It is the legislative intent and purpose that no debt or obligation of the District constitute a burden on Brevard County, Volusia County, or the City of Edgewater.

(2) DEFINITIONS.—As used in this act:

(a) “Ad valorem bonds” means bonds that are payable from the proceeds of ad valorem taxes levied on real and tangible personal property and that 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 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” means District assessments imposed, levied, and collected pursuant to the provisions of paragraph (12)(b) of section 6.

(f) “Board of supervisors” or “board” means the governing body 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 also includes any general obligation bond, assessment bond, refunding bond, revenue bond, bond anticipation note, and other such obligation in the nature of a bond as is provided for in this act.

(h) “Cost” or “costs,” when used in 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. Engineering, architectural, fiscal, and legal 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, construction, or reconstruction of any project, or 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.

17. Any other expense or payment permitted by this act or allowable by law.

(i) “Deering Park Stewardship District” means the unit of special and limited purpose local government and political subdivision created and chartered by this act, and limited to the performance 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 board 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.

(j) “District” means the Deering Park Stewardship District.

(k) “District manager” means the manager of the District.

(l) “District roads” means highways, streets, roads, alleys, intersection improvements, sidewalks, crossings, landscaping, irrigation, signage, signalization, storm drains, bridges, multi-use trails, lighting, and thoroughfares of all kinds.

(m) “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.

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

(o) “Land development regulations” means those regulations of the general-purpose local government, adopted under the Community Planning Act, codified as 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 therewith. Land development regulations shall not mean specific management, engineering, operations, or capital improvement

planning, needed in the daily management, implementation, and supplying by the District of systems, facilities, services, works, improvements, projects, or infrastructure, so long as they remain subject to and are not inconsistent with the applicable county or city codes.

(p) “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 which 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.

(q) “General-purpose local government” means a county, municipality, or consolidated city-county government.

(r) “Maintenance special assessments” are assessments imposed, levied, and collected pursuant to the provisions of paragraph (12)(d) of section 6.

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

(t) “Powers” means powers used and exercised by the board of supervisors to accomplish the special and limited purpose of the District, including:

1. “General powers,” which means those organizational and administrative powers of the District as provided in its charter in order to carry out its special and limited purpose as a local government public body corporate and politic.

2. “Special powers,” which means those powers enumerated by the District charter to implement its specialized systems, facilities, services, projects, improvements, and infrastructure and related functions in order to carry out its special and limited purposes.

3. Any other powers, authority, or functions set forth in this act.

(u) “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.

(v) “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 either of the Supervisors of Elections in Brevard County or Volusia County and resides in Brevard County or Volusia County.

(w) “Reclaimed water” means water, including from wells or stormwater management facilities, that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility, or otherwise as an approved use of surface water or groundwater by the water management district.

(x) “Reclaimed water system” means any plant, well, system, facility, or property, and any addition, extension, or improvement thereto at any future time constructed or acquired as part thereof, useful, necessary, or having the present capacity for future use in connection with the development of sources, treatment, purification, or distribution of reclaimed water. The term includes franchises of any nature relating to any such system and necessary or convenient for the operation thereof including for the District’s own use or resale.

(y) “Refunding bonds” means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds may be issuable and payable in the same manner as refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

(z) “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.

(aa) “Sewer system” means any plant, system, facility, or property, and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present 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. The term 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.

(bb) “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 s. 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.

(cc) “Taxes” or “tax” means those levies and impositions of the board of supervisors 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.

(dd) “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. The term also includes dams, reservoirs, treatment systems, 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, ascertainments, 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, office, hotel, healthcare, and other similar community uses, projects, or functions in the included portion of property consistent with the effective local comprehensive plans, and designed to serve a lawful public purpose.

(b) The District, which is a local government and a statutory political subdivision, is limited to its special purpose as expressed in this act, with the power to provide, plan, implement, construct, maintain, and finance as a local government management entity 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 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.

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

(e) The special and single purpose 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 Community Planning Act.

(f) This act may be amended, in whole or in part, only by special act of the Legislature. The board of supervisors of the District shall not ask the Legislature to amend this act without first obtaining a resolution or official statement from the District and Brevard and Volusia Counties and the City of Edgewater as required by s. 189.031(2)(e)4., Florida Statutes, for creation of an independent special district.

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

(1) Pursuant to s. 189.031(3), Florida Statutes, the Legislature sets forth that the minimum requirements in paragraphs (a) through (o) have been met in the identified provisions of this act as follows:

(a) The purpose of the District is set forth in sections 2 and 3 of this act.

(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 in section 6.

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

(d) The methods for amending the charter of the District are in section 2.

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

(f) The maximum compensation of each board member is in section 5.

(g) The administrative duties of the governing body are in sections 5 and 6.

(h) The financial disclosure, noticing, and reporting requirements are in sections 5 and 6.

(i) The procedures and requirements for issuing bonds are in section 6.

(j) The procedures and requirements for elections and referenda and the qualifications of an elector of the District are in sections 2 and 5.

(k) The methods for financing the District are 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 a vote of the electors of the District, the authority to levy ad valorem taxes and the authorized millage rate are in section 6.

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

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

(o) The geographic boundary limitations of the District are in sections 4 and 6.

(2) The District is created and incorporated as a public body corporate and politic, an independent special and limited purpose local government, an independent special district, under s. 189.031, Florida Statutes, as amended from time to time, and as defined in this act and in s. 189.012(3), Florida Statutes, as amended from time to time, in and for portions of Brevard and Volusia Counties and the City of Edgewater. Any amendments to chapter 190, Florida Statutes, after January 1, 2020, granting additional general powers, special powers, authorities, or projects to a community development district by amendment to its uniform charter, ss. 190.006-190.041, Florida Statutes, which are not inconsistent with the provisions of this act, shall constitute a general power, special power, authority, or function of the 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. No referendum subsequent to the effective date of this act is required as a condition of establishing the District. Therefore, 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 in section 4.

(4) The jurisdiction of the District, in the exercise of its general and special powers, and in the carrying out of its special and limited purposes, is both within the external boundaries of the legal description of the 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 and limited 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 special and limited 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. The District shall only exercise any of its powers extraterritorially within Brevard and Volusia Counties and the City of Edgewater after execution of an interlocal agreement between the District and Brevard and Volusia Counties and the City of Edgewater consenting to the District’s exercise of any of such powers within Brevard or Volusia Counties or the City of Edgewater as applicable or an applicable development order or as part of other land development regulations issued by Brevard County, Volusia County, or the City of Edgewater.

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

(6) The District shall not avail itself of any provision in general law that would allow for municipal conversion of any area within the District boundary that is not currently within a municipal boundary.

Section 4. Legal description of the District.—The metes and bounds legal description of the District, within which there are no parcels of property owned by those who do not wish their property to be included within the District, is as follows:

LAND IN VOLUSIA COUNTY, FLORIDA

A PART OF SECTIONS 32, 33, 34 AND 35, TOWNSHIP 17 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

SECTIONS 1, 2, A PART OF SECTION 3, SECTIONS 10, 11, 12, 13, 14, A PART OF SECTION 15, A PART OF SECTION 22, SECTIONS 23, 24, 25, 26, 27, 28, A PART OF SECTION 31, SECTIONS 32, 33, 34, 35 AND 36, TOWNSHIP 18 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

A PART OF SECTION 6, A PART OF SECTION 7, A PART OF SECTION 8, A PART OF SECTION 17, SECTIONS 18, 19, A PART OF SECTION 20, SECTIONS 29, 30, 31 AND 32, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

PART OF LOTS 13B, 14B, 15B, 15D, 62 AND 167, ASSESSOR’S SUBDIVISION OF THE CHARLES SIBBALD GRANT, AS RECORDED IN MAP BOOK 3, PAGE 151 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

SECTIONS 1, 2, 3, 4, 5, A PART OF SECTION 6, A PART OF SECTION 7, A PART OF SECTION 8, SECTIONS 9, 10, 11, 12, 13, 14, 15, A PART OF SECTION 16, SECTION 17, A PART OF SECTION 18, A PART OF SECTION 19, SECTION 20, A PART OF SECTION 21, SECTION 22, A PART OF SECTION 23, SECTION 24, SECTIONS 25, 26, 27, 28, A PART OF SECTIONS 29, 32, 33, 34, 35, AND SECTION 36, TOWNSHIP 19 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

SECTIONS 5, 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, PART OF SECTION 30, SECTIONS 31, 32 AND 33, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

SECTIONS 1, 12, 13 AND 24, TOWNSHIP 20 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

SECTION 37, TOWNSHIP 21 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 10, TOWNSHIP 18 SOUTH, RANGE 33 EAST, AS THE POINT OF BEGINNING, RUN N.00°24'00"W. ALONG THE WEST LINE OF SAID SECTION 3, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 9268.10 FEET; THENCE S.88°53'11"W., ALONG THE SOUTH LINE OF SAID SECTION 32, TOWNSHIP 17 SOUTH, RANGE 33 EAST, A DISTANCE OF 1121.77 FEET; THENCE N.01°45'19"W., ALONG THE WEST LINE OF SAID SECTION 32, A DISTANCE OF 1317.75 FEET; THENCE DEPARTING SAID WEST LINE, RUN ALONG THE NORTH BOUNDARY OF THE CITY OF EDGEWATER, FLORIDA THE FOLLOWING COURSES AND DISTANCES: N.88°48'33"E., A DISTANCE OF 5316.14 FEET; THENCE N.88°44'53"E., A DISTANCE OF 3973.41 FEET; THENCE N.01°45'48"W., A DISTANCE OF 663.33 FEET; THENCE N.88°44'07"E., A DISTANCE OF 661.32 FEET; THENCE N.01°50'32"W., A DISTANCE OF 1990.46 FEET; THENCE N.88°41'49"E., A DISTANCE OF 658.58 FEET; THENCE N.88°35'30"E., A DISTANCE OF 5293.35 FEET; THENCE N.88°07'12"E., A DISTANCE OF 884.36 FEET TO THE WEST RIGHT OF WAY LINE OF INTERSTATE NO. 95 (STATE ROAD NO. 9), A 350 FOOT RIGHT OF WAY; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES; S.29°53'30"E., A DISTANCE OF 452.54 FEET; THENCE S.29°52'50"E., A DISTANCE OF 1053.25 FEET; THENCE S.29°53'21"E., A DISTANCE OF 1127.04

FEET; THENCE S.29°53'17"E., A DISTANCE OF 1141.37 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.02°12'11"E., A DISTANCE OF 700.28 FEET; THENCE N.88°44'42"E., ALONG THE SOUTH LINE OF SAID SECTION 35, TOWNSHIP 17 SOUTH, RANGE 33 EAST, A DISTANCE OF 370.66 FEET TO THE WEST RIGHT OF WAY LINE OF SAID INTERSTATE NO. 95; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S.29°52'48"E., A DISTANCE OF 1270.66 FEET; THENCE S.29°53'49"E., A DISTANCE OF 1005.54 FEET; THENCE S.29°52'11"E., A DISTANCE OF 825.17 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 8419.42 FEET, A CENTRAL ANGLE OF 06°23'25", A CHORD BEARING OF S.26°40'28"E., AND A CHORD DISTANCE OF 938.54 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 939.03 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.00°15'18"W., A DISTANCE OF 5705.31 FEET TO THE NORTH RIGHT OF WAY LINE OF OPOSSUM CAMP ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 7406, PAGE 1820, OFFICIAL RECORDS BOOK 7183, PAGE 1323 AND OFFICIAL RECORDS BOOK 7423, PAGE 614 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S.89°44'56"E., A DISTANCE OF 581.57 FEET; THENCE S.84°27'37"E., A DISTANCE OF 969.80 FEET; THENCE N.89°39'54"E., A DISTANCE OF 333.04 FEET; THENCE N.77°47'22"E., A DISTANCE OF 102.66 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN ALONG THE WEST RIGHT OF WAY LINE OF SAID INTERSTATE NO. 95 THE FOLLOWING COURSES AND DISTANCES; S.00°18'05"E., A DISTANCE OF 247.60 FEET; THENCE S.76°02'36"E., A DISTANCE OF 163.17 FEET; THENCE S.62°03'45"E., A DISTANCE OF 149.14 FEET; THENCE S.31°55'20"E., A DISTANCE OF 1420.66 FEET; THENCE S.22°11'56"E., A DISTANCE OF 5150.31 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.79°26'18"W, A DISTANCE OF 2782.81 FEET; THENCE S.00°19'17"W., ALONG THE EAST LINE OF SAID SECTION 18, TOWNSHIP 18 SOUTH, RANGE 34 EAST, A DISTANCE OF 1245.74 FEET; THENCE S.00°54'04"E., ALONG SAID EAST LINE, A DISTANCE OF 2650.17 FEET; THENCE S.00°17'16"E., ALONG THE EAST LINE OF SAID SECTION 19, TOWNSHIP 18 SOUTH, RANGE 34 EAST, A DISTANCE OF 3067.20 FEET; THENCE DEPARTING SAID EAST LINE, RUN N.89°29'08"E., A DISTANCE OF 3245.10 FEET; THENCE N.79°00'40"E., ALONG THE NORTH LINE OF SAID LOT 62 OF THE ASSESSOR'S SUBDIVISION OF THE CHARLES SIBBALD GRANT, A DISTANCE OF 1808.41 FEET TO THE WEST RIGHT OF WAY LINE OF SAID INTERSTATE NO 95; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S.15°00'53"E., A DISTANCE OF 3903.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING

A RADIUS OF 17353.97 FEET, A CENTRAL ANGLE OF 04°06'04", A CHORD BEARING OF S.17°03'55"E., AND A CHORD DISTANCE OF 1241.90 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1242.16 FEET; THENCE S.19°06'57" E., A DISTANCE OF 3763.61 FEET TO THE BOUNDARY OF A FLORIDA DEPARTMENT OF TRANSPORTATION BORROW PIT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1790, PAGE 1340, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY THE FOLLOWING COURSES AND DISTANCES: S.70°53'03"W., A DISTANCE OF 300.00 FEET; THENCE N.19°06'57"W., A DISTANCE OF 650.00 FEET; THENCE S.70°53'03"W., A DISTANCE OF 600.00 FEET; THENCE S.19°06'57"E., A DISTANCE OF 700.00 FEET; THENCE N.70°53'03"E., A DISTANCE OF 900.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID INTERSTATE NO. 95; THENCE S.19°06'57" E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 618.71 FEET; THENCE S.19°07'16"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 900.08 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.78°29'44"W., ALONG THE SOUTH LINE OF SAID LOT 13B OF THE ASSESSOR'S SUBDIVISION OF THE CHARLES SIBBALD GRANT, A DISTANCE OF 2859.22 FEET; THENCE S.78°16'18"W., ALONG THE NORTH LINE OF THE JOHN LOW GRANT, SECTION 47, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 4177.75 FEET; THENCE S.12°08'20"E., ALONG THE WEST LINE OF SAID JOHN LOW GRANT, A DISTANCE OF 1797.26 FEET; THENCE S.11°41'37"E., ALONG THE WEST LINE OF THE JOHN LOW GRANT, SECTION 39, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 18905.04 FEET; THENCE N.77°58'53"E., ALONG THE SOUTH LINE OF SAID JOHN LOW GRANT, A DISTANCE OF 1740.16 FEET; THENCE S.11°14'40"E., ALONG THE WEST LINE OF THE JOHN MCINTOSH GRANT, SECTION 44, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 8790.60 FEET; THENCE S.78°26'58"W., ALONG THE NORTH LINE OF THE HEIRS OF JOSEPH DELESPINE GRANT, SECTION 45, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 817.69 FEET; THENCE S.11°14'16"E., ALONG THE WEST LINE OF SAID HEIRS OF JOSEPH DELESPINE GRANT, A DISTANCE OF 4842.20 FEET; THENCE S.89°03'20"W., ALONG THE SOUTH LINE OF SAID SECTION 33, TOWNSHIP 19 SOUTH, RANGE 34 EAST, A DISTANCE OF 3099.33 FEET; THENCE S.89°03'20"W., ALONG THE SOUTH LINE OF SAID SECTION 32, TOWNSHIP 19 SOUTH, RANGE 34 EAST, A DISTANCE OF 5412.49 FEET; THENCE S.89°01'51"W., ALONG THE SOUTH LINE OF SAID SECTION 31, TOWNSHIP 19 SOUTH, RANGE 34 EAST, A DISTANCE OF 5623.75 FEET; THENCE S.00°47'08"E., ALONG THE EAST LINE OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 33 EAST, A DISTANCE OF 5460.91 FEET; THENCE S.01°03'19"E.,

ALONG THE EAST LINE OF SAID SECTION 12, TOWNSHIP 20 SOUTH, RANGE 33 EAST, A DISTANCE OF 5293.89 FEET; THENCE S.01°16'36"E., ALONG THE EAST LINE OF SAID SECTION 13, TOWNSHIP 20 SOUTH, RANGE 33 EAST, A DISTANCE OF 5294.30 FEET; THENCE S.01°13'54"E., ALONG THE EAST LINE OF SAID SECTION 24, TOWNSHIP 20 SOUTH, RANGE 33 EAST, A DISTANCE OF 2646.95 FEET; THENCE S.00°53'46"E., ALONG SAID EAST LINE, A DISTANCE OF 239.56 FEET; THENCE S.78°21'43"W., ALONG THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 5363.68 FEET; THENCE N.01°25'09"W., ALONG THE WEST LINE OF SAID SECTION 24, A DISTANCE OF 3855.27 FEET; THENCE N.01°24'38"W., ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 2677.98 FEET; THENCE N.01°24'50"W., ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 2678.13 FEET; THENCE N.01°19'06"W., A DISTANCE OF 5291.20 FEET; THENCE N.00°16'57"E., ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 5428.92 FEET; THENCE S.89°02'45"W., ALONG THE SOUTH LINE OF SAID SECTION 36, TOWNSHIP 19 SOUTH, RANGE 33 EAST, A DISTANCE OF 66.00 FEET; THENCE N.01°41'37"W., ALONG THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 4329.42 FEET; THENCE S.61°42'29"W., ALONG THE NORTH LINE OF THE ABANDONED FLORIDA EAST COAST RAILROAD, OKEECHOBEE BRANCH, A DISTANCE OF 1028.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2815.48 FEET; A CENTRAL ANGLE OF 24°56'00", A CHORD BEARING OF S.74°10'29"W., AND A CHORD DISTANCE OF 1215.56 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH LINE, A DISTANCE OF 1225.21 FEET; THENCE S.86°38'29"W., ALONG SAID NORTH LINE, A DISTANCE OF 4556.64 FEET; THENCE DEPARTING SAID NORTH LINE, RUN N.02°44'27"W., A DISTANCE OF 598.14 FEET; THENCE S.88°45'51"W., A DISTANCE OF 1310.92 FEET; THENCE S.02°11'09"E., A DISTANCE OF 646.80 FEET TO THE NORTH LINE OF SAID ABANDONED FLORIDA EAST COAST RAILROAD; THENCE RUN ALONG SAID NORTH LINE THE FOLLOWING COURSES AND DISTANCES: S.86°38'29"W., A DISTANCE OF 6813.36 FEET; THENCE N.01°01'04"W., A DISTANCE OF 50.04 FEET; THENCE S.86°38'29"W., A DISTANCE OF 1544.36 FEET; THENCE DEPARTING SAID NORTH LINE, RUN N.64°20'17"W., A DISTANCE OF 4659.70 FEET; THENCE N.15°15'27"W., A DISTANCE OF 7492.89 FEET; THENCE N.15°51'21"W., A DISTANCE OF 829.94 FEET; THENCE N.18°46'59"W., A DISTANCE OF 814.16 FEET; THENCE N.18°53'10"W., A DISTANCE OF 697.30 FEET; THENCE N.70°10'39"W., A DISTANCE OF 1587.18 FEET; THENCE N.14°08'03" W., A DISTANCE OF 3697.19 FEET; THENCE N.40°29'10"W., A DISTANCE OF 935.94 FEET; THENCE N.66°49'47"W., A DISTANCE OF 617.13 FEET; THENCE N.84°07'40"W., A DISTANCE OF 143.78 FEET; THENCE N.00°51'37"W., ALONG THE WEST LINE OF SAID SECTION 18, TOWNSHIP 19 SOUTH, RANGE 33 EAST, A

DISTANCE OF 1269.62 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18; THENCE N.45°02'00"E., A DISTANCE OF 28.62 FEET TO THE EAST RIGHT OF WAY LINE OF PELL ROAD, AS SHOWN ON THE PLAT OF THE FLORIDA HOMELAND COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 4, PAGES 107 AND 108 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N.00°42'24"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1326.20 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.89°24'02"E., ALONG THE SOUTH LINE OF LOT 8, BLOCK 3, SAID THE FLORIDA HOMELAND COMPANY SUBDIVISION, A DISTANCE OF 625.17 FEET; THENCE S.00°25'01"W., ALONG THE WEST LINE OF LOT 11, SAID BLOCK 3, A DISTANCE OF 1308.11 FEET; THENCE N.89°41'36"E., ALONG THE MAINTAINED NORTH RIGHT OF WAY LINE OF MAYTOWN ROAD, A DISTANCE OF 325.88 FEET; THENCE N.00°16'19"E., ALONG THE EAST LINE OF SAID LOT 11, A DISTANCE OF 1309.72 FEET; THENCE S.89°24'02"W., ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 322.59 FEET; THENCE N.00°25'01"E., ALONG THE WEST LINE OF LOT 6, SAID BLOCK 3, A DISTANCE OF 1330.61 FEET; THENCE N.89°26'32"E., ALONG THE NORTH LINE OF LOTS 4, 5 AND 6, SAID BLOCK 3, A DISTANCE OF 957.64 FEET; THENCE S.00°01'06"E., ALONG THE EAST LINE OF LOT 3, SAID BLOCK 3, A DISTANCE OF 1329.77 FEET; THENCE N.89°03'10"E., ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 322.60 FEET; THENCE N.00°09'47"W., ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 671.28 FEET; THENCE N.89°23'32"E., ALONG THE SOUTH LINE OF LOT 1, SAID BLOCK 3, A DISTANCE OF 626.76 FEET; THENCE S.00°27'15"E., ALONG THE EAST LINE OF LOTS 2, 15 AND 16, SAID BLOCK 3, A DISTANCE OF 1986.79 FEET; THENCE N.89°00'34"E., ALONG THE MAINTAINED NORTH RIGHT OF WAY LINE OF SAID MAYTOWN ROAD, A DISTANCE OF 30.00 FEET; THENCE N.00°27'15"W., ALONG THE WEST LINE OF LOTS 9 AND 10, BLOCK 4, SAID THE FLORIDA HOMELAND COMPANY SUBDIVISION, A DISTANCE OF 1313.30 FEET; THENCE N.89°06'34"E., ALONG THE SOUTH LINE OF LOT 8, SAID BLOCK 4, A DISTANCE OF 636.07 FEET; THENCE N.00°34'02"W., ALONG THE WEST LINE OF LOT 6, SAID BLOCK 4, A DISTANCE OF 1325.28 FEET; THENCE N.89°26'32"E., ALONG THE NORTH LINE OF LOTS 5 AND 6, SAID BLOCK 4, A DISTANCE OF 648.45 FEET; THENCE S.00°40'49"E., ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 1325.46 FEET; THENCE N.89°17'09"E., ALONG THE SOUTH LINE OF LOT 4, SAID BLOCK 4, A DISTANCE OF 325.53 FEET; THENCE N.00°44'14"W., ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 1108.58 FEET; THENCE DEPARTING SAID EAST LINE, RUN S.89°26'32"W., A DISTANCE OF 159.50 FEET; THENCE N.00°44'25"W., A DISTANCE OF 72.00 FEET; THENCE N.89°26'32"E., A DISTANCE OF 159.50 FEET; THENCE N.00°44'14"W., ALONG THE EAST LINE OF LOT 4, SAID BLOCK 4 AND LOT 13, BLOCK 1, SAID THE FLORIDA

HOMELAND COMPANY SUBDIVISION, A DISTANCE OF 1121.41 FEET; THENCE DEPARTING SAID EAST LINE, RUN S.89°28'17"W., A DISTANCE OF 150.00 FEET; THENCE N.00°44'14"W., A DISTANCE OF 144.00 FEET; THENCE N.89°28'17"E., A DISTANCE OF 150.00 FEET; THENCE N.00°44'14"W., ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 231.00 FEET; THENCE S.89°28'17"W., ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 163.88 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.00°40'51"E., A DISTANCE OF 144.00 FEET; THENCE S.89°28'18"W., A DISTANCE OF 159.00 FEET; THENCE S.00°40'51"E., ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 159.00 FEET; THENCE DEPARTING SAID WEST LINE, RUN S.89°28'18"W., A DISTANCE OF 161.59 FEET; THENCE N.00°39'09"W., A DISTANCE OF 72.00 FEET; THENCE S.89°28'18"W., A DISTANCE OF 161.56 FEET; THENCE S.00°37'27"E., ALONG THE WEST LINE OF LOT 12, SAID BLOCK 1, A DISTANCE OF 288.00 FEET; THENCE DEPARTING SAID WEST LINE, RUN S.89°28'18"W., A DISTANCE OF 323.39 FEET; THENCE S.00°34'01"E., ALONG THE WEST LINE OF LOT 11, SAID BLOCK 1, A DISTANCE OF 443.90 FEET; THENCE DEPARTING SAID WEST LINE, RUN N.89°26'32"E., A DISTANCE OF 161.92 FEET; THENCE S.00°35'44"E., A DISTANCE OF 360.00 FEET; THENCE S.89°26'32"W., ALONG THE SOUTH LINE OF SAID LOT 11, AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 3344.00 FEET; THENCE N00°51'35"W., ALONG THE EAST RIGHT OF WAY LINE OF SAID PELL ROAD, A DISTANCE OF 2664.12 FEET; THENCE N.00°35'21"W., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.89°30'05"E., ALONG THE SOUTH LINE OF LOT 10, BLOCK 3, SAID THE FLORIDA HOMELAND COMPANY SUBDIVISION, A DISTANCE OF 623.13 FEET; THENCE N.00°32'27"W., ALONG THE EAST LINE OF SAID LOT 10, A DISTANCE OF 679.03 FEET; THENCE S.89°32'56"W., ALONG THE NORTH LINE OF SAID LOT 10, A DISTANCE OF 623.71 FEET; THENCE N.00°35'21"W., ALONG THE EAST RIGHT OF WAY LINE OF SAID PELL ROAD, A DISTANCE OF 4896.87 FEET; THENCE N.00°16'47"W., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2635.06 FEET; THENCE N.00°27'14"W., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2664.46 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.89°31'48"E., ON A LINE 20.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 31, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 2506.48 FEET; THENCE N.89°14'45"E., ALONG SAID OFFSET LINE, A DISTANCE OF 2639.57 FEET; THENCE N.00°32'50"W., ALONG THE EAST LINE OF SAID SECTION 31, A DISTANCE OF 20.00 FEET; THENCE N.89°20'42"E., ALONG THE NORTH LINE OF SAID SECTION 32, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 2644.02 FEET; THENCE N.89°19'32"E., ALONG SAID NORTH LINE, A DISTANCE OF 2643.63 FEET; THENCE N.00°32'48"

W., ALONG THE WEST LINE OF SAID SECTION 28, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 2661.94 FEET; THENCE N.01°17'00"W., ALONG SAID WEST LINE, A DISTANCE OF 2653.26 FEET; THENCE N.89°25'34"E., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 5328.95 FEET; THENCE N.88°47'55"E., ALONG THE NORTH LINE OF SAID SECTION 27, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 2625.74 FEET; THENCE N.00°07'47"W., ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 22, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 5282.93 FEET; THENCE N.00°28'00"W., ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 15, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 5317.13 FEET; THENCE S.88°57'39"W., ALONG THE SOUTH LINE OF SAID SECTION 10, TOWNSHIP 18 SOUTH, RANGE 33 EAST, A DISTANCE OF 2667.85 FEET; THENCE N.00°24'16"W., ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 5338.90 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

SECTION 37, TOWNSHIP 21 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 37, AS THE POINT OF BEGINNING; RUN S.00°44'05"E., ALONG THE EAST LINE OF SAID SECTION 37, A DISTANCE OF 2705.45 FEET; THENCE S.78°54'18"W., ALONG THE SOUTH LINE OF SAID SECTION 37, A DISTANCE OF 3990.70 FEET; THENCE N.08°52'58"W., ALONG THE WEST LINE OF SAID SECTION 37, A DISTANCE OF 3440.28 FEET; THENCE N.89°02'14"E., ALONG THE NORTH LINE OF SAID SECTION 37, A DISTANCE OF 4413.26 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS

EXCEPTION NO. 1

A PART OF SECTION 3, TOWNSHIP 18 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 3, RUN N.89°01'41"E., ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 4619.16 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE, RUN N.00°20'09"W., A DISTANCE OF 330.00 FEET; THENCE N.89°01'41"E., A DISTANCE OF 660.00 FEET; THENCE S.00°20'09"E., ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 330.00 FEET; THENCE S.89°01'41"W., ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 2

A PART OF AN UN-NUMBERED LOT IN FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 19 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, RUN N. 89°21'35"E., ALONG THE NORTH LINE OF SAID SECTION 18, A DISTANCE OF 1586.56 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.00°38'25"E., A DISTANCE OF 247.27 FEET TO THE POINT OF BEGINNING; THENCE S.00°51'37"E., A DISTANCE OF 100.00 FEET; THENCE N.89°49'16"W., A DISTANCE OF 50.00 FEET; THENCE N.00°51'37"W., ALONG THE EAST RIGHT OF WAY OF SEVENTH STREET, A 60 FOOT RIGHT OF WAY, A DISTANCE OF 100.0 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY, RUN S.89°49'16"E., A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

LOTS 16, 17 AND 18, BLOCK 6, FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOTS 38, 39 AND 40, BLOCK 7, FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOT 14, BLOCK 14, FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOTS 1 AND 2, BLOCK 16, FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOT 4, BLOCK 26, FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LOT 15, BLOCK 27, FARMTON, FLORIDA, AS RECORDED IN MAP BOOK 5, PAGE 44, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTION NO. 3

LOT 14, BLOCK 4, THE FLORIDA HOMELAND COMPANY SUB-DIVISION, AS RECORDED IN MAP BOOK 4, PAGE 108, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, RUN N.00°31'38"W., ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 1328.06 FEET; THENCE DEPARTING SAID EAST LINE, RUN S.89°08'48"W., A DISTANCE OF 661.36 FEET TO THE POINT OF BEGINNING; THENCE S.00°34'30"E., ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 1307.17 FEET; THENCE S.89°03'01"W., ALONG THE SOUTH LINE OF SAID LOT 14, A DISTANCE OF 330.14 FEET; THENCE N.00°35'56"W., ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 1309.72 FEET; THENCE N.89°08'48"E., ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 330.68 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 4

LOTS 1 THROUGH 8, BLOCK 1, THE FLORIDA HOMELAND COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 4, PAGE 106 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, AS THE POINT OF BEGINNING, RUN S.88°58'21"W., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 2640.30 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.00°23'46"E., A DISTANCE OF 1322.07 FEET; THENCE N.88°49'19"E., A DISTANCE OF 2644.80 FEET; THENCE N.00°35'19"W., ALONG THE EAST LINE OF SAID SECTION 16, A DISTANCE OF 1315.07 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 5

A PART OF SECTION 21, TOWNSHIP 19 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 21, RUN S.01°38'18"E., ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 1332.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.01°38'18"E., ALONG SAID EAST LINE, A DISTANCE OF 1332.77 FEET; THENCE DEPARTING SAID EAST LINE, RUN S.89°12'21"W., A DISTANCE OF 1322.23 FEET; THENCE N.01°38'54"W., A DISTANCE OF 266.47 FEET; THENCE S.88°45'38"W., A DISTANCE OF 495.81 FEET; THENCE N.01°39'08"W., A DISTANCE OF 1056.03 FEET; THENCE N.88°45'38"E., A DISTANCE OF 1818.24 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 6

A PART OF SECTION 23, TOWNSHIP 19 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 23, RUN S.88°11'09"W., ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 2780.32 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.00°56'58"E., A DISTANCE OF 1085.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°56'58"E., A DISTANCE OF 681.07 FEET; THENCE N.89°05'01"E., A DISTANCE OF 1001.22 FEET; THENCE N.89°06'09"E., A DISTANCE OF 300.03 FEET; THENCE S.01°55'57"E., A DISTANCE OF 439.89 FEET; THENCE S.01°56'44"E., A DISTANCE OF 906.89 FEET; THENCE S.89°04'18"W., A DISTANCE OF 1113.72 FEET; THENCE S.88°58'55"W., A DISTANCE OF 210.24 FEET; THENCE S.89°03'22"W., A DISTANCE OF 1368.56 FEET; THENCE N.00°30'21"W., A DISTANCE OF 1351.23 FEET; THENCE N.89°02'05"E., A DISTANCE OF 566.61 FEET; THENCE N.01°03'27"W., A DISTANCE OF 676.51 FEET; THENCE N.89°01'31"E., A DISTANCE OF 792.16 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 7

A PART OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 30, RUN N.88°38'58"E., ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 2325.54 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.00°29'58"E., A DISTANCE OF 1326.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°29'58"E., A DISTANCE OF 971.19 FEET TO THE APPROXIMATE NORTH LINE OF THE MAINTAINED LIMITS OF MAYTOWN ROAD; THENCE RUN ALONG SAID NORTH LINE THE FOLLOWING COURSES AND DISTANCES: S.60°50'17"W., A DISTANCE OF 23.44 FEET; THENCE S.62°08'15"W., A DISTANCE OF 13.51 FEET; THENCE S.65°22'54"W., A DISTANCE OF 97.90 FEET; THENCE S.65°14'29"W., A DISTANCE OF 100.78 FEET; THENCE S.65°10'43"W., A DISTANCE OF 99.18 FEET; THENCE S.65°11'19"W., A DISTANCE OF 101.03 FEET; THENCE S.64°13'44"W., A DISTANCE OF 100.23 FEET; THENCE S.63°37'08"W., A DISTANCE OF 100.05 FEET; THENCE S.65°25'48"W., A DISTANCE OF 99.13 FEET; THENCE S.64°59'58"W., A DISTANCE OF 100.01 FEET; THENCE S.66°00'09"W., A DISTANCE OF 10.72 FEET; THENCE DEPARTING SAID NORTH LINE, RUN N.00°38'53"W., A DISTANCE OF 1315.32 FEET; THENCE N.88°46'16"E., A DISTANCE OF 771.72 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 8

A PART OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 30, RUN N.88°38'58"E., ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 2325.54 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.00°29'58"E., A DISTANCE OF 2483.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°29'58"E.,

A DISTANCE OF 170.55 FEET; THENCE S.88°53'38"W., A DISTANCE OF 364.92 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 6182, PAGE 1994 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: N.61°42'29"E., A DISTANCE OF 161.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1858.83 FEET, A CENTRAL ANGLE OF 07°29'26", A CHORD BEARING OF N.65°27'03" E., AND A CHORD DISTANCE OF 242.84 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 243.01 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 9

A PART OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 30, RUNS.89°08'28"W., ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 1324.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°08'28"W., ALONG SAID SOUTH LINE, A DISTANCE OF 937.17 FEET TO THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 6182, PAGE 1994 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: N.39°55'34"W., A DISTANCE OF 607.41 FEET; THENCE N.00°21'04"W., A DISTANCE OF 78.48 FEET; THENCE N.39°55'34"W., A DISTANCE OF 471.26 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 5829.65 FEET, A CENTRAL ANGLE OF 05°25'05", A CHORD BEARING OF N.42°38'07"W., AND A CHORD DISTANCE OF 551.07 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 551.27 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.89°01'06"E., A DISTANCE OF 1994.48 FEET; THENCE S.00°22'59"E., A DISTANCE OF 1331.25 FEET TO THE POINT OF BEGINNING.

EXCEPTION NO. 10

A PART OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 30, RUNS.89°08'28"W., ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 2390.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°08'28"W., A DISTANCE OF 258.18 FEET; THENCE N.00°21'04"W., A DISTANCE OF 314.64 FEET TO THE WEST RIGHT OF WAY LINE OF THE FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL AS DESCRIBED IN OFFICIAL RECORDS BOOK 6182, PAGE 1994 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S.39°55'34"E., ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 405.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 52,240.415 ACRES, MORE OR LESS.

LAND IN BREVARD COUNTY, FLORIDA:

SECTIONS 4, 5, 6, 7, 8, A PART OF SECTION 9, SECTIONS 15, 16, 17, 18, 19, 20, 21, AND 42, TOWNSHIP 20 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA.

TOGETHER WITH

SECTION 37, TOWNSHIP 21 SOUTH, RANGE 34 EAST, BREVARD COUNTY, FLORIDA.

TOGETHER WITH

A PART OF THE WISCONSIN FLORIDA FRUIT LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 43, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH

A PART OF LOTS 3, 5 AND 6, PABLO FONTAINE GRANT, AS RECORDED IN DEED BOOK D, PAGE 525 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 6, AS THE POINT OF BEGINNING, RUN N.89°01'51"E., ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 5623.75 FEET; THENCE N.89°03'20"E., ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 5412.49 FEET; THENCE N 89°03'20" E., ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 3099.33 FEET; THENCE S.11°54'09"E., ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 5680.76 FEET; THENCE S.89°32'42"W., ALONG THE SOUTH LINE OF SAID SECTION 4, A DISTANCE OF 3172.78 FEET TO THE WEST RIGHT OF WAY LINE OF THE FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5838, PAGE 949 OF

THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S.39°55'34"E., A DISTANCE OF 3846.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 5779.97 FEET, A CENTRAL ANGLE OF 12°13'18", A CHORD BEARING OF S.46°02'13"E., AND A CHORD DISTANCE OF 1230.57 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1232.91 FEET; THENCE S.52°08'52"E., A DISTANCE OF 752.99 FEET; THENCE S.10°15'13"E., A DISTANCE OF 74.88 FEET; THENCE S.52°08'52"E., A DISTANCE OF 768.74 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN N.37°51'08"E., A DISTANCE OF 200.00 FEET TO THE EAST RIGHT OF WAY LINE OF SAID FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.78°47'48"E., A DISTANCE OF 787.00 FEET; THENCE N.11°13'33"W., A DISTANCE OF 411.40 FEET TO THE SOUTH LINE OF TRACT 20, LOT 3, SAID WISCONSIN FLORIDA FRUIT LAND COMPANY SUBDIVISION; THENCE N.78°47'48"E., ALONG SAID SOUTH LINE, A DISTANCE OF 7.49 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N.11°13'33"W., A DISTANCE OF 358.60 FEET TO THE NORTH LINE OF SAID TRACT 20; THENCE N.78°47'48"E., ALONG SAID NORTH LINE, A DISTANCE OF 281.51 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S.11°13'33"E., A DISTANCE OF 358.60 FEET; THENCE N.78°47'48"E., ALONG THE SOUTH LINE OF SAID TRACT 20, AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 593.02 FEET; THENCE N.11°13'33"W., ALONG THE WEST LINE OF TRACT 19, LOT 4, SAID WISCONSIN FLORIDA FRUIT LAND COMPANY SUBDIVISION A DISTANCE OF 358.61 FEET; THENCE N.78°46'27"E., ALONG THE NORTH LINE OF SAID TRACT 19 AND THE EASTERLY EXTENSION THEREOF A DISTANCE OF 2732.89 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2827.00 FEET, A CENTRAL ANGLE OF 18°15'36", A CHORD BEARING OF N.55°04'18"E., AND A CHORD DISTANCE OF 897.15 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 900.96 FEET; THENCE N.13°57'49"W., A DISTANCE OF 622.94 FEET; THENCE N.76°02'11"E., A DISTANCE OF 660.00 FEET; THENCE N.13°57'49"W., A DISTANCE OF 660.00 FEET; THENCE N.76°02'11"E., A DISTANCE OF 1197.71 FEET TO THE WEST RIGHT OF WAY LINE OF INTERSTATE NO. 95 (STATE ROAD NO. 9) A VARIABLE WIDTH RIGHT OF WAY; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S.00°56'45"E., A DISTANCE OF 774.37 FEET; THENCE S.20°13'31"W., A DISTANCE OF 223.71 FEET; THENCE S.46°46'41"W., A DISTANCE OF 99.90 FEET; THENCE S.43°13'19"E., A DISTANCE OF 200.00 FEET; THENCE N.46°46'41"E., A DISTANCE OF 99.90 FEET; THENCE S.80°07'53"E., A DISTANCE OF 125.07 FEET; THENCE S.27°55'01"E., A DISTANCE OF 470.63 FEET; THENCE

DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.72°14'16"W., A DISTANCE OF 623.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.62°45'44" W., AND A CHORD DISTANCE OF 35.36 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.27 FEET; THENCE N.17°45'44"W., ALONG THE EAST RIGHT OF WAY LINE OF JABEZ ROAD, AN 80 FOOT RIGHT OF WAY AS SHOWN ON ROAD PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 280.00 FEET; THENCE S.46°46'41"W., ALONG THE SOUTH RIGHT OF WAY LINE OF STUCKWAY ROAD, AS SHOWN ON SAID ROAD PLAT BOOK 1, PAGE 2, A DISTANCE OF 88.67 FEET; THENCE N.43°14'51"W., ALONG THE WEST RIGHT OF WAY LINE OF SAID STUCKWAY ROAD, A DISTANCE OF 99.89 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.46°46'11"W., A DISTANCE OF 225.78 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 4075.00 FEET, A CENTRAL ANGLE OF 07°32'43", A CHORD BEARING OF S.67°23'35" W., AND A CHORD DISTANCE OF 536.24 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 536.63 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2552.00 FEET, A CENTRAL ANGLE OF 35°30'01", A CHORD BEARING OF S.53°24'56" W., AND A CHORD DISTANCE OF 1556.03 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1581.21 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 3731.00 FEET, A CENTRAL ANGLE OF 17°34'22", A CHORD BEARING OF S.44°27'06" W., AND A CHORD DISTANCE OF 1139.83 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1144.31 FEET; THENCE S.78°46'27"W., ALONG THE SOUTH LINE OF TRACT 24, LOT 4, SAID WISCONSIN FLORIDA FRUIT LAND COMPANY SUBDIVISION, A DISTANCE OF 182.60 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 3656.00 FEET, A CENTRAL ANGLE OF 00°48'39", A CHORD BEARING OF S.56°13'36"W., AND A CHORD DISTANCE OF 51.73 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 51.73 FEET; THENCE S.25°12'07"W., A DISTANCE OF 453.84 FEET; THENCE S.78°46'27"W., ALONG THE SOUTH LINE OF TRACT 26, LOT 4, SAID WISCONSIN FLORIDA FRUIT LAND COMPANY SUBDIVISION, A DISTANCE OF 1095.41 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN S.78°47'48" W., A DISTANCE OF 289.01 FEET; THENCE S.11°13'33"E., A DISTANCE OF 385.00 FEET; THENCE S.78°47'48"W., A DISTANCE OF 363.42 FEET TO THE EAST RIGHT OF WAY LINE OF SAID FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S.37°51'08" W., A DISTANCE OF 200.00 FEET TO THE WEST RIGHT OF WAY

LINE OF SAID FLORIDA EAST CENTRAL REGIONAL RAIL TRAIL; THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCE: S.52°08'52"E., A DISTANCE OF 2493.38 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2765.08 FEET, A CENTRAL ANGLE OF 27°56'49", A CHORD BEARING OF S.38°10'27" E., AND A CHORD DISTANCE OF 1335.38 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1348.71 FEET; THENCE S.24°12'03"E., A DISTANCE OF 1275.04 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, RUN S.78°50'28"W., ALONG THE SOUTH LINE OF SAID LOT 5, PABLO FONTAINE GRANT AND THE SOUTH LINE OF SAID SECTIONS 15, 16 AND 21, A DISTANCE OF 7857.48 FEET; THENCE S.17°07'37"E., ALONG THE WEST RIGHT OF WAY LINE OF A 40 FOOT UN-NAMED ROAD ADJACENT TO THE WEST LINE OF SECTION 5 OF INDIAN RIVER PARK, A SUBDIVISION RECORDED IN MAP BOOK 2, PAGE 33, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 4960.58 FEET; THENCE S.78°54'29"W., ALONG THE NORTH RIGHT OF WAY LINE OF A 30 FOOT UN-NAMED ROAD ADJACENT TO THE NORTH LINE OF LOT 1, BLOCK 1, SECTION 13, SAID INDIAN RIVER PARK, A DISTANCE OF 639.82 FEET; THENCE S.16°49'23"E., ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 681.19 FEET; THENCE N.78°54'29"E., ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 639.94 FEET; THENCE S.16°49'23"E., ALONG THE WEST RIGHT OF WAY LINE OF A 40 FOOT UN-NAMED ROAD ADJACENT TO THE WEST LINE OF SECTION 14 OF SAID INDIAN RIVER PARK, A DISTANCE OF 646.01 FEET; THENCE S.78°54'29" W., ALONG THE NORTH RIGHT OF WAY LINE OF A 30 FOOT UN-NAMED ROAD ADJACENT TO THE NORTH LINE OF LOTS 1 AND 2, BLOCK 4, SAID SECTION 13 OF INDIAN RIVER PARK, A DISTANCE OF 1299.95 FEET; THENCE S.16°49'27"E., ALONG THE WEST LINE OF LOTS 2 AND 7, BLOCK 4, SAID SECTION 13, AND THE NORTHERLY AND SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1336.73 FEET; THENCE S.17°01'13" E., ALONG THE WEST LINE OF LOTS 2 AND 7, BLOCK 5, SAID SECTION 13, AND LOTS 2 AND 7, BLOCK 8, SAID SECTION 13, AND THE NORTHERLY AND SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 2638.61 FEET; THENCE S.16°54'12"E., ALONG THE WEST LINE OF LOTS 2 AND 7, BLOCK 1, SECTION 24 OF SAID INDIAN RIVER PARK, LOT 2, BLOCK 4, SAID SECTION 24, AND THE NORTHERLY AND SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1978.54 FEET; THENCE N.78°54'29"E., ALONG THE SOUTH LINE OF LOTS 1 AND 2, BLOCK 4, SAID SECTION 24, A DISTANCE OF 1299.97 FEET; THENCE S. 16°54'12"E., ALONG THE WEST RIGHT OF WAY LINE OF A 40 FOOT UN-NAMED ROAD ADJACENT TO THE WEST LINE OF LOT 5, BLOCK 3, SECTION 23 OF SAID INDIAN RIVER PARK, A DISTANCE OF 647.24 FEET;

THENCE S.78°54'29"W., ALONG THE NORTH RIGHT OF WAY LINE OF A 30 FOOT UN-NAMED ROAD ADJACENT TO THE NORTH LINE OF LOTS 1 AND 2, BLOCK 5, SAID SECTION 24, A DISTANCE OF 1299.95 FEET; THENCE S.16°50'34"E., ALONG THE WEST LINE OF LOTS 2 AND 7, BLOCK 5, SAID SECTION 24, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 1319.91 FEET; THENCE S.78°54'23"W., ALONG THE NORTH RIGHT OF WAY LINE OF A 30 FOOT UN-NAMED ROAD ADJACENT TO THE NORTH LINE OF LOTS 3 AND 4, BLOCK 8, SAID SECTION 24, A DISTANCE OF 1319.08 FEET; THENCE S.16°53'42"E., ALONG THE CENTERLINE OF A VACATED 30 FOOT UN-NAMED ROAD ADJACENT TO THE WEST LINE OF LOT 4, BLOCK 8, SAID SECTION 24, A DISTANCE OF 675.25 FEET; THENCE N.78°47'52"E., ALONG THE SOUTH LINE OF LOTS 1, 2, 3, AND 4, BLOCK 8, SAID SECTION 24, A DISTANCE OF 2619.74 FEET; THENCE S.16°53'42"E., ALONG THE WEST RIGHT OF WAY LINE OF A 40 FOOT UN-NAMED ROAD ADJACENT TO THE WEST LINE OF LOT 5, BLOCK 7, SAID SECTION 23, A DISTANCE OF 660.04 FEET; THENCE S.78°54'23" W., ALONG THE SOUTH LINE OF SAID SECTION 42, TOWNSHIP 20 SOUTH, RANGE 34 EAST, A DISTANCE OF 2621.35 FEET; THENCE S.78°51'19"W., ALONG THE SOUTH LINE OF SAID SECTION 42, AND THE SOUTH LINE OF SAID SECTION 37, TOWNSHIP 21 SOUTH, RANGE 34 EAST, A DISTANCE OF 2644.18 FEET; THENCE S.78°54'18"W., ALONG SAID SOUTH LINE, A DISTANCE OF 12476.74 FEET; THENCE N.00°44'05"W., ALONG THE WEST LINE OF SAID SECTION 37, TOWNSHIP 21 SOUTH, RANGE 34 EAST, A DISTANCE OF 2705.45 FEET; THENCE N.01°11'54"W., ALONG THE WEST LINE OF SAID SECTION 42, A DISTANCE OF 10597.53 FEET; THENCE N.00°53'46"W., ALONG THE WEST LINE OF SAID SECTION 42, A DISTANCE OF 2407.41 FEET; THENCE N.00°53'46"W., ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 239.56 FEET; THENCE N.01°13'54" W., ALONG SAID WEST LINE, A DISTANCE OF 2646.95 FEET; THENCE N.01°16'36"W., ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 5294.30 FEET; THENCE N.01°03'19"W., ALONG THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 5293.89 FEET; THENCE N.00°47'08"W., ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 5460.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,894.585 ACRES, MORE OR LESS.

CONTAINING A TOTAL AREA OF 64,135.00 ACRES, PLUS OR MINUS.

Being subject to any rights-of-way, restrictions, and easements of record.

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 after the effective date of this act, 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 of general circulation in the District, the last day of such publication to be not fewer than 14 days nor 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 three candidates receiving the highest number of votes shall each be elected for terms expiring November 17, 2024, and the two candidates receiving the next highest number of votes shall each be elected for terms expiring November 20, 2022, 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 2022. 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 before 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 2020 shall serve a 4-year term.

(3)(a)1. The board may not exercise the ad valorem taxing 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, 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 of the qualified elector population thresholds set forth below, shall be as follows:

(I) Once 15,022 qualified electors reside within the District, one governing board member shall be a person who is a qualified elector of the District and who was elected by the qualified electors, and four governing board members shall be persons who were elected by the landowners.

(II) Once 30,044 qualified electors reside within the District, two governing board members shall be persons who are qualified electors of the District and who were elected by the qualified electors, and three governing board members shall be persons who were elected by the landowners.

(III) Once 45,066 qualified electors reside within the District, three governing board members shall be persons who are qualified electors of the District and who were elected by the qualified electors and two governing board members shall be persons who were elected by the landowners.

(IV) Once 60,088 qualified electors reside within the District, four governing board members shall be persons who are qualified electors of the District and who were elected by the qualified electors and one governing board member shall be a person who was elected by the landowners.

(V) Once 75,110 qualified electors reside within the District, all five governing board members shall be persons who are qualified electors of the District and who were elected by the qualified electors.

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 of each election year, the board shall determine the 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 Brevard and Volusia Counties 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. All governing board members elected by qualified electors shall reside in the District.

e. 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. The board shall adopt a resolution, if necessary, to implement this requirement. The transition process described herein is intended to be in lieu of the process set forth in s. 189.041, Florida Statutes.

(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 s. 99.061, Florida Statutes.

(d) The supervisor of elections in the respective counties 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 board 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 s. 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. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill each vacancy by an appointment for the remainder of the unexpired term.

(5) Any elected member of the board of supervisors 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 Deering Park 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 either Brevard County, Volusia County, or the City of Edgewater.

(9) Each supervisor shall receive travel and per diem expenses as set forth in s. 112.061, Florida Statutes; however, a supervisor is not entitled to receive compensation for his or her services in excess of the limits established in s. 190.006(8), Florida Statutes, or any successor statute.

(10) All meetings of the board shall be open to the public and governed by 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 or constitute an abuse of public position 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 in accordance with the requirements of general law.

(3) PUBLIC DEPOSITORY.—The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 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 once a week for 2 consecutive weeks in a newspaper of general circulation in the District, except that the first publication shall be no 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 Board of County Commissioners of Brevard County, to the County Council of Volusia County, and to the City Council of the City of Edgewater, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year, and each county and the city 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 a public facilities report to the Board of County Commissioners of Brevard County, to the County Council of Volusia County, and to the City Council of the City of Edgewater pursuant to general law. Each county and the city may use and rely on the District's public facilities report in the preparation or revision of their comprehensive plans.

(5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC ACCESS.—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 District shall file the disclosure documents required by this subsection and any amendments thereto in the property records of each county in which the District is located. By the end of the first full fiscal year of the District's creation, the District shall maintain an official Internet website in accordance with s. 189.069, Florida Statutes.

(6) GENERAL POWERS.—The District shall have, and the board may exercise, the following general powers:

(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 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.

(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 the 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, Volusia County, or the City of Edgewater, 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 provided herein; 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 to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(k) To exercise all powers of eminent domain now or hereafter conferred on counties in this state; provided, however, that such power of eminent domain may not be exercised outside the territorial limits of the District unless the District receives prior approval by vote of a resolution of the governing body of the county if the taking will occur in an unincorporated area in that county, or the governing body of the city if the taking will occur in an incorporated area. The District shall not have the power to exercise eminent domain over municipal, county, state, or federal property. The powers hereinabove granted to the District shall be so construed to enable the District to fulfill the objects and purposes of the District as set forth in this act.

(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 s. 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, at the discretion of the District, may be collected and enforced pursuant to the provisions of ss. 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. The District may levy such special assessments for the purposes enumerated in this act and to pay special assessments imposed by Brevard and Volusia Counties and the City of Edgewater on lands within the District.

(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, including any detailed specific area plan development order, or any interlocal service agreement with Brevard County, Volusia County, or the City of Edgewater for fair-share capital construction funding for any certain capital facilities or systems required of a 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 and limited purpose of the District authorized by this act.

The provisions of this subsection shall be construed liberally in order to carry out effectively the special and limited 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, general law regarding utility providers' territorial and service agreements, 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 and limited purpose of the District but do not constitute obligations to undertake such improvements, systems, facilities, services, works, projects, or infrastructure:

(a) To provide water management and control for the lands within the District, including irrigation systems and facilities, and to connect some or any of such facilities with roads and bridges. In the event that the board assumes the responsibility for providing water management and control for the District which is to be financed by benefit special assessments, the board shall adopt plans and assessments pursuant to law or may proceed to adopt water management and control plans, assess for benefits, and apportion and levy special assessments, as follows:

1. The board shall cause to be made by the District's engineer, or such other engineer or engineers as the board may employ for that purpose, complete and comprehensive water management and control plans for the lands located within the District that will be improved in any part or in whole by any system of facilities that may be outlined and adopted, and the engineer or engineers shall make a report in writing to the board with maps and profiles of said surveys and an estimate of the cost of carrying out and completing the plans.

2. Upon the completion of such plans, the board shall hold a hearing thereon to hear objections thereto, shall give notice of the time and place fixed for such hearing by publication once a week for 2 consecutive weeks in a newspaper of general circulation in the District, and shall permit the inspection of the plan at the office of the District by all persons interested. All objections to the plan shall be filed at or before the time fixed in the notice for the hearing and shall be in writing.

3. After the hearing, the board shall consider the proposed plan and any objections thereto and may modify, reject, or adopt the plan or continue the hearing until a day certain for further consideration of the proposed plan or modifications thereof.

4. When the board approves a plan, a resolution shall be adopted and a certified copy thereof shall be filed in the office of the secretary and incorporated by him or her into the records of the District.

5. The water management and control plan may be altered in detail from time to time until the engineer's report pursuant to s. 298.301, Florida Statutes, is filed but not in such manner as to affect materially the conditions of its adoption. After the engineer's report has been filed, no alteration of the plan shall be made, except as provided by this act.

6. Within 20 days after the final adoption of the plan by the board, the board shall proceed pursuant to s. 298.301, Florida Statutes.

(b) To provide water supply, sewer, wastewater, and reclaimed water management, reclamation, and reuse, or any combination thereof, and any irrigation systems, facilities, and services and to construct and operate water systems, sewer systems, irrigation systems, and reclaimed water systems such as 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 water, effluent, residue, or other byproducts of such water system, sewer system, irrigation system, or reclaimed water system and to enter into interlocal agreements and other agreements with public or private entities for the same; provided, however, that nothing herein shall impair or alter the provision of water, sewer, and reclaimed water within the City of Edgewater's utility service areas.

(c) To provide bridges, culverts, wildlife corridors, or road crossings 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 District or other roads equal to or exceeding the specifications of the county or the City of Edgewater in which such District or other roads are located, and to provide street lights. This special power includes, but is not limited to, roads, parkways, intersections, interchanges, bridges, landscaping, hardscaping, irrigation, bicycle lanes, sidewalks, jogging paths, multiuse pathways and trails, street lighting, traffic signals, regulatory or informational signage, road striping, underground conduit, underground cable or fiber or wire installed pursuant to an agreement with or tariff of a provider of services, and all other customary elements of a functioning modern road system in general or as tied to the conditions of development approval for the area within and without the District, and parking 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, autonomous vehicles, rail access, mass transit facilities, 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 observation areas, mitigation areas, wetland creation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(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, the County Council of Volusia County, or the City Council of the City of Edgewater or with any other applicable public or private entity, and is not inconsistent with the effective local comprehensive plans.

(i) To provide parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

(j) 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.

(k) To provide security, including electronic intrusion-detection systems and patrol cars, when authorized by proper governmental agencies, and may enter into a contract with the appropriate general-purpose local government agencies for an increased level of such services within the District boundaries.

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

(m) To enter into impact fee, mobility fee, or other similar credit agreements with Brevard County, Volusia County, or the City of Edgewater or other governmental bodies or a landowner or developer and to sell or assign such credits, on such terms as the District deems appropriate.

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

(o) To establish and create, at noticed meetings, such 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 members of 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 and limited 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.

(p) To provide electrical, sustainable, or green infrastructure improvements, facilities, and services, including, but not limited to, recycling of natural resources, reduction of energy demands, development and

generation of alternative or renewable energy sources and technologies, mitigation of urban heat islands, sequestration, capping or trading of carbon emissions or carbon emissions credits, United States Green Building Council LEED for Neighborhood Development and Energy Star or Florida Green Building Coalition Green Development Designation certification including other programs deemed comparable to the University of Florida Program for Resource Efficient Communities as well as the development of facilities and improvements for low-impact development or compact communities, and to enter into joint ventures, public-private partnerships, and other agreements, and to grant such easements as may be necessary to accomplish the foregoing. Nothing herein shall authorize the District to provide electric service to retail customers or otherwise act to impair electric utility franchise agreements.

(q) To provide for any facilities or improvements that may otherwise be provided for by any county or municipality, including, but not limited to, libraries, annexes, substations, and other buildings to house public officials, staff, and employees.

(r) To provide waste collection and disposal; provided, however, that nothing herein shall impair or alter the City of Edgewater's provision of solid waste management services within the city limits.

(s) To provide for the construction and operation of communications systems and related infrastructure for the carriage and distribution of communications services, and to enter into joint ventures, public-private partnerships, and other agreements and to grant such easements as may be necessary to accomplish the foregoing. "Communications systems" means all facilities, buildings, equipment, items, and methods necessary or desirable in order to provide communications services, including, without limitation, wires, cables, conduits, fiber, wireless cell sites, computers, modems, satellite antennae sites, transmission facilities, network facilities, and appurtenant devices necessary and appropriate to support the provision of communications services. "Communications services" includes, without limitation, Internet, voice telephone or similar services provided by voice-over-Internet protocol, cable television, data transmission services, electronic security monitoring services, and multi-channel video programming distribution services. Nothing herein shall authorize the District to provide communications services to retail customers or otherwise act to impair existing service provider franchise agreements. However, the District may contract with such providers for resale purposes, provided that the District complies with s. 350.81, Florida Statutes, when contracting for resale purposes.

(t) To provide health care facilities and to enter into public-private partnerships and agreements as may be necessary to accomplish the foregoing.

(u) To coordinate, work with, and, as the board deems appropriate, enter into interlocal agreements with any public or private entity for the provision of an institution or institutions of higher education.

(v) To coordinate, work with, and, as the board deems appropriate, enter into public-private partnerships and agreements as may be necessary or useful to effectuate the purposes of this act.

The enumeration of special powers herein shall not be deemed exclusive or restrictive but shall be deemed to incorporate all 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 purposes. Further, the provisions of this subsection shall be construed liberally in order to carry out effectively the special and limited purpose of the District under this act.

(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 are 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 or rates as the board may determine not to exceed the maximum rate allowed by general law, mature at such date or dates 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 are 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 may, at any time, 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 date or dates 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 or by covenanting to budget and appropriate from such funds. 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 at 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 paragraph (2)(i) of section 2; 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 s. 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 thereto.

(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 combination of 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 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 and the County Council of Volusia 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 counties 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 any one or more capital projects shall not defeat the approval of 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 that 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 s. 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 sub-subparagraphs a. and b.

(j) Bonds as legal investment or security.—

1. Notwithstanding provisions of 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. Further, the District is not exempt from the provisions of chapter 212, Florida Statutes.

(n) Application.—Bonds issued by the District shall meet the criteria set forth in s. 189.051, Florida Statutes.

(o) Act furnishes full authority for issuance of 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, construct, 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. In the event of a default or dissolution of the District, no general-purpose local government shall be required to assume the property of the District, the debts of the District, or the District's obligations to complete any infrastructure improvements or provide any services to the District. The provisions of s. 189.076(2), Florida Statutes, shall not apply to the District.

(11) TRUST AGREEMENTS.—Any issue of bonds shall be secured by a trust agreement or resolution 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.—At such time as 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, Art. 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 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 s. 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 of all future annual installments of such benefit special assessments and that the payment of which amount with respect to 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 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 owned 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 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 non-millage 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 tax collectors for Brevard and Volusia Counties and shall be extended on the tax rolls 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 tax collector 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 s. 197.363, s. 197.3631, or s. 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.—The board may 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 s. 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 in paragraph (2)(z) of section 2 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 s. 197.3631, Florida Statutes, as amended from time to time, by the tax collector pursuant to the provisions of ss. 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 or chapter 170, Florida Statutes, or chapter 197, Florida Statutes, as each may be amended from time to time, or otherwise, by a board of the District on property of a governmental entity that is subject to a ground lease as described in s. 190.003(14), 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 s. 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 special assessment methodology, and a preliminary roll based on acreage or platted lands, depending upon whether platting has occurred.

a. The special 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 special 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 special 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 of 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 special assessment roll shall be in accordance with the assessment methodology as may be adopted by the board of supervisors; the special 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 special assessment against such lot, parcel, acreage, or portion of land is to be paid in installments, the number of annual installments in which the special assessment is divided shall be entered into and shown upon the special assessment roll.

2. The board of supervisors of the District may determine and declare by an initial special assessment resolution to levy and assess the special 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 special 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 special assessment methodology, and the preliminary special assessment roll as referenced exhibits to the resolution by reference. If the board determines to declare and levy the special assessments by the initial special assessment resolution, the board shall also adopt and declare a notice resolution which shall provide and cause the initial special assessment resolution to be published once a week for 2 consecutive weeks in newspapers of general circulation in Brevard and Volusia Counties, 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 special 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 special 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 special assessment resolution with its attached, referenced, and incorporated engineer's cost report, preliminary special assessment methodology, and preliminary special 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 special 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 special assessment methodology, and the special assessment roll, the board of supervisors shall make a final decision on whether to levy and assess the particular special 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 special assessments and shall adjust and equalize the special assessments to ensure proper assessment based on the benefit conferred on the property.

4. When so equalized and approved by resolution or ordinance by the board of supervisors, to be called the final special assessment resolution, a final special assessment roll shall be filed with the clerk of the board and such special assessment shall stand confirmed and remain legal, valid, and binding first liens on the property against which such special 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 special 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 special 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 special 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 special 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 special assessments may be made payable in installments over no more than 40 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 s. 170.09, Florida Statutes, that provides that special 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 special assessments, whether imposed, levied, and collected pursuant to the provisions of this act or 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 paragraph (a) 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, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney 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. For purposes of s. 197.552, Florida Statutes, in addition to and not in limitation of such sale, 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 ss. 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 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 s. 197.542, Florida Statutes, as may be amended from time to time, 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 170, Florida Statutes, or chapter 173, Florida Statutes, and amendments thereto and the provisions of those chapters 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 170, Florida Statutes, or 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 facilities 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 s. 287.017, Florida Statutes, as amended from time to time, for category four, unless notice of bids shall be advertised once in newspapers of general circulation in Brevard and Volusia Counties. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of s. 255.20, Florida Statutes, as amended from time to time, 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 subsection 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, s. 287.055, Florida Statutes, 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 s. 287.017, Florida Statutes, as amended from time to time, 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 any 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 at least once and at least 10 days prior to such public hearing in newspapers of general circulation in Brevard and Volusia Counties. 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 are not paid as and when due and are in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney fees and costs, may be recovered by the District in a civil action.

(22) DISCONTINUANCE OF SERVICE.—If any rentals, fees, or other charges for District services or facilities 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 such services or facilities until such rentals, fees, or other charges, including interest, penalties, and other charges for the shutting off and discontinuance and the restoration of such services or facilities, 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 rentals, fees, or other charges, including interest, penalties, and other charges for the shutting off and discontinuance and the restoration of such services or facilities and reasonable attorney fees and other expenses, may be recovered by the District, which may also enforce payment of such delinquent rentals, fees, 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 s. 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 of supervisors of the District shall not ask the Legislature to repeal or amend this act to expand or to contract the boundaries of the District or otherwise cause the merger or termination of the District without first obtaining a resolution or official statement from Brevard and Volusia Counties and the City of Edgewater as required by s. 189.031(2)(e)4., Florida Statutes, for creation of an independent special district. The District's consent may be evidenced by a resolution or other official written statement of the District.

(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 s. 189.062, Florida Statutes.

(27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS.—

(a) The District may merge with one or more community development districts situated wholly within its boundaries. The District shall be the surviving entity of the merger. Any mergers shall commence upon each such community development district filing a written request for merger with the District. A copy of the written request shall also be filed with Brevard and Volusia Counties and the City of Edgewater. The District, subject to the direction of its board, shall enter into a merger agreement which shall provide for:

1. The proper allocation of debt;
2. The manner in which such debt shall be retired;
3. The transition of the community development district board; and
4. The transfer of all financial obligations and operating and maintenance responsibilities to the District.

(b) The execution of the merger agreement by the District and each community development district constitutes consent of the landowners within each District. The District and each community development district requesting merger shall hold a public hearing within its boundaries to provide information about and take public comment on the proposed merger in the merger agreement. The public hearing shall be held within 45 days after the execution of the merger agreement by all parties thereto. Notice of the public hearing shall be published at least 14 days before the hearing in newspapers of general circulation in Brevard and Volusia Counties. At the conclusion of the public hearing each District shall consider a resolution either approving or disapproving of the proposed merger. If the District and each community development district which is a party to the merger agreement adopt a resolution approving the proposed merger, the resolutions and the merger shall be filed with Brevard and Volusia Counties and the City of Edgewater. Upon receipt of the resolutions approving the merger and the merger agreement, the county or city which originally established the community development district shall adopt a nonemergency ordinance dissolving such community development district pursuant to s. 190.046(10), Florida Statutes.

(28) 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.

(29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED DISCLOSURE TO PURCHASER.—Subsequent to the creation of the 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 DEERING PARK 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 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.”

(30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days after the election of the first board of supervisors creating the District, the District shall cause to be recorded in the grantor-grantee index of the property records in Brevard and Volusia Counties and the City of Edgewater a “Notice of Creation and Establishment of the Deering Park Stewardship District.” The notice shall, at a minimum, include the legal description of the property covered by this act.

(31) 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 may by rule 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. This act shall take effect upon becoming a law, except that the provisions of this act which authorize the levy of ad valorem taxation shall take effect only upon approval by a majority vote of those qualified electors of the Deering Park 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 September 4, 2020.

Filed in Office Secretary of State September 4, 2020.