



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.5.

10/22/2019

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### Subject:

Request from Glenn D. Storch, Esquire, on behalf of Miami Corporation and its affiliates, for consideration of proposed legislation to create the Deering Park Stewardship District by Special Act.

### Fiscal Impact:

None

### Dept/Office:

Planning and Development Department

### Requested Action:

Glenn D. Storch, Esquire, on behalf of Miami Corporation and its affiliates, is requesting that the Board consider the proposal of legislation to create the Deering Park Stewardship District by Special Act, and authorize the execution of a "no objection letter" to allow the Florida Legislature to review and potentially act upon approval of a Stewardship District.

### Summary Explanation and Background:

Staff has received this request from Glenn D. Storch, Esquire, on behalf of Miami Corporation, on land located in Volusia County, Brevard County and the City of Edgewater, Florida. The Miami Corporation and its affiliates currently have two community development districts on portions of the property, one in Volusia County and one in Brevard County. The establishment of the Stewardship District is for the purpose of merging two existing community development districts into one district, and include additional lands owned by the developer. The total area of land would include approximately 63,000 acres located in Volusia County, Brevard County, and the City of Edgewater, Florida.

The minimum requirements for the establishment of a special district are established in Section 189.031 of the Florida Statutes. The Stewardship District is authorized to issue bonds for purposes, among others, of financing the construction cost of improvements including water management, water supply, waste water, waste collection, roads, infrastructure and other public facilities. The district and its board may exercise general powers, among others, to provide and maintain systems, facilities, services, and infrastructure, consistent with general law regarding utility providers, within or without the district land.

Special powers may also include, but are not limited to, providing bridges, culverts, wildlife corridors, transit facilities, investigation and remediation cost of environmental contamination, parks, schools buildings, security 70

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and patrol cars, mosquito control, district buildings and structures, and to enter into impact fee credit agreements.

General Powers are outlined in Section 6, and Special Powers are outlined in Section 7 of the proposed house bill act.

A resolution or official statement from the Board of County Commissioners is a requirement of documents to be submitted to the Legislature. If the Board approves the request, the requestor ask that the Chair sign the "no objection letter" (attached) for presentation to the Florida Legislature to review and potentially act upon the Deering Park Stewardship District.

**Clerk to the Board Instructions:**

If approved please provide a certified copy to the address on the "no objection letter" and one to the Planning and Development Department.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 23, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item F.5., Request from Glenn D. Storch, Esquire, on Behalf of Miami Corporation and its affiliates, for Consideration of Proposed Legislation to Create the Deering Park Stewardship District by Special Act

The Board of County Commissioners, in regular session on October 22, 2019, approved request from Glenn D. Storch, Esquire, on behalf of Miami Corporation and its affiliates, requesting the Board consider the proposal of legislation to create the Deering Park Stewardship District by Special Act; and authorized the Chair to execute the 'No Objection Letter' to Senator Tom Wright, to allow the Florida Legislature to review and potentially act upon approval of a Stewardship District. Enclosed is a signed copy of the No Objection Letter.

**By copy of this memorandum the No Objection Letter was mailed to Senator Wright.**

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

1  
2 An act relating to Brevard and Volusia Counties and the City  
3 of Edgewater; creating the Deering Park Stewardship District;  
4 providing a short title; providing legislative findings and  
5 intent; providing definitions; stating legislative policy  
6 regarding creation of the district; establishing compliance  
7 with minimum requirements in s. 189.031(3), F.S., for creation  
8 of an independent special district; providing for creation and  
9 establishment of the district; establishing the legal  
10 boundaries of the district; providing for the jurisdiction and  
11 charter of the district; providing for a governing board and  
12 establishing membership criteria and election procedures;  
13 providing for board members' terms of office; providing for  
14 board meetings; providing for administrative duties of the  
15 board; providing a method for transition of the board from  
16 landowner control to control by the resident electors of the  
17 district; providing for a district manager and district  
18 personnel; providing for a district treasurer, selection of a  
19 public depository, and district budgets and financial reports;  
20 providing for the general powers of the district; providing  
21 for the special powers of the district to plan, finance, and  
22 provide community infrastructure and services within the

23 | district; providing for bonds; providing for borrowing;  
24 | providing for future ad valorem taxation; providing for  
25 | special assessments; providing for issuance of certificates of  
26 | indebtedness; providing for tax liens; providing for  
27 | competitive procurement; providing for fees and charges;  
28 | providing for amendment to charter; providing for required  
29 | notices to purchasers of residential units within the  
30 | district; defining district public property; providing for  
31 | merger; providing for construction; providing severability;  
32 | providing for a referendum; providing an effective date.

33 |

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

35 |

36 |           Section 1.    This act may be cited as the "Deering Park  
37 | Stewardship District Act."

38 |           Section 2.    Legislative findings and intent;  
39 | definitions; policy.—

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

41 |           (a)   The extensive lands located wholly within Brevard  
42 | and Volusia Counties and the City of Edgewater  
43 | and covered by this act contain many opportunities for  
44 | thoughtful, comprehensive, responsible, and consistent

45 development over a long period.

46 (b) There is a need to use a single special and  
47 limited purpose independent special district unit of local  
48 government for the Deering Park Stewardship District lands  
49 located within Brevard and Volusia Counties and the City of  
50 Edgewater and covered by this act to provide for both a more  
51 comprehensive conservation and community development approach,  
52 which will facilitate an integral relationship between  
53 conservation, regional transportation, land use and urban  
54 design to provide for a diverse mix of housing and regional  
55 employment and economic development opportunities, rather than  
56 fragmented development with underutilized infrastructure  
57 generally associated with urban sprawl.

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

66           (e) While chapter 190, Florida Statutes, provides an  
67 opportunity for previous community development services and  
68 facilities to be provided by the continued use of community  
69 development districts in a manner that furthers the public  
70 interest, given the size of the Deering Park Stewardship  
71 District lands and the duration of development continuing to  
72 utilize multiple community development districts over these  
73 lands would result in an inefficient, duplicative, and  
74 needless proliferation of local special purpose governments,  
75 contrary to the public interest and the Legislature's findings  
76 in chapter 190, Florida Statutes. Instead, it is in the public  
77 interest that the long-range provision for, and management,  
78 financing, and long-term maintenance, upkeep, and operation  
79 of, services and facilities to be provided for ultimate  
80 development and conservation of the lands covered by this act  
81 be under one coordinated entity. The creation of a single  
82 district will assist in integrating the management of state  
83 resources and allow for greater and more coordinated  
84 stewardship of natural resources.

85           (f) Longer involvement of the initial landowner with  
86 regard to the provision of systems, facilities, and services  
87 for the Deering Park Stewardship District lands, coupled with

88 the special and limited purpose of the district, is in the  
89 public interest.

90 (g) The existence and use of such a special and  
91 limited purpose local government for the Deering Park  
92 Stewardship District lands, subject to the Brevard County, and  
93 Volusia County and the City of Edgewater comprehensive plans,  
94 will provide for a comprehensive and complete community  
95 development approach to promote a sustainable and efficient  
96 land use pattern for the Deering Park Stewardship District  
97 lands with long-term planning for green infrastructure and  
98 conservation areas which require perpetual protection and  
99 stewardship as well as sustainably planned development;  
100 provide opportunities for the mitigation of impacts and  
101 development of infrastructure in an orderly and timely manner;  
102 prevent the overburdening of the local general purpose  
103 government and the taxpayers; and provide an enhanced tax base  
104 and regional employment and economic development  
105 opportunities.

106 (h) The creation and establishment of the special  
107 district will encourage local government financial self-  
108 sufficiency in providing public facilities and in identifying  
109 and implementing fiscally sound, innovative, and cost-

110 effective techniques to provide and finance public facilities  
111 while encouraging sustainable development, use, and  
112 coordination of capital improvement plans by all levels of  
113 government, in accordance with the goals of chapter 187,  
114 Florida Statutes.

115 (i) The creation and establishment of the special  
116 district is a legitimate supplemental and alternative method  
117 available to manage, own, operate, construct, and finance both  
118 green and capital infrastructure systems, facilities, and  
119 services.

120 (j) In order to be responsive to the critical timing  
121 required through the exercise of its special management  
122 functions, an independent special district requires financing  
123 of those functions, including bondable, lienable and  
124 nonlienable revenue, with full and continuing public  
125 disclosure and accountability, funded by landowners, both  
126 present and future, and funded also by users of the systems,  
127 facilities, and services provided to the land area by the  
128 special district, without unduly burdening the taxpayers,  
129 citizens, and ratepayers of the state or Brevard County,  
130 Volusia County, or the City of Edgewater.

131           (k) The special district created and established by  
132 this act shall not have or exercise any comprehensive  
133 planning, zoning, or development permitting power; the  
134 establishment of the special district shall not be considered  
135 a development order within the meaning of chapter 380, Florida  
136 Statutes; and all applicable planning and permitting laws,  
137 rules, regulations, and policies of Brevard and Volusia  
138 Counties and the City of Edgewater continue to control the  
139 conservation and development of the land to be serviced by the  
140 special district.

141           (l) The creation by this act of the Deering Park  
142 Stewardship District is not inconsistent with the Brevard  
143 County, Volusia County, or the City of Edgewater comprehensive  
144 plans.

145           (m) The creation by this act of the Deering Park  
146 Stewardship District does not affect any of the existing  
147 conservation easements that have been recorded on portions of  
148 the property.

149           (n) It is the legislative intent and purpose that no  
150 debt or obligation of the special district constitute a burden  
151 on Brevard County, Volusia County, or the City of Edgewater.

152           (2) DEFINITIONS.—As used in this act:

153           (a) "Ad valorem bonds" means bonds that are payable  
154 from the proceeds of ad valorem taxes levied on real and  
155 tangible personal property and that are generally referred to  
156 as general obligation bonds.

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

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

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

174           (e) "Deering Park Stewardship District" means the unit  
175 of special and limited purpose local government and political  
176 subdivision created and chartered by this act, and limited to  
177 the performance of those general and special powers authorized  
178 by its charter under this act, the boundaries of which are set  
179 forth by the act, the governing board of which is created and  
180 authorized to operate with legal existence by this act, and  
181 the purpose of which is as set forth in this act.

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

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

190           (h) "Bond" includes "certificate," and the provisions  
191 that are applicable to bonds are equally applicable to  
192 certificates. The term also includes any general obligation  
193 bond, assessment bond, refunding bond, revenue bond, bond  
194 anticipation note, and other such obligation in the nature of  
195 a bond as is provided for in this act.

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

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

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

203 3. The cost of improvements.

204 4. Engineering, architectural, fiscal, and legal  
205 expenses and charges.

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

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

210 7. Financing charges.

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

213 9. Working capital.

214 10. Interest charges incurred or estimated to be  
215 incurred on money borrowed prior to and during construction  
216 and acquisition and for such reasonable period of time after

217 completion of construction or acquisition as the board may  
218 determine.

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

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

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

226 14. Administrative expenses.

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

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

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

237 (j) "District" means the Deering Park Stewardship  
238 District.

239           (k) "District manager" means the manager of the  
240 district.

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

246           (m) "General obligation bonds" means bonds which are  
247 secured by, or provide for their payment by, the pledge of the  
248 full faith and credit and taxing power of the district.

249           (n) "Governing board member" means any member of the  
250 board of supervisors.

251           (o) "Land development regulations" means those  
252 regulations of the general purpose local government, adopted  
253 under the Community Planning Act, codified as part II of  
254 chapter 163, Florida Statutes, to which the district is  
255 subject and as to which the district may not do anything that  
256 is inconsistent therewith. Land development regulations shall  
257 not mean specific management, engineering, operations, or  
258 capital improvement planning, needed in the daily management,  
259 implementation, and supplying by the district of systems,  
260 facilities, services, works, improvements, projects, or

261 infrastructure, so long as they remain subject to and are not  
262 inconsistent with the applicable county or city codes.

263 (p) "Landowner" means the owner of a freehold estate  
264 as it appears on the deed record, including a trustee, a  
265 private corporation, and an owner of a condominium unit.  
266 "Landowner" does not include a reversioner, remainderman,  
267 mortgagee, or any governmental entity which shall not be  
268 counted and need not be notified of proceedings under this  
269 act. "Landowner" also means the owner of a ground lease from a  
270 governmental entity, which leasehold interest has a remaining  
271 term, excluding all renewal options, in excess of 50 years.

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

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

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

281 (t) "Powers" means powers used and exercised by the  
282 board of supervisors to accomplish the special and limited  
283 purpose of the district, including:

284 1. "General powers," which means those organizational  
285 and administrative powers of the district as provided in its  
286 charter in order to carry out its special and limited purpose  
287 as a local government public corporate body politic.

288 2. "Special powers," which means those powers  
289 enumerated by the district charter to implement its  
290 specialized systems, facilities, services, projects,  
291 improvements, and infrastructure and related functions in  
292 order to carry out its special and limited purposes.

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

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

299 (v) "Qualified elector" means any person at least 18  
300 years of age who is a citizen of the United States and a legal  
301 resident of the state and of the district and who registers to

302 | vote with either of the Supervisors of Elections in Brevard  
303 | County or Volusia County and resides in Brevard County or  
304 | Volusia County.

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

311 |           (x) "Reclaimed water system" means any plant, well,  
312 | system, facility, or property, and any addition, extension, or  
313 | improvement thereto at any future time constructed or acquired  
314 | as part thereof, useful, necessary, or having the present  
315 | capacity for future use in connection with the development of  
316 | sources, treatment, purification, or distribution of reclaimed  
317 | water. The term includes franchises of any nature relating to  
318 | any such system and necessary or convenient for the operation  
319 | thereof including for the district's own use or resale.

320 |           (y) "Refunding bonds" means bonds issued to refinance  
321 | outstanding bonds of any type and the interest and redemption  
322 | premium thereon. Refunding bonds may be issuable and payable  
323 | in the same manner as refinanced bonds, except that no

324 approval by the electorate shall be required unless required  
325 by the State Constitution.

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

332 (aa) "Sewer system" means any plant, system, facility,  
333 or property, and additions, extensions, and improvements  
334 thereto at any future time constructed or acquired as part  
335 thereof, useful or necessary or having the present capacity  
336 for future use in connection with the collection, treatment,  
337 purification, or disposal of sewage, including, but not  
338 limited to, industrial wastes resulting from any process of  
339 industry, manufacture, trade, or business or from the  
340 development of any natural resource. The term also includes  
341 treatment plants, pumping stations, lift stations, valves,  
342 force mains, intercepting sewers, laterals, pressure lines,  
343 mains, and all necessary appurtenances and equipment; all  
344 sewer mains, laterals, and other devices for the reception and  
345 collection of sewage from premises connected therewith; and

346 all real and personal property and any interest therein, and  
347 rights, easements, and franchises of any nature relating to  
348 any such system and necessary or convenient for operation  
349 thereof.

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

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

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

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

367           (dd) "Water system" means any plant, system, facility,  
368 or property, and any addition, extension, or improvement  
369 thereto at any future time constructed or acquired as a part  
370 thereof, useful, necessary, or having the present capacity for  
371 future use in connection with the development of sources,  
372 treatment, purification, or distribution of water. The term  
373 also includes dams, reservoirs, treatment systems, storage  
374 tanks, mains, lines, valves, pumping stations, laterals, and  
375 pipes for the purpose of carrying water to the premises  
376 connected with such system, and all rights, easements, and  
377 franchises of any nature relating to any such system and  
378 necessary or convenient for the operation thereof.

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

382           (a) The district and the district charter, with its  
383 general and special powers, as created in this act, are  
384 essential and the best alternative for the residential,  
385 commercial, office, hotel, healthcare, and other similar  
386 community uses, projects, or functions in the included portion  
387 of property consistent with the effective local comprehensive  
388 plans, and designed to serve a lawful public purpose.

389           (b) The district, which is a local government and a  
390 statutory political subdivision, is limited to its special  
391 purpose as expressed in this act, with the power to provide,  
392 plan, implement, construct, maintain, and finance as a local  
393 government management entity systems, facilities, services,  
394 improvements, infrastructure, and projects, and possessing  
395 financing powers to fund its management power over the long  
396 term and with sustained levels of high quality.

397           (c) The creation of the Deering Park Stewardship  
398 District by and pursuant to this act, and its exercise of its  
399 management and related financing powers to implement its  
400 limited, single, and special purpose, is not a development  
401 order and does not trigger or invoke any provision within the  
402 meaning of chapter 380, Florida Statutes, and all applicable  
403 governmental planning, environmental, and land development  
404 laws, regulations, rules, policies, and ordinances apply to  
405 all development of the land within the jurisdiction of the  
406 district as created by this act.

407           (d) The district shall operate and function subject  
408 to, and not inconsistent with, the applicable comprehensive  
409 plan of Brevard and Volusia Counties and the City of Edgewater

410 and any applicable development orders, zoning regulations, and  
411 other land development regulations.

412 (e) The special and single purpose Deering Park  
413 Stewardship District shall not have the power of a general-  
414 purpose local government to adopt a comprehensive plan or  
415 related land development regulation as those terms are defined  
416 in the Community Planning Act.

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

424 Section 3. Minimum charter requirements; creation and  
425 establishment; jurisdiction; construction; charter.-

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

430 (a) The purpose of the district is stated in the act  
431 in subsection (4) and in sections 2 and 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

471 (2) The Deering Park Stewardship District is created  
472 and incorporated as a public body corporate and politic, an  
473 independent special and limited purpose local government, an  
474 independent special district, under s. 189.031, Florida  
475 Statutes, as amended from time to time, and as defined in this

476 act and in s. 189.012(3), Florida Statutes, as amended from  
477 time to time, in and for portions of Brevard and Volusia  
478 Counties and the City of Edgewater. Any amendments to chapter  
479 190, Florida Statutes, after January 1, 2020, granting  
480 additional general powers, special powers, authorities, or  
481 projects to a community development district by amendment to  
482 its uniform charter, ss. 190.006-190.041, Florida Statutes,  
483 which are not inconsistent with the provisions of this act,  
484 shall constitute a general power, special power, authority, or  
485 function of the Deering Park Stewardship District. All notices  
486 for the enactment by the Legislature of this special act have  
487 been provided pursuant to the State Constitution, the Laws of  
488 Florida, and the Rules of the Florida House of Representatives  
489 and of the Florida Senate. No referendum subsequent to the  
490 effective date of this act is required as a condition of  
491 establishing the district. Therefore, the district, as created  
492 by this act, is established on the property described in this  
493 act.

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

497           (4) The jurisdiction of this district, in the exercise  
498 of its general and special powers, and in the carrying out of  
499 its special and limited purposes, is both within the external  
500 boundaries of the legal description of this district and  
501 extraterritorially when limited to, and as authorized  
502 expressly elsewhere in, the charter of the district as created  
503 in this act or applicable general law. This special and  
504 limited purpose district is created as a public body corporate  
505 and politic, and local government authority and power is  
506 limited by its charter, this act, and subject to the  
507 provisions of other general laws, including chapter 189,  
508 Florida Statutes, except that an inconsistent provision in  
509 this act shall control and the district has jurisdiction to  
510 perform such acts and exercise such authorities, functions,  
511 and powers as shall be necessary, convenient, incidental,  
512 proper, or reasonable for the implementation of its special  
513 and limited purpose regarding the sound planning, provision,  
514 acquisition, development, operation, maintenance, and related  
515 financing of those public systems, facilities, services,  
516 improvements, projects, and infrastructure works as authorized  
517 herein, including those necessary and incidental thereto. The  
518 district shall only exercise any of its powers

519 extraterritorially within Brevard and Volusia Counties and the  
520 City of Edgewater after execution of an interlocal agreement  
521 between the district and Brevard and Volusia Counties and the  
522 City of Edgewater consenting to the district's exercise of any  
523 of such powers within Brevard or Volusia Counties or the City  
524 of Edgewater as applicable or an applicable development order  
525 or as part of other land development regulations issued by  
526 Brevard County, Volusia County or the City of Edgewater.

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

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

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

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

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

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

562           (2) (a) Within 90 days after the effective date of this  
563 act, there shall be held a meeting of the landowners of the  
564 district for the purpose of electing five supervisors for the  
565 district. Notice of the landowners' meeting shall be published  
566 once a week for 2 consecutive weeks in a newspaper that is in  
567 general circulation in the area of the district, the last day  
568 of such publication to be not fewer than 14 days or more than  
569 28 days before the date of the election. The landowners, when  
570 assembled at such meeting, shall organize by electing a chair,  
571 who shall conduct the meeting. The chair may be any person  
572 present at the meeting. If the chair is a landowner or proxy  
573 holder of a landowner, he or she may nominate candidates and  
574 make and second motions. The landowners present at the  
575 meeting, in person or by proxy, shall constitute a quorum. At  
576 any landowners' meeting, 50 percent of the district acreage  
577 shall not be required to constitute a quorum, and each  
578 governing board member elected by landowners shall be elected  
579 by a majority of the acreage represented either by owner or  
580 proxy present and voting at said meeting.

581           (b) At such meeting, each landowner shall be entitled  
582 to cast one vote per acre of land owned by him or her and  
583 located within the district for each person to be elected. A

584 landowner may vote in person or by proxy in writing. Each  
585 proxy must be signed by one of the legal owners of the  
586 property for which the vote is cast and must contain the typed  
587 or printed name of the individual who signed the proxy; the  
588 street address, legal description of the property, or tax  
589 parcel identification number; and the number of authorized  
590 votes. If the proxy authorizes more than one vote, each  
591 property must be listed and the number of acres of each  
592 property must be included. The signature on a proxy need not  
593 be notarized. A fraction of an acre shall be treated as 1  
594 acre, entitling the landowner to one vote with respect  
595 thereto. The three candidates receiving the  
596 highest number of votes shall each be elected for terms  
597 expiring November 17, 2024, and the two candidates receiving  
598 the next largest number of votes shall each be elected for  
599 terms expiring November 20, 2022, with the term of office for  
600 each successful candidate commencing upon election. The  
601 members of the first board elected by landowners shall serve  
602 their respective terms; however, the next election of board  
603 members shall be held on the first Tuesday after the first  
604 Monday in November 2022. Thereafter, there shall be an  
605 election by landowners for the district every 2 years on the

606 first Tuesday after the first Monday in November, which shall  
607 be noticed pursuant to paragraph (a). The second and  
608 subsequent landowners' election shall be announced at a public  
609 meeting of the board at least 90 days before the date of the  
610 landowners' meeting and shall also be noticed pursuant to  
611 paragraph (a). Instructions on how all landowners may  
612 participate in the election, along with sample proxies, shall  
613 be provided during the board meeting that announces the  
614 landowners' meeting. Each supervisor elected in or after  
615 November 2020 shall serve a 4-year term.

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

620 2.a. Regardless of whether the district has proposed  
621 to levy ad valorem taxes, board members shall begin being  
622 elected by qualified electors of the district as the district  
623 becomes populated with qualified electors. The transition  
624 shall occur such that the composition of the board, after the  
625 first general election following a trigger of the qualified  
626 elector population thresholds set forth below, shall be as  
627 follows:

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

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

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

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

648           (V) Once 75,110 qualified electors reside within the  
649 district, all five governing board members shall be persons

650 | who are qualified electors of the district and who were  
651 | elected by the qualified electors.

652 | Nothing in this sub-subparagraph is intended to require an  
653 | election prior to the expiration of an existing board member's  
654 | term.

655 |         b. On or before June 1 of each election year, the  
656 | board shall determine the number of qualified electors in the  
657 | district as of the immediately preceding April 15. The board  
658 | shall use and rely upon the official records maintained by the  
659 | supervisor of elections and property appraiser or tax  
660 | collector in Brevard and Volusia Counties in making this  
661 | determination. Such determination shall be made at a properly  
662 | noticed meeting of the board and shall become a part of the  
663 | official minutes of the district.

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

667 |         d. All governing board members elected by qualified  
668 | electors shall reside in the district.

669 |         e. Once the district qualifies to have any of its  
670 | board members elected by the qualified electors of the  
671 | district, the initial and all subsequent elections by the

672 | qualified electors of the district shall be held at the  
673 | general election in November. The board shall adopt a  
674 | resolution, if necessary, to implement this requirement. The  
675 | transition process described herein is intended to be in lieu  
676 | of the process set forth in s. 189.041, Florida Statutes.

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

682 |         (c) Candidates seeking election to office by qualified  
683 | electors under this subsection shall conduct their campaigns  
684 | in accordance with the provisions of chapter 106, Florida  
685 | Statutes, and shall file qualifying papers and qualify for  
686 | individual seats in accordance with s. 99.061, Florida  
687 | Statutes.

688 |         (d) The supervisor of elections in the respective  
689 | counties shall appoint the inspectors and clerks of elections,  
690 | prepare and furnish the ballots, designate polling places, and  
691 | canvass the returns of the election of board members by  
692 | qualified electors. The county canvassing board shall declare  
693 | and certify the results of the election.

694           (4) Members of the board, regardless of how elected,  
695 shall be public officers, shall be known as supervisors, and,  
696 upon entering into office, shall take and subscribe to the  
697 oath of office as prescribed by s. 876.05, Florida Statutes.  
698 Members of the board shall be subject to ethics and conflict  
699 of interest laws of the state that apply to all local public  
700 officers. They shall hold office for the terms for which they  
701 were elected or appointed and until their successors are  
702 chosen and qualified. If, during the term of office, a vacancy  
703 occurs, the remaining members of the board shall fill each  
704 vacancy by an appointment for the remainder of the unexpired  
705 term.

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

712           (6) A majority of the members of the board constitutes  
713 a quorum for the purposes of conducting its business and  
714 exercising its powers and for all other purposes. Action taken  
715 by the district shall be upon a vote of a majority of the

716 members present unless general law or a rule of the district  
717 requires a greater number.

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

723 (8) The board shall keep a permanent record book  
724 entitled "Record of Proceedings of Deering Park Stewardship  
725 District," in which shall be recorded minutes of all meetings,  
726 resolutions, proceedings, certificates, bonds given by all  
727 employees, and any and all corporate acts. The record book and  
728 all other district records shall at reasonable times be opened  
729 to inspection in the same manner as state, county, and  
730 municipal records pursuant to chapter 119, Florida Statutes.  
731 The record book shall be kept at the office or other regular  
732 place of business maintained by the board in a designated  
733 location in either Brevard County, Volusia County, or the City  
734 of Edgewater.

735 (9) No supervisor shall be entitled to receive  
736 compensation for his or her services in excess of the limits  
737 established in Section 190.006(8), F.S. or any successor

738 Statute thereto; however, each supervisor shall receive travel  
739 and per diem expenses as set forth in s. 112.061, Florida  
740 Statutes.

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

744 Section 6. Board of supervisors; general duties.-

745 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall  
746 employ and fix the compensation of a district manager, who  
747 shall have charge and supervision of the works of the district  
748 and shall be responsible for preserving and maintaining any  
749 improvement or facility constructed or erected pursuant to the  
750 provisions of this act, for maintaining and operating the  
751 equipment owned by the district, and for performing such other  
752 duties as may be prescribed by the board. It shall not be a  
753 conflict of interest or constitute an abuse of public position  
754 under chapter 112, Florida Statutes, for a board member, the  
755 district manager, or another employee of the district to be a  
756 stockholder, officer, or employee of a landowner. The district  
757 manager may hire or otherwise employ and terminate the  
758 employment of such other persons, including, without  
759 limitation, professional, supervisory, and clerical employees,

760 as may be necessary and authorized by the board. The  
761 compensation and other conditions of employment of the  
762 officers and employees of the district shall be as provided by  
763 the board.

764 (2) TREASURER.—The board shall designate a person who  
765 is a resident of the state as treasurer of the district, who  
766 shall have charge of the funds of the district. Such funds  
767 shall be disbursed only upon the order of or pursuant to a  
768 resolution of the board by warrant or check countersigned by  
769 the treasurer and by such other person as may be authorized by  
770 the board. The board may give the treasurer such other or  
771 additional powers and duties as the board may deem appropriate  
772 and may fix his or her compensation. The board may require the  
773 treasurer to give a bond in such amount, on such terms, and  
774 with such sureties as may be deemed satisfactory to the board  
775 to secure the performance by the treasurer of his or her  
776 powers and duties. The financial records of the board shall be  
777 audited by an independent certified public accountant in  
778 accordance with the requirements of general law.

779 (3) PUBLIC DEPOSITORY.—The board is authorized to  
780 select as a depository for its funds any qualified public  
781 depository as defined in s. 280.02, Florida Statutes, which

782 meets all the requirements of chapter 280, Florida Statutes,  
783 and has been designated by the treasurer as a qualified public  
784 depository upon such terms and conditions as to the payment of  
785 interest by such depository upon the funds so deposited as the  
786 board may deem just and reasonable.

787 (4) BUDGET; REPORTS AND REVIEWS.—

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

792 (b) On or before July 15 of each year, the district  
793 manager shall prepare a proposed budget for the ensuing fiscal  
794 year to be submitted to the board for board approval. The  
795 proposed budget shall include at the direction of the board an  
796 estimate of all necessary expenditures of the district for the  
797 ensuing fiscal year and an estimate of income to the district  
798 from the taxes and assessments provided in this act. The board  
799 shall consider the proposed budget item by item and may either  
800 approve the budget as proposed by the district manager or  
801 modify the same in part or in whole. The board shall indicate  
802 its approval of the budget by resolution, which resolution  
803 shall provide for a hearing on the budget as approved. Notice

804 of the hearing on the budget shall be published in a newspaper  
805 of general circulation in the area of the district once a week  
806 for two consecutive weeks, except that the first publication  
807 shall be no fewer than 15 days prior to the date of the  
808 hearing. The notice shall further contain a designation of the  
809 day, time, and place of the public hearing. At the time and  
810 place designated in the notice, the board shall hear all  
811 objections to the budget as proposed and may make such changes  
812 as the board deems necessary. At the conclusion of the budget  
813 hearing, the board shall, by resolution, adopt the budget as  
814 finally approved by the board. The budget shall be adopted  
815 prior to October 1 of each year.

816 (c) At least 60 days prior to adoption, the board of  
817 supervisors of the district shall submit to the Board of  
818 County Commissioners of Brevard County, to the County Council  
819 of Volusia County, and to the City Council of the City of  
820 Edgewater, for purposes of disclosure and information only,  
821 the proposed annual budget for the ensuing fiscal year, and  
822 each County or City may submit written comments to the board  
823 of supervisors solely for the assistance and information of  
824 the board of supervisors of the district in adopting its  
825 annual district budget.

826 (d) The board of supervisors of the district shall  
827 submit annually a public facilities report to the Board of  
828 County Commissioners of Brevard County, to the County Council  
829 of Volusia County, and to the City Council of the City of  
830 Edgewater pursuant to Florida Statutes. Each County and the  
831 City may use and rely on the district's public facilities  
832 report in the preparation or revision of their comprehensive  
833 plans.

834 (5) DISCLOSURE OF PUBLIC INFORMATION; WEB-BASED PUBLIC  
835 ACCESS.—The district shall take affirmative steps to provide  
836 for the full disclosure of information relating to the public  
837 financing and maintenance of improvements to real property  
838 undertaken by the district. Such information shall be made  
839 available to all existing residents and all prospective  
840 residents of the district. The district shall furnish each  
841 developer of a residential development within the district  
842 with sufficient copies of that information to provide each  
843 prospective initial purchaser of property in that development  
844 with a copy; and any developer of a residential development  
845 within the district, when required by law to provide a public  
846 offering statement, shall include a copy of such information

847 relating to the public financing and maintenance of  
848 improvements in the public offering statement. The district  
849 shall file the disclosure documents required by this  
850 subsection and any amendments thereto in the property records  
851 of each county in which the district is located. By the end of  
852 the first full fiscal year of the district's creation, the  
853 district shall maintain an official Internet website in  
854 accordance with s. 189.069, Florida Statutes.

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

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

864 (b) To apply for coverage of its employees under the  
865 Florida Retirement System in the same manner as if such  
866 employees were state employees.

867 (c) To contract for the services of consultants to  
868 perform planning, engineering, legal, or other appropriate

869 services of a professional nature. Such contracts shall be  
870 subject to public bidding or competitive negotiation  
871 requirements as set forth in general law applicable to  
872 independent special districts.

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

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

890 board may also adopt resolutions which may be necessary for  
891 the conduct of district business.

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

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

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

909 (i) To borrow money and issue bonds, certificates,  
910 warrants, notes, or other evidence of indebtedness as provided  
911 herein; to levy such taxes and assessments as may be

912 authorized; and to charge, collect, and enforce fees and other  
913 user charges.

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

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

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

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

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

942           (o) To determine, order, levy, impose, collect, and  
943 enforce assessments pursuant to this act and chapter 170,  
944 Florida Statutes, as amended from time to time, pursuant to  
945 authority granted in s. 197.3631, Florida Statutes, or  
946 pursuant to other provisions of general law now or hereinafter  
947 enacted which provide or authorize a supplemental means to  
948 order, levy, impose, or collect special assessments. Such  
949 special assessments, in the discretion of the district, may be  
950 collected and enforced pursuant to the provisions of ss.  
951 197.3632 and 197.3635, Florida Statutes, and chapters 170 and  
952 173, Florida Statutes, as they may be amended from time to  
953 time, or as provided by this act, or by other means authorized  
954 by general law now or hereinafter enacted. The district may

955 | levy such special assessments for the purposes enumerated in  
956 | this act and to pay special assessments imposed by Brevard and  
957 | Volusia Counties and the City of Edgewater on lands within the  
958 | district.

959 |           (p) To exercise such special powers and other express  
960 | powers as may be authorized and granted by this act in the  
961 | charter of the district, including powers as provided in any  
962 | interlocal agreement entered into pursuant to chapter 163,  
963 | Florida Statutes, or which shall be required or permitted to  
964 | be undertaken by the district pursuant to any development  
965 | order, including any detailed specific area plan development  
966 | order, or any interlocal service agreement with Brevard  
967 | County, Volusia County, or the City of Edgewater for fair-  
968 | share capital construction funding for any certain capital  
969 | facilities or systems required of a developer pursuant to any  
970 | applicable development order or agreement.

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

975

976 The provisions of this subsection shall be construed liberally  
977 in order to carry out effectively the special and limited  
978 purpose of this act.

979 (7) SPECIAL POWERS.—The district shall have, and the  
980 board may exercise, the following special powers to implement  
981 its lawful and special purpose and to provide, pursuant to  
982 that purpose, systems, facilities, services, improvements,  
983 projects, works, and infrastructure, each of which constitutes  
984 a lawful public purpose when exercised pursuant to this  
985 charter, subject to, and not inconsistent with, general law  
986 regarding utility providers' territorial and service  
987 agreements, the regulatory jurisdiction and permitting  
988 authority of all other applicable governmental bodies,  
989 agencies, and any special districts having authority with  
990 respect to any area included therein, and to plan, establish,  
991 acquire, construct or reconstruct, enlarge or extend, equip,  
992 operate, finance, fund, and maintain improvements, systems,  
993 facilities, services, works, projects, and infrastructure. Any  
994 or all of the following special powers are granted by this act  
995 in order to implement the special and limited purpose of the  
996 district but do not constitute obligations to undertake such

997 improvements, systems, facilities, services, works, projects  
998 or infrastructure:

999           (a) To provide water management and control for the  
1000 lands within the district, including irrigation systems and  
1001 facilities, and to connect some or any of such facilities with  
1002 roads and bridges. In the event that the board assumes the  
1003 responsibility for providing water management and control for  
1004 the district which is to be financed by benefit special  
1005 assessments, the board shall adopt plans and assessments  
1006 pursuant to law or may proceed to adopt water management and  
1007 control plans, assess for benefits, and apportion and levy  
1008 special assessments, as follows:

1009           1. The board shall cause to be made by the district's  
1010 engineer, or such other engineer or engineers as the board may  
1011 employ for that purpose, complete and comprehensive water  
1012 management and control plans for the lands located within the  
1013 district that will be improved in any part or in whole by any  
1014 system of facilities that may be outlined and adopted, and the  
1015 engineer shall make a report in writing to the board with maps  
1016 and profiles of said surveys and an estimate of the cost of  
1017 carrying out and completing the plans.

1018           2. Upon the completion of such plans, the board shall  
1019 hold a hearing thereon to hear objections thereto, shall give  
1020 notice of the time and place fixed for such hearing by  
1021 publication once each week for 2 consecutive weeks in a  
1022 newspaper of general circulation in the general area of the  
1023 district, and shall permit the inspection of the plan at the  
1024 office of the district by all persons interested. All  
1025 objections to the plan shall be filed at or before the time  
1026 fixed in the notice for the hearing and shall be in writing.

1027           3. After the hearing, the board shall consider the  
1028 proposed plan and any objections thereto and may modify,  
1029 reject, or adopt the plan or continue the hearing until a day  
1030 certain for further consideration of the proposed plan or  
1031 modifications thereof.

1032           4. When the board approves a plan, a resolution shall  
1033 be adopted and a certified copy thereof shall be filed in the  
1034 office of the secretary and incorporated by him or her into  
1035 the records of the district.

1036           5. The water management and control plan may be  
1037 altered in detail from time to time until the engineer's  
1038 report pursuant to s. 298.301, Florida Statutes, is filed but  
1039 not in such manner as to affect materially the conditions of

1040 its adoption. After the engineer's report has been filed, no  
1041 alteration of the plan shall be made, except as provided by  
1042 this act.

1043           6. Within 20 days after the final adoption of the plan  
1044 by the board, the board shall proceed pursuant to s. 298.301,  
1045 Florida Statutes.

1046           (b) To provide water supply, sewer, wastewater, and  
1047 reclaimed water management, reclamation, and reuse, or any  
1048 combination thereof, and any irrigation systems, facilities,  
1049 and services and to construct and operate water systems, sewer  
1050 systems, irrigation systems, and reclaimed water systems such  
1051 as connecting intercepting or outlet sewers and sewer mains  
1052 and pipes and water mains, conduits, or pipelines in, along,  
1053 and under any street, alley, highway, or other public place or  
1054 ways, and to dispose of any water, effluent, residue, or other  
1055 byproducts of such water system, sewer system, irrigation  
1056 system or reclaimed water system and to enter into interlocal  
1057 agreements and other agreements with public or private  
1058 entities for the same.

1059           (c) To provide bridges, culverts, wildlife corridors,  
1060 or road crossings that may be needed across any drain, ditch,  
1061 canal, floodway, holding basin, excavation, public highway,

1062 tract, grade, fill, or cut and roadways over levees and  
1063 embankments, and to construct any and all of such works and  
1064 improvements across, through, or over any public right-of way,  
1065 highway, grade, fill, or cut.

1066 (d) To provide district or other roads equal to or  
1067 exceeding the specifications of the county or the City of  
1068 Edgewater in which such district or other roads are located,  
1069 and to provide street lights. This special power includes, but  
1070 is not limited to, roads, parkways, intersections,  
1071 interchanges, bridges, landscaping, hardscaping, irrigation,  
1072 bicycle lanes, sidewalks, jogging paths, multiuse pathways and  
1073 trails, street lighting, traffic signals, regulatory or  
1074 informational signage, road striping, underground conduit,  
1075 underground cable or fiber or wire installed pursuant to an  
1076 agreement with or tariff of a provider of services, and all  
1077 other customary elements of a functioning modern road system  
1078 in general or as tied to the conditions of development  
1079 approval for the area within and without the district, and  
1080 parking facilities that are freestanding or that may be  
1081 related to any innovative strategic intermodal system of  
1082 transportation pursuant to applicable federal, state, and  
1083 local law and ordinance.

1084 (e) To provide buses, trolleys, autonomous vehicles,  
1085 rail access, mass transit facilities, transit shelters,  
1086 ridesharing facilities and services, parking improvements, and  
1087 related signage.

1088 (f) To provide investigation and remediation costs  
1089 associated with the cleanup of actual or perceived  
1090 environmental contamination within the district under the  
1091 supervision or direction of a competent governmental authority  
1092 unless the covered costs benefit any person who is a landowner  
1093 within the district and who caused or contributed to the  
1094 contamination.

1095 (g) To provide observation areas, mitigation areas,  
1096 wetland creation areas, and wildlife habitat, including the  
1097 maintenance of any plant or animal species, and any related  
1098 interest in real or personal property.

1099 (h) Using its general and special powers as set forth  
1100 in this act, to provide any other project within or without  
1101 the boundaries of the district when the project is the subject  
1102 of an agreement between the district and the Board of County  
1103 Commissioners of Brevard or Volusia Counties or the City  
1104 Council of the City of Edgewater or with any other applicable

1105 public or private entity, and is not inconsistent with the  
1106 effective local comprehensive plans.

1107 (i) To provide parks and facilities for indoor and  
1108 outdoor recreational, cultural, and educational uses.

1109 (j) To provide school buildings and related  
1110 structures, which may be leased, sold, or donated to the  
1111 school district, for use in the educational system when  
1112 authorized by the district school board.

1113 (k) To provide security, including electronic  
1114 intrusion- detection systems and patrol cars, when authorized  
1115 by proper governmental agencies, and may contract with the  
1116 appropriate local general-purpose government agencies for an  
1117 increased level of such services within the district  
1118 boundaries.

1119 (l) To provide control and elimination of mosquitoes  
1120 and other arthropods of public health importance.

1121 (m) To enter into impact fee, mobility fee, or other  
1122 similar credit agreements with Brevard County, Volusia County,  
1123 or the City of Edgewater or other governmental bodies or a  
1124 landowner or developer and to sell or assign such credits, on  
1125 such terms as the district deems appropriate.

1126           (n) To provide buildings and structures for district  
1127 offices, maintenance facilities, meeting facilities, town  
1128 centers, or any other project authorized or granted by this  
1129 act.

1130           (o) To establish and create, at noticed meetings, such  
1131 departments of the board of supervisors of the district, as  
1132 well as committees, task forces, boards, or commissions, or  
1133 other agencies under the supervision and control of the  
1134 district, as from time to time the members of the board may  
1135 deem necessary or desirable in the performance of the acts or  
1136 other things necessary to exercise the board's general or  
1137 special powers to implement an innovative project to carry out  
1138 the special and limited purpose of the district as provided in  
1139 this act and to delegate the exercise of its powers to such  
1140 departments, boards, task forces, committees, or other  
1141 agencies, and such administrative duties and other powers as  
1142 the board may deem necessary or desirable, but only if there  
1143 is a set of expressed limitations for accountability, notice,  
1144 and periodic written reporting to the board that shall retain  
1145 the powers of the board.

1146           (p) To provide electrical, sustainable, or green  
1147 infrastructure improvements, facilities, and services,

1148 including, but not limited to, recycling of natural resources,  
1149 reduction of energy demands, development and generation of  
1150 alternative or renewable energy sources and technologies,  
1151 mitigation of urban heat islands, sequestration, capping or  
1152 trading of carbon emissions or carbon emissions credits, USGBC  
1153 LEED for Neighborhood Development, Energy Star or Florida  
1154 Green Building Coalition Green Development Designation  
1155 certification including other programs deemed comparable to  
1156 the University of Florida Program for Resource Efficient  
1157 Communities, as well as the development of facilities and  
1158 improvements for low-impact development or compact communities  
1159 and to enter into joint ventures, public-private partnerships,  
1160 and other agreements and to grant such easements as may be  
1161 necessary to accomplish the foregoing. Nothing herein shall  
1162 authorize the district to provide electric service to retail  
1163 customers or otherwise act to impair electric utility  
1164 franchise agreements.

1165 (q) To provide for any facilities or improvements that  
1166 may otherwise be provided for by any county or municipality,  
1167 including, but not limited to, libraries, annexes,  
1168 substations, and other buildings to house public officials,  
1169 staff, and employees.

1170           (r) To provide waste collection and disposal.

1171           (s) To provide for the construction and operation of  
1172 communications systems and related infrastructure for the  
1173 carriage and distribution of communications services, and to  
1174 enter into joint ventures, public-private partnerships, and  
1175 other agreements and to grant such easements as may be  
1176 necessary to accomplish the foregoing. Communications systems  
1177 shall mean all facilities, buildings, equipment, items, and  
1178 methods necessary or desirable in order to provide  
1179 communications services, including, without limitation, wires,  
1180 cables, conduits, fiber, wireless cell sites, computers,  
1181 modems, satellite antennae sites, transmission facilities,  
1182 network facilities, and appurtenant devices necessary and  
1183 appropriate to support the provision of communications  
1184 services. Communications services includes, without  
1185 limitation, internet, voice telephone or similar services  
1186 provided by voice over internet protocol, cable television,  
1187 data transmission services, electronic security monitoring  
1188 services, and multi-channel video programming distribution  
1189 services. Nothing herein shall authorize the District to  
1190 provide communications services to retail customers.

1191           (t) To provide health care facilities and to enter  
1192 into public-private partnerships and agreements as may be  
1193 necessary to accomplish the foregoing.

1194           (u) To coordinate, work with, and, as the board deems  
1195 appropriate, enter into interlocal agreements with any public  
1196 or private entity for the provision of an institution or  
1197 institutions of higher education.

1198           (v) To coordinate, work with, and as the board deems  
1199 appropriate, enter into public-private partnerships and  
1200 agreements as may be necessary or useful to effectuate the  
1201 purposes of this act.

1202

1203 The enumeration of special powers herein shall not be deemed  
1204 exclusive or restrictive but shall be deemed to incorporate  
1205 all powers express or implied necessary or incident to  
1206 carrying out such enumerated special powers, including also  
1207 the general powers provided by this special act charter to the  
1208 district to implement its purposes. Further, the provisions of  
1209 this subsection shall be construed liberally in order to carry  
1210 out effectively the special and limited purpose of this  
1211 district under this act.

1212           (8)   ISSUANCE OF BOND ANTICIPATION NOTES.—In addition  
1213 to the other powers provided for in this act, and not in  
1214 limitation thereof, the district shall have the power, at any  
1215 time and from time to time after the issuance of any bonds of  
1216 the district shall have been authorized, to borrow money for  
1217 the purposes for which such bonds are to be issued in  
1218 anticipation of the receipt of the proceeds of the sale of  
1219 such bonds and to issue bond anticipation notes in a principal  
1220 sum not in excess of the authorized maximum amount of such  
1221 bond issue. Such notes shall be in such denomination or  
1222 denominations, bear interest at such rate as the board may  
1223 determine not to exceed the maximum rate allowed by general  
1224 law, mature at such time or times not later than 5 years from  
1225 the date of issuance, and be in such form and executed in such  
1226 manner as the board shall prescribe. Such notes may be sold at  
1227 either public or private sale or, if such notes shall be  
1228 renewal notes, may be exchanged for notes then outstanding on  
1229 such terms as the board shall determine. Such notes shall be  
1230 paid from the proceeds of such bonds when issued. The board  
1231 may, in its discretion, in lieu of retiring the notes by means  
1232 of bonds, retire them by means of current revenues or from any  
1233 taxes or assessments levied for the payment of such bonds,

1234 but, in such event, a like amount of the bonds authorized  
1235 shall not be issued.

1236 (9) BORROWING.—The district at any time may obtain  
1237 loans, in such amount and on such terms and conditions as the  
1238 board may approve, for the purpose of paying any of the  
1239 expenses of the district or any costs incurred or that may be  
1240 incurred in connection with any of the projects of the  
1241 district, which loans shall bear interest as the board  
1242 determines, not to exceed the maximum rate allowed by general  
1243 law, and may be payable from and secured by a pledge of such  
1244 funds, revenues, taxes, and assessments as the board may  
1245 determine, subject, however, to the provisions contained in  
1246 any proceeding under which bonds were theretofore issued and  
1247 are then outstanding. For the purpose of defraying such costs  
1248 and expenses, the district may issue negotiable notes,  
1249 warrants, or other evidences of debt to be payable at such  
1250 times and to bear such interest as the board may determine,  
1251 not to exceed the maximum rate allowed by general  
1252 law, and to be sold or discounted at such price or prices not  
1253  
1254 less than 95 percent of par value and on such terms as the  
1255 board may deem advisable. The board shall have the right to

1256 provide for the payment thereof by pledging the whole or any  
1257 part of the funds, revenues, taxes, and assessments of the  
1258 district or by covenanting to budget and appropriate from such  
1259 funds. The approval of the electors residing in the district  
1260 shall not be necessary except when required by the State  
1261 Constitution.

1262 (10) BONDS.—

1263 (a) Sale of bonds.—Bonds may be sold in blocks or  
1264 installments at different times, or an entire issue or series  
1265 may be sold at one time. Bonds may be sold at public or  
1266 private sale after such advertisement, if any, as the board  
1267 may deem advisable, but not in any event at less than 90  
1268 percent of the par value thereof, together with accrued  
1269 interest thereon. Bonds may be sold or exchanged for refunding  
1270 bonds. Special assessment and revenue bonds may be delivered  
1271 by the district as payment of the purchase price of any  
1272 project or part thereof, or a combination of projects or parts  
1273 thereof, or as the purchase price or exchange for any  
1274 property, real, personal, or mixed, including franchises or  
1275 services rendered by any contractor, engineer, or other  
1276 person, all at one time or in blocks from

1277 | time to time, in such manner and upon such terms as the board  
1278 | in its discretion shall determine. The price or prices for any  
1279 | bonds sold, exchanged, or delivered may be:

1280 |         1. The money paid for the bonds.

1281 |         2. The principal amount, plus accrued interest to the  
1282 | date of redemption or exchange, or outstanding obligations  
1283 | exchanged for refunding bonds.

1284 |         3. In the case of special assessment or revenue bonds,  
1285 | the amount of any indebtedness to contractors or other persons  
1286 | paid with such bonds, or the fair value of any properties  
1287 | exchanged for the bonds, as determined by the board.

1288 |         (b) Authorization and form of bonds.—Any general  
1289 | obligation bonds, special assessment bonds, or revenue bonds  
1290 | may be authorized by resolution or resolutions of the board  
1291 | which shall be adopted by a majority of all the members  
1292 | thereof then in office. Such resolution or resolutions may be  
1293 | adopted at the same meeting at which they are introduced and  
1294 | need not be published or posted. The board may, by resolution,  
1295 | authorize the issuance of bonds and fix the aggregate amount  
1296 | of bonds to be issued; the purpose or purposes for which the  
1297 | moneys derived therefrom shall be expended, including, but not  
1298 | limited to, payment of costs as defined in section 2(2)(i); the

1299 rate or rates of interest, not to exceed the maximum rate  
1300 allowed by general law; the denomination of the bonds; whether  
1301 or not the bonds are to be issued in one or more series; the  
1302 date or dates of maturity, which shall not exceed 40 years  
1303 from their respective dates of issuance; the medium of  
1304 payment; the place or places within or without the state at  
1305 which payment shall be made; registration privileges;  
1306 redemption terms and privileges, whether with or without  
1307 premium; the manner of execution; the form of the bonds,  
1308 including any interest coupons to be attached thereto; the  
1309 manner of execution of bonds and coupons; and any and all  
1310 other terms, covenants, and conditions thereof and the  
1311 establishment of revenue or other funds. Such authorizing  
1312 resolution or resolutions may further provide for the  
1313 contracts authorized by s. 159.825(1)(f) and (g), Florida  
1314 Statutes, regardless of the tax treatment of such bonds being  
1315 authorized, subject to the finding by the board of a net  
1316 saving to the district resulting by reason thereof. Such  
1317 authorizing resolution may further provide that such bonds may  
1318 be executed in accordance with the Registered Public  
1319 Obligations Act, except that bonds not issued in registered  
1320 form shall be valid if manually countersigned by an officer

1321 designated by appropriate resolution of the board. The seal of  
1322 the district may be affixed, lithographed, engraved, or  
1323 otherwise reproduced in facsimile on such bonds. In case any  
1324 officer whose signature shall appear on any bonds or coupons  
1325 shall cease to be such officer before the delivery of such  
1326 bonds, such signature or facsimile shall nevertheless be valid  
1327 and sufficient for all purposes the same as if he or she had  
1328 remained in office until such delivery.

1329 (c) Interim certificates; replacement certificates.—  
1330 Pending the preparation of definitive bonds, the board may  
1331 issue interim certificates or receipts or temporary bonds, in  
1332 such form and with such provisions as the board may determine,  
1333 exchangeable for definitive bonds when such bonds have been  
1334 executed and are available for delivery. The board may also  
1335 provide for the replacement of any bonds which become  
1336 mutilated, lost, or destroyed.

1337 (d) Negotiability of bonds.—Any bond issued under this  
1338 act or any temporary bond, in the absence of an express  
1339 recital on the face thereof that it is nonnegotiable, shall be  
1340 fully negotiable and shall be and constitute a negotiable  
1341 instrument within the meaning and for all purposes of the law  
1342 merchant and the laws of the state.

1343 (e) Defeasance.—The board may make such provision with  
1344 respect to the defeasance of the right, title, and interest of  
1345 the holders of any of the bonds and obligations of the  
1346 district in any revenues, funds, or other properties by which  
1347 such bonds are secured as the board deems appropriate and,  
1348 without limitation on the foregoing, may provide that when  
1349 such bonds or obligations become due and payable or shall have  
1350 been called for redemption and the whole amount of the  
1351 principal and interest and premium, if any, due and payable  
1352 upon the bonds or obligations then outstanding shall be held  
1353 in trust for such purpose, and provision shall also be made  
1354 for paying all other sums payable in connection with such  
1355 bonds or other obligations, then and in such event the right,  
1356 title, and interest of the holders of the bonds in any  
1357 revenues, funds, or other properties by which such bonds are  
1358 secured shall thereupon cease, terminate, and become void; and  
1359 the board may apply any surplus in any sinking fund  
1360 established in connection with such bonds or obligations and  
1361 all balances remaining in all other funds or accounts other  
1362 than moneys held for the redemption or payment of the bonds or  
1363 other obligations to any lawful purpose of the district as the  
1364 board shall determine.

1365           (f) Issuance of additional bonds.—If the proceeds of  
1366 any bonds are less than the cost of completing the project in  
1367 connection with which such bonds were issued, the board may  
1368 authorize the issuance of additional bonds, upon such terms  
1369 and conditions as the board may provide in the resolution  
1370 authorizing the issuance thereof, but only in compliance with  
1371 the resolution or other proceedings authorizing the issuance  
1372 of the original bonds.

1373           (g) Refunding bonds.—The district shall have the power  
1374 to issue bonds to provide for the retirement or refunding of  
1375 any bonds or obligations of the district that at the time of  
1376 such issuance are or subsequent thereto become due and  
1377 payable, or that at the time of issuance have been called or  
1378 are, or will be, subject to call for redemption within 10  
1379 years thereafter, or the surrender of which can be procured  
1380 from the holders thereof at prices satisfactory to the board.  
1381 Refunding bonds may be issued at any time that in the judgment  
1382 of the board such issuance will be advantageous to the  
1383 district. No approval of the qualified electors residing in  
1384 the district shall be required for the issuance of refunding  
1385 bonds except in cases in which such approval is required by  
1386 the State Constitution. The board may by resolution confer

1387 upon the holders of such refunding bonds all rights, powers,  
1388 and remedies to which the holders would be entitled if they  
1389 continued to be the owners and had possession of the bonds for  
1390 the refinancing of which such refunding bonds are issued,  
1391 including, but not limited to, the preservation of the lien of  
1392 such bonds on the revenues of any project or on pledged funds,  
1393 without extinguishment, impairment, or diminution thereof. The  
1394 provisions of this act pertaining to bonds of the district  
1395 shall, unless the context otherwise requires, govern the  
1396 issuance of refunding bonds, the form and other details  
1397 thereof, the rights of the holders thereof, and the duties of  
1398 the board with respect to them.

1399 (h) Revenue bonds.—

1400 1. The district shall have the power to issue revenue  
1401 bonds from time to time without limitation as to amount. Such  
1402 revenue bonds may be secured by, or payable from, the gross or  
1403 net pledge of the revenues to be derived from any project or  
1404 combination of projects; from the rates, fees, or other  
1405 charges to be collected from the users of any project or  
1406 projects; from any revenue-producing undertaking or activity  
1407 of the district; from special assessments; or from benefit  
1408 special assessments; or from any other source or pledged

1409 security. Such bonds shall not constitute an indebtedness of  
1410 the district, and the approval of the qualified electors shall  
1411 not be required unless such bonds are additionally secured by  
1412 the full faith and credit and taxing power of the district.

1413           2. Any two or more projects may be combined and  
1414 consolidated into a single project and may hereafter be  
1415 operated and maintained as a single project. The revenue bonds  
1416 authorized herein may be issued to finance any one or more of  
1417 such projects, regardless of whether or not such projects have  
1418 been combined and consolidated into a single project. If the  
1419 board deems it advisable, the proceedings authorizing such  
1420 revenue bonds may provide that the district may thereafter  
1421 combine the projects then being financed or theretofore  
1422 financed with other projects to be subsequently financed by  
1423 the district and that revenue bonds to be thereafter issued by  
1424 the district shall be on parity with the revenue bonds then  
1425 being issued, all on such terms, conditions, and limitations  
1426 as shall have been provided in the proceeding which authorized  
1427 the original bonds.

1428           (i) General obligation bonds.-

1429           1. Subject to the limitations of this charter, the

1430 district shall have the power from time to time to issue  
1431 general obligation bonds to finance or refinance capital  
1432 projects or to refund outstanding bonds in an aggregate  
1433 principal amount of bonds outstanding at any one time not in  
1434 excess of 35 percent of the assessed value of the taxable  
1435 property within the district as shown on the pertinent tax  
1436 records at the time of the authorization of the general  
1437 obligation bonds for which the full faith and credit of the  
1438 district is pledged. Except for refunding bonds, no general  
1439 obligation bonds shall be issued unless the bonds are issued  
1440 to finance or refinance a capital project and the issuance has  
1441 been approved at an election held in accordance with the  
1442 requirements for such election as prescribed by the State  
1443 Constitution. Such elections shall be called to be held in the  
1444 district by the Board of County Commissioners of Brevard  
1445 County and the County Council of Volusia County upon the  
1446 request of the board of the district. The expenses of calling  
1447 and holding an election shall be at the expense of the  
1448 district and the district shall reimburse the counties for any  
1449 expenses incurred in calling or holding such election.

1450           2. The district may pledge its full faith and credit  
1451 for the payment of the principal and interest on such general

1452 obligation bonds and for any reserve funds provided therefor  
1453 and may unconditionally and irrevocably pledge itself to levy  
1454 ad valorem taxes on all taxable property in the district, to  
1455 the extent necessary for the payment thereof, without  
1456 limitation as to rate or amount.

1457         3. If the board determines to issue general obligation  
1458 bonds for more than one capital project, the approval of the  
1459 issuance of the bonds for each and all such projects may be  
1460 submitted to the electors on one and the same ballot. The  
1461 failure of the electors to approve the issuance of bonds for  
1462 any one or more capital projects shall not defeat the approval  
1463 of bonds for any capital project which has been approved by  
1464 the electors.

1465         4. In arriving at the amount of general obligation  
1466 bonds permitted to be outstanding at any one time pursuant to  
1467 subparagraph 1., there shall not be included any general  
1468 obligation bonds that are additionally secured by the pledge  
1469 of:

1470             a. Any assessments levied in an amount sufficient to  
1471 pay the principal and interest on the general obligation bonds  
1472 so additionally secured, which assessments have been equalized

1473 and confirmed by resolution of the board pursuant to this act  
1474 or s. 170.08, Florida Statutes.

1475           b. Water revenues, sewer revenues, or water and sewer  
1476 revenues of the district to be derived from user fees in an  
1477 amount sufficient to pay the principal and interest on the  
1478 general obligation bonds so additionally secured.

1479           c. Any combination of assessments and revenues  
1480 described in sub-subparagraphs a. and b.

1481           (j) Bonds as legal investment or security.-

1482           1. Notwithstanding any provisions of any other law to  
1483 the contrary, all bonds issued under the provisions of this  
1484 act shall constitute legal investments for savings banks,  
1485 banks, trust companies, insurance companies, executors,  
1486 administrators, trustees, guardians, and other fiduciaries and  
1487 for any board, body, agency, instrumentality, county,  
1488 municipality, or other political subdivision of the state and  
1489 shall be and constitute security which may be deposited by  
1490 banks or trust companies as security for deposits of state,  
1491 county, municipal, or other public funds or by insurance  
1492 companies as required or voluntary statutory deposits.

1493           2. Any bonds issued by the district shall be  
1494 incontestable in the hands of bona fide purchasers or holders

1495 | for value and shall not be invalid because of any irregularity  
1496 | or defect in the proceedings for the issue and sale thereof.

1497 |           (k) Covenants.—Any resolution authorizing the issuance  
1498 | of bonds may contain such covenants as the board may deem  
1499 | advisable, and all such covenants shall constitute valid and  
1500 | legally binding and enforceable contracts between the district  
1501 | and the bondholders, regardless of the time of issuance  
1502 | thereof. Such covenants may include, without limitation,  
1503 | covenants concerning the disposition of the bond proceeds; the  
1504 | use and disposition of project revenues; the pledging of  
1505 | revenues, taxes, and assessments; the obligations of the  
1506 | district with respect to the operation of the project and the  
1507 | maintenance of adequate project revenues; the issuance of  
1508 | additional bonds; the appointment, powers, and duties of  
1509 | trustees and receivers; the acquisition of outstanding bonds  
1510 | and obligations; restrictions on the establishing of competing  
1511 | projects or facilities; restrictions on the sale or disposal  
1512 | of the assets and property of the district; the priority of  
1513 | assessment liens; the priority of claims by bondholders on the  
1514 | taxing power of the district; the maintenance of deposits to  
1515 | ensure the payment of revenues by users of district facilities  
1516 | and services; the discontinuance of district services by

1517 reason of delinquent payments; acceleration upon default; the  
1518 execution of necessary instruments; the procedure for amending  
1519 or abrogating covenants with the bondholders; and such other  
1520 covenants as may be deemed necessary or desirable for the  
1521 security of the bondholders.

1522 (1) Validation proceedings.—The power of the district  
1523 to issue bonds under the provisions of this act may be  
1524 determined, and any of the bonds of the district maturing over  
1525 a period of more than 5 years shall be validated and  
1526 confirmed, by court decree, under the provisions of chapter  
1527 75, Florida Statutes, and laws amendatory thereof or  
1528 supplementary thereto.

1529 (m) Tax exemption.—To the extent allowed by general  
1530 law, all bonds issued hereunder and interest paid thereon and  
1531 all fees, charges, and other revenues derived by the district  
1532 from the projects provided by this act are exempt from all  
1533 taxes by the state or by any political subdivision, agency, or  
1534 instrumentality thereof; however, any interest, income, or  
1535 profits on debt obligations issued hereunder are not exempt  
1536 from the tax imposed by chapter 220, Florida Statutes.  
1537 Further, the district is not exempt from the provisions of  
1538 chapter 212, Florida Statutes.

1539           (n) Application of s. 189.051, Florida Statutes.—Bonds  
1540 issued by the district shall meet the criteria set forth in s.  
1541 189.051.

1542           (o) Act furnishes full authority for issuance of  
1543 bonds.—This act constitutes full and complete authority for  
1544 the issuance of bonds and the exercise of the powers of the  
1545 district provided herein. No procedures or proceedings,  
1546 publications, notices, consents, approvals, orders, acts, or  
1547 things by the board, or any board, officer, commission,  
1548 department, agency, or instrumentality of the district, other  
1549 than those required by this act, shall be required to perform  
1550 anything under this act, except that the issuance or sale of  
1551 bonds pursuant to the provisions of this act shall comply with  
1552 the general law requirements applicable to the issuance or  
1553 sale of bonds by the district. Nothing in this act shall be  
1554 construed to authorize the district to utilize bond proceeds  
1555 to fund the ongoing operations of the district.

1556           (p) Pledge by the state to the bondholders of the  
1557 district.—The state pledges to the holders of any bonds issued  
1558 under this act that it will not limit or alter the rights of  
1559 the district to own, acquire, construct, reconstruct, improve,  
1560 maintain, operate, or furnish the projects or to levy and

1561 collect the taxes, assessments, rentals, rates, fees, and  
1562 other charges provided for herein and to fulfill the terms of  
1563 any agreement made with the holders of such bonds or other  
1564 obligations and that it will not in any way impair the rights  
1565 or remedies of such holders.

1566 (q) Default.—A default on the bonds or obligations of  
1567 a district shall not constitute a debt or obligation of the  
1568 state or any general-purpose local government or the state. In  
1569 the event of a default or dissolution of the district, no  
1570 local general-purpose government shall be required to assume  
1571 the property of the district, the debts of the district, or  
1572 the district's obligations to complete any infrastructure  
1573 improvements or provide any services to the district. The  
1574 provisions of s. 189.076(2), Florida Statutes, shall not apply  
1575 to the district.

1576 (11) TRUST AGREEMENTS.—Any issue of bonds shall be  
1577 secured by a trust agreement or resolution by and between the  
1578 district and a corporate trustee or trustees, which may be any  
1579 trust company or bank having the powers of a trust company  
1580 within or without the state. The resolution authorizing the  
1581 issuance of the bonds or such trust agreement may pledge the  
1582 revenues to be received from any projects of the district and

1583 | may contain such provisions for protecting and enforcing the  
1584 | rights and remedies of the bondholders as the board may  
1585 | approve, including, without limitation, covenants setting  
1586 | forth the duties of the district in relation to: the  
1587 | acquisition, construction, reconstruction, improvement,  
1588 | maintenance, repair, operation, and insurance of any projects;  
1589 | the fixing and revising of the rates, fees, and charges; and  
1590 | the custody, safeguarding, and application of all moneys and  
1591 | for the employment of consulting engineers in connection with  
1592 | such acquisition, construction, reconstruction, improvement,  
1593 | maintenance, repair, or operation. It shall be lawful for any  
1594 | bank or trust company within or without the state which may  
1595 | act as a depository of the proceeds of bonds or of revenues to  
1596 | furnish such indemnifying bonds or to pledge such securities  
1597 | as may be required by the district. Such resolution or trust  
1598 | agreement may set forth the rights and remedies of the  
1599 | bondholders and of the trustee, if any, and may restrict the  
1600 | individual right of action by bondholders. The board may  
1601 | provide for the payment of proceeds of the sale of the bonds  
1602 | and the revenues of any project to such officer, board, or  
1603 | depository as it may designate for the custody thereof and may  
1604 | provide for the method of disbursement thereof with such

1605 safeguards and restrictions as it may determine. All expenses  
1606 incurred in carrying out the provisions of such resolution or  
1607 trust agreement may be treated as part of the cost of  
1608 operation of the project to which such trust agreement  
1609 pertains.

1610 (12) AD VALOREM TAXES; ASSESSMENTS, BENEFIT SPECIAL  
1611 ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL  
1612 ASSESSMENTS; MAINTENANCE TAXES.—

1613 (a) Ad valorem taxes.—At such time as all members of  
1614 the board are qualified electors who are elected by qualified  
1615 electors of the district, the board shall have the power to  
1616 levy and assess an ad valorem tax on all the taxable property  
1617 in the district to construct, operate, and maintain assessable  
1618 improvements; to pay the principal of, and interest on, any  
1619 general obligation bonds of the district; and to provide for  
1620 any sinking or other funds established in connection with any  
1621 such bonds. An ad valorem tax levied by the board for  
1622 operating purposes, exclusive of debt service on bonds, shall  
1623 not exceed 3 mills. The ad valorem tax provided for herein  
1624 shall be in addition to county and all other ad valorem taxes  
1625 provided for by law. Such tax shall be assessed, levied, and  
1626 collected in the same manner and at the same time as county

1627 taxes. The levy of ad valorem taxes must be approved by  
1628 referendum as required by Section 9 of Article VII of the  
1629 State Constitution.

1630 (b) Benefit special assessments.—The board annually  
1631 shall determine, order, and levy the annual installment of the  
1632 total benefit special assessments for bonds issued and related  
1633 expenses to finance assessable improvements. These assessments  
1634 may be due and collected during each year county taxes are due  
1635 and collected, in which case such annual installment and levy  
1636 shall be evidenced to and certified to the property appraiser  
1637 by the board not later than August 31 of each year. Such  
1638 assessment shall be entered by the property appraiser on the  
1639 county tax rolls and shall be collected and enforced by the  
1640 tax collector in the same manner and at the same time as  
1641 county taxes, and the proceeds thereof shall be paid to the  
1642 district. However, this subsection shall not prohibit the  
1643 district in its discretion from using the method prescribed in  
1644 either s. 197.3632 or chapter 173, Florida Statutes, as each  
1645 may be amended from time to time, for collecting and enforcing  
1646 these assessments. Each annual installment of benefit special  
1647 assessments shall be a lien on the property against which  
1648 assessed until paid and shall be enforceable in like manner as

1649 county taxes. The amount of the assessment for the exercise of  
1650 the district's powers under subsections (6) and (7) shall be  
1651 determined by the board based upon a report of the district's  
1652 engineer and assessed by the board upon such lands, which may  
1653 be part or all of the lands within the district benefited by  
1654 the improvement, apportioned between benefited lands in  
1655 proportion to the benefits received by each tract of land. The  
1656 board may, if it determines it is in the best interests of the  
1657 district, set forth in the proceedings initially levying such  
1658 benefit special assessments or in subsequent proceedings a  
1659 formula for the determination of an amount, which when paid by  
1660 a taxpayer with respect to any tax parcel, shall constitute a  
1661 prepayment of all future annual installments of such benefit  
1662 special assessments and that the payment of which amount with  
1663 respect to such tax parcel shall relieve and discharge such  
1664 tax parcel of the lien of such benefit special assessments and  
1665 any subsequent annual installment thereof. The board may  
1666 provide further that upon delinquency in the payment of any  
1667 annual installment of benefit special assessments, the  
1668 prepayment amount of all future annual installments of benefit  
1669 special assessments as determined in the preceding sentence

1670 shall be and become immediately due and payable together with  
1671 such delinquent annual installment.

1672 (c) Non-ad valorem maintenance taxes.—If and when  
1673 authorized by general law, to maintain and to preserve the  
1674 physical facilities and services constituting the works,  
1675 improvements, or infrastructure owned by the district pursuant  
1676 to this act, to repair and restore any one or more of them,  
1677 when needed, and to defray the current expenses of the  
1678 district, including any sum which may be required to pay state  
1679 and county ad valorem taxes on any lands which may have been  
1680 purchased and which are held by the district under the  
1681 provisions of this act, the board of supervisors may, upon the  
1682 completion of said systems, facilities, services, works,  
1683 improvements, or infrastructure, in whole or in part, as may  
1684 be certified to the board by the engineer of the board, levy  
1685 annually a non-ad valorem and non-millage tax upon each tract  
1686 or parcel of land within the district, to be known as a  
1687 "maintenance tax." This non-ad valorem maintenance tax shall  
1688 be apportioned upon the basis of the net assessments of  
1689 benefits assessed as accruing from the original construction  
1690 and shall be evidenced to and certified by the board of  
1691 supervisors of the district not later than June 1 of each year

1692 to the tax collectors for Brevard and Volusia Counties and  
1693 shall be extended on the tax rolls and collected by the tax  
1694 collector on the merged collection roll of the tax collector  
1695 in the same manner and at the same time as county ad valorem  
1696 taxes, and the proceeds therefrom shall be paid to the  
1697 district. This non-ad valorem maintenance tax shall be a lien  
1698 until paid on the property against which assessed and  
1699 enforceable in like manner and of the same dignity as county  
1700 ad valorem taxes.

1701 (d) Maintenance special assessments.—To maintain and  
1702 preserve the facilities and projects of the district, the  
1703 board may levy a maintenance special assessment. This  
1704 assessment may be evidenced to and certified to the tax  
1705 collector by the board of supervisors not later than August 31  
1706 of each year and shall be entered by the property appraiser on  
1707 the county tax rolls and shall be collected and enforced by  
1708 the tax collector in the same manner and at the same time as  
1709 county taxes, and the proceeds therefrom shall be paid to the  
1710 district. However, this subsection shall not prohibit the  
1711 district in its discretion from using the method prescribed in  
1712 s. 197.363, s. 197.3631, or s. 197.3632, Florida Statutes, for  
1713 collecting and enforcing these assessments. These maintenance

1714 special assessments shall be a lien on the property against  
1715 which assessed until paid and shall be enforceable in like  
1716 manner as county taxes. The amount of the maintenance special  
1717 assessment for the exercise of the district's powers under  
1718 this section shall be determined by the board based upon a  
1719 report of the district's engineer and assessed by the board  
1720 upon such lands, which may be all of the lands within the  
1721 district benefited by the maintenance thereof, apportioned  
1722 between the benefited lands in proportion to the benefits  
1723 received by each tract of land.

1724 (e) Special assessments.—The board may levy and impose  
1725 any special assessments pursuant to this subsection.

1726 (f) Enforcement of taxes.—The collection and  
1727 enforcement of all taxes levied by the district shall be at  
1728 the same time and in like manner as county taxes, and the  
1729 provisions of the laws of Florida relating to the sale of  
1730 lands for unpaid and delinquent county taxes; the issuance,  
1731 sale, and delivery of tax certificates for such unpaid and  
1732 delinquent county taxes; the redemption thereof; the issuance  
1733 to individuals of tax deeds based thereon; and all other  
1734 procedures in connection therewith shall be applicable to the  
1735 district to the same extent as if such statutory provisions

1736 | were expressly set forth herein. All taxes shall be subject to  
1737 | the same discounts as county taxes.

1738 |           (g) When unpaid tax is delinquent; penalty.—All taxes  
1739 | provided for in this act shall become delinquent and bear  
1740 | penalties on the amount of such taxes in the same manner as  
1741 | county taxes.

1742 |           (h) Status of assessments.—Benefit special  
1743 | assessments, maintenance special assessments, and special  
1744 | assessments are hereby found and determined to be non-ad  
1745 | valorem assessments as defined by s. 197.3632, Florida  
1746 | Statutes. Maintenance taxes are non-ad valorem taxes and are  
1747 | not special assessments.

1748 |           (i) Assessments constitute liens; collection.—Any and  
1749 | all assessments, including special assessments, benefit  
1750 | special assessments, and maintenance special assessments  
1751 | authorized by this section, and including special assessments  
1752 | as defined by section 2(2)(z) and granted and authorized by  
1753 | this subsection, and including maintenance taxes if authorized  
1754 | by general law, shall constitute a lien on the property  
1755 | against which assessed from the date of levy and imposition  
1756 | thereof until paid, coequal with the lien of state, county,  
1757 | municipal, and school board taxes. These assessments may be

1758 collected, at the district's discretion, under authority of s.  
1759 197.3631, Florida Statutes, as amended from time to time, by  
1760 the tax collector pursuant to the provisions of ss. 197.3632  
1761 and 197.3635, Florida Statutes, as amended from time to time,  
1762 or in accordance with other collection measures provided by  
1763 law. In addition to, and not in limitation of, any powers  
1764 otherwise set forth herein or in general law, these  
1765 assessments may also be enforced pursuant to the provisions of  
1766 chapter 173, Florida Statutes, as amended from time to time.

1767 (j) Land owned by governmental entity.—Except as  
1768 otherwise provided by law, no levy of ad valorem taxes or non-  
1769 ad valorem assessments under this act or chapter 170 or  
1770 chapter 197, Florida Statutes, as each may be amended from  
1771 time to time, or otherwise, by a board of the district, on  
1772 property of a governmental entity that is subject to a ground  
1773 lease as described in s. 190.003(14), Florida Statutes, shall  
1774 constitute a lien or encumbrance on the underlying fee  
1775 interest of such governmental entity.

1776 (13) SPECIAL ASSESSMENTS.—

1777 (a) As an alternative method to the levy and  
1778 imposition of special assessments pursuant to chapter 170,  
1779 Florida Statutes, pursuant to the authority of s. 197.3631,

1780 Florida Statutes, or pursuant to other provisions of general  
1781 law, now or hereafter enacted, which provide a supplemental  
1782 means or authority to impose, levy, and collect special  
1783 assessments as otherwise authorized under this act, the board  
1784 may levy and impose special assessments to finance the  
1785 exercise of any of its powers permitted under this act using  
1786 the following uniform procedures:

1787           1. At a noticed meeting, the board of supervisors of  
1788 the district may consider and review an engineer's report on  
1789 the costs of the systems, facilities, and services to be  
1790 provided, a preliminary special assessment methodology, and a  
1791 preliminary roll based on acreage or platted lands, depending  
1792 upon whether platting has occurred.

1793           a. The special assessment methodology shall address  
1794 and discuss and the board shall consider whether the systems,  
1795 facilities, and services being contemplated will result in  
1796 special benefits peculiar to the property, different in kind  
1797 and degree than general benefits, as a logical connection  
1798 between the systems, facilities, and services themselves and  
1799 the property, and whether the duty to pay the special  
1800 assessments by the property owners is apportioned in a manner  
1801 that is fair and equitable and not in excess of the special

1802 benefit received. It shall be fair and equitable to designate  
1803 a fixed proportion of the annual debt service, together with  
1804 interest thereon, on the aggregate principal amount of bonds  
1805 issued to finance such systems, facilities, and services which  
1806 give rise to unique, special, and peculiar benefits to  
1807 property of the same or similar characteristics under the  
1808 special assessment methodology so long as such fixed  
1809 proportion does not exceed the unique, special, and peculiar  
1810 benefits enjoyed by such property from such systems,  
1811 facilities, and services.

1812           b. The engineer's cost report shall identify the  
1813 nature of the proposed systems, facilities, and services,  
1814 their location, a cost breakdown plus a total estimated cost,  
1815 including cost of construction or reconstruction, labor, and  
1816 materials, lands, property, rights, easements, franchises, or  
1817 systems, facilities, and services to be acquired, cost of  
1818 plans and specifications, surveys of estimates of costs and  
1819 revenues, costs of engineering, legal, and other professional  
1820 consultation services, and other expenses or costs necessary  
1821 or incident to determining the feasibility or practicability  
1822 of such construction, reconstruction, or acquisition,  
1823 administrative expenses, relationship to the authority and

1824 power of the district in its charter, and such other expenses  
1825 or costs as may be necessary or incident to the financing to  
1826 be authorized by the board of supervisors.

1827         c. The preliminary special assessment roll will be in  
1828 accordance with the assessment methodology as may be adopted  
1829 by the board of supervisors; the special assessment roll shall  
1830 be completed as promptly as possible and shall show the  
1831 acreage, lots, lands, or plats assessed and the amount of the  
1832 fairly and reasonably apportioned assessment based on special  
1833 and peculiar benefit to the property, lot, parcel, or acreage  
1834 of land; and, if the special assessment against such lot,  
1835 parcel, acreage, or portion of land is to be paid in  
1836 installments, the number of annual installments in which the  
1837 special assessment is divided shall be entered into and shown  
1838 upon the special assessment roll.

1839         2. The board of supervisors of the district may  
1840 determine and declare by an initial special assessment  
1841 resolution to levy and assess the special assessments with  
1842 respect to assessable improvements stating the nature of the  
1843 systems, facilities, and services, improvements, projects, or  
1844 infrastructure constituting such assessable improvements, the  
1845 information in the engineer's cost report, the information in

1846 | the special assessment methodology as determined by the board  
1847 | at the noticed meeting and referencing and incorporating as  
1848 | part of the resolution the engineer's cost report, the  
1849 | preliminary special assessment methodology, and the  
1850 | preliminary special assessment roll as referenced exhibits to  
1851 | the resolution by reference. If the board determines to  
1852 | declare and levy the special assessments by the initial  
1853 | special assessment resolution, the board shall also  
1854 | adopt and declare a notice resolution which shall provide and  
1855 | cause the initial special assessment resolution to be  
1856 | published once a week for a period of 2 weeks in newspapers of  
1857 | general circulation published in Brevard and Volusia Counties,  
1858 | and said board shall by the same resolution fix a time and  
1859 | place at which the owner or owners of the property to be  
1860 | assessed or any other persons interested therein may appear  
1861 | before said board and be heard as to the propriety and  
1862 | advisability of making such improvements, as to the costs  
1863 | thereof, as to the manner of payment therefor, and as to the  
1864 | amount thereof to be assessed against each property so  
1865 | improved. Thirty days' notice in writing of such time and  
1866 | place shall be given to such property owners. The notice shall  
1867 | include the amount of the special assessment and shall be

1868 | served by mailing a copy to each assessed property owner at  
1869 | his or her last known address, the names and addresses of such  
1870 | property owners to be obtained from the record of the property  
1871 | appraiser of the county political subdivision in which the  
1872 | land is located or from such other sources as the district  
1873 | manager or engineer deems reliable, and proof of such mailing  
1874 | shall be made by the affidavit of the manager of the district  
1875 | or by the engineer, said proof to be filed with the district  
1876 | manager, provided that failure to mail said notice or notices  
1877 | shall not invalidate any of the proceedings hereunder. It is  
1878 | provided further that the last publication shall be at least 1  
1879 | week prior to the date of the hearing on the final special  
1880 | assessment resolution. Said notice shall describe the general  
1881 | areas to be improved and advise all persons interested that  
1882 | the description of each property to be assessed and the amount  
1883 | to be assessed to each piece, parcel, lot, or acre of property  
1884 | may be ascertained at the office of the manager of the  
1885 | district. Such service by publication shall be verified by the  
1886 | affidavit of the publisher and filed with the manager of the  
1887 | district. Moreover, the initial special assessment resolution  
1888 | with its attached, referenced, and incorporated engineer's  
1889 | cost report, preliminary special assessment methodology, and

1890 preliminary special assessment roll, along with the notice  
1891 resolution, shall be available for public inspection at the  
1892 office of the manager and the office of the engineer or any  
1893 other office designated by the board of supervisors in the  
1894 notice resolution. Notwithstanding the foregoing, the  
1895 landowners of all of the property which is proposed to be  
1896 assessed may give the district written notice of waiver of any  
1897 notice and publication provided for in this subparagraph and  
1898 such notice and publication shall not be required, provided,  
1899 however, that any meeting of the board of supervisors to  
1900 consider such resolution shall be a publicly noticed meeting.

1901           3. At the time and place named in the noticed  
1902 resolution as provided for in subparagraph 2., the board of  
1903 supervisors of the district shall meet and hear testimony from  
1904 affected property owners as to the propriety and advisability  
1905 of making the systems, facilities, services, projects, works,  
1906 improvements, or infrastructure and funding them with  
1907 assessments referenced in the initial special assessment  
1908 resolution on the property. Following the testimony and  
1909 questions from the members of the board or any professional  
1910 advisors to the district of the preparers of the engineer's  
1911 cost report, the special assessment methodology, and the

1912 special assessment roll, the board of supervisors shall make a  
1913 final decision on whether to levy and assess the particular  
1914 special assessments. Thereafter, the board of supervisors  
1915 shall meet as an equalizing board to hear and to consider any  
1916 and all complaints as to the particular special assessments  
1917 and shall adjust and equalize the special assessments to  
1918 ensure proper assessment based on the benefit conferred on the  
1919 property.

1920           4. When so equalized and approved by resolution or  
1921 ordinance by the board of supervisors, to be called the final  
1922 special assessment resolution, a final special assessment roll  
1923 shall be filed with the clerk of the board and such special  
1924 assessment shall stand confirmed and remain legal, valid, and  
1925 binding first liens on the property against which such special  
1926 assessments are made until paid, equal in dignity to the first  
1927 liens of ad valorem taxation of county and municipal  
1928 governments and school boards. However, upon completion of the  
1929 systems, facilities, service, project, improvement, works, or  
1930 infrastructure, the district shall credit to each of the  
1931 assessments the difference in the special assessment as  
1932 originally made, approved, levied, assessed, and confirmed and  
1933 the proportionate part of the actual cost of the improvement

1934 to be paid by the particular special assessments as finally  
1935 determined upon the completion of the improvement; but in no  
1936 event shall the final special assessment exceed the amount of  
1937 the special and peculiar benefits as apportioned fairly and  
1938 reasonably to the property from the system, facility, or  
1939 service being provided as originally assessed. Promptly after  
1940 such confirmation, the special assessment shall be recorded by  
1941 the clerk of the district in the minutes of the proceedings of  
1942 the district, and the record of the lien in this set of  
1943 minutes shall constitute prima facie evidence of its validity.  
1944 The board of supervisors, in its sole discretion, may, by  
1945 resolution grant a discount equal to all or a part of the  
1946 payee's proportionate share of the cost of the project  
1947 consisting of bond financing cost, such as capitalized  
1948 interest, funded reserves, and bond discounts included in the  
1949 estimated cost of the project, upon payment in full of any  
1950 special assessments during such period prior to the time such  
1951 financing costs are incurred as may be specified by the board  
1952 of supervisors in such resolution.

1953           5. District special assessments may be made payable in  
1954 installments over no more than 40 years from the date of the

1955 payment of the first installment thereof and may bear interest  
1956 at fixed or variable rates.

1957 (b) Notwithstanding any provision of this act or  
1958 chapter 170, Florida Statutes, that portion of s. 170.09,  
1959 Florida Statutes, that provides that special assessments may  
1960 be paid without interest at any time within 30 days after the  
1961 improvement is completed and a resolution accepting the same  
1962 has been adopted by the governing authority shall not be  
1963 applicable to any district special assessments, whether  
1964 imposed, levied, and collected pursuant to the provisions of  
1965 this act or other provisions of Florida law, including, but  
1966 not limited to, chapter 170, Florida Statutes.

1967 (c) In addition, the district is authorized expressly  
1968 in the exercise of its rulemaking power to adopt a rule or  
1969 rules which provides or provide for notice, levy, imposition,  
1970 equalization, and collection of assessments.

1971 (14) ISSUANCE OF CERTIFICATES OF INDEBTEDNESS BASED ON  
1972 ASSESSMENTS FOR ASSESSABLE IMPROVEMENTS; ASSESSMENT BONDS.—

1973 (a) The board may, after any special assessments or  
1974 benefit special assessments for assessable improvements are  
1975 made, determined, and confirmed as provided in this act, issue  
1976 certificates of indebtedness for the amount so assessed

1977 against the abutting property or property otherwise benefited,  
1978 as the case may be, and separate certificates shall be issued  
1979 against each part or parcel of land or property assessed,  
1980 which certificates shall state the general nature of the  
1981 improvement for which the assessment is made. The certificates  
1982 shall be payable in annual installments in accordance with the  
1983 installments of the special assessment for which they are  
1984 issued. The board may determine the interest to be borne by  
1985 such certificates, not to exceed the maximum rate allowed by  
1986 general law, and may sell such certificates at either private  
1987 or public sale and determine the form, manner of execution,  
1988 and other details of such certificates. The certificates shall  
1989 recite that they are payable only from the special assessments  
1990 levied and collected from the part or parcel of land or  
1991 property against which they are issued. The proceeds of such  
1992 certificates may be pledged for the payment of principal of  
1993 and interest on any revenue bonds or general obligation bonds  
1994 issued to finance in whole or in part such assessable  
1995 improvement, or, if not so pledged, may be used to pay the  
1996 cost or part of the cost of such assessable improvements.

1997 (b) The district may also issue assessment bonds,  
1998 revenue bonds, or other obligations payable from a special

1999 fund into which such certificates of indebtedness referred to  
2000 in paragraph (a) may be deposited or, if such certificates of  
2001 indebtedness have not been issued, the district may assign to  
2002 such special fund for the benefit of the holders of such  
2003 assessment bonds or other obligations, or to a trustee for  
2004 such bondholders, the assessment liens provided for in this  
2005 act unless such certificates of indebtedness or assessment  
2006 liens have been theretofore pledged for any bonds or other  
2007 obligations authorized hereunder. In the event of the creation  
2008 of such special fund and the issuance of such assessment bonds  
2009 or other obligations, the proceeds of such certificates of  
2010 indebtedness or assessment liens deposited therein shall be  
2011 used only for the payment of the assessment bonds or other  
2012 obligations issued as provided in this section. The district  
2013 is authorized to covenant with the holders of such assessment  
2014 bonds, revenue bonds, or other obligations that it will  
2015 diligently and faithfully enforce and collect all the special  
2016 assessments, and interest and penalties thereon, for which  
2017 such certificates of indebtedness or assessment liens have  
2018 been deposited in or assigned to such fund; to foreclose such  
2019 assessment liens so assigned to such special fund or  
2020 represented by the certificates of indebtedness deposited in

2021 the special fund, after such assessment liens have become  
2022 delinquent, and deposit the proceeds derived from such  
2023 foreclosure, including interest and penalties, in such special  
2024 fund; and to make any other covenants deemed necessary or  
2025 advisable in order to properly secure the holders of such  
2026 assessment bonds or other obligations.

2027 (c) The assessment bonds, revenue bonds, or other  
2028 obligations issued pursuant to this section shall have such  
2029 dates of issue and maturity as shall be deemed advisable by  
2030 the board; however, the maturities of such assessment bonds or  
2031 other obligations shall not be more than 2 years after the due  
2032 date of the last installment which will be payable on any of  
2033 the special assessments for which such assessment liens, or  
2034 the certificates of indebtedness representing such assessment  
2035 liens, are assigned to or deposited in such special fund.

2036 (d) Such assessment bonds, revenue bonds, or other  
2037 obligations issued under this section shall bear such interest  
2038 as the board may determine, not to exceed the maximum rate  
2039 allowed by general law, and shall be executed, shall have such  
2040 provisions for redemption prior to maturity, shall be sold in  
2041 the manner, and shall be subject to all of the applicable  
2042 provisions contained in this act for revenue bonds, except as

2043 the same may be inconsistent with the provisions of this  
2044 section.

2045 (e) All assessment bonds, revenue bonds, or other  
2046 obligations issued under the provisions of this section shall  
2047 be, shall constitute, and shall have all the qualities and  
2048 incidents of negotiable instruments under the law merchant and  
2049 the laws of the state.

2050 (15) TAX LIENS.—All taxes of the district provided for  
2051 in this act, together with all penalties for default in the  
2052 payment of the same and all costs in collecting the same,  
2053 including a reasonable attorney fee fixed by the court and  
2054 taxed as a cost in the action brought to enforce payment,  
2055 shall, from January 1 for each year the property is liable to  
2056 assessment and until paid, constitute a lien of equal dignity  
2057 with the liens for state and county taxes and other taxes of  
2058 equal dignity with state and county taxes upon all the lands  
2059 against which such taxes shall be levied. A sale of any of the  
2060 real property within the district for state and county or  
2061 other taxes shall not operate to relieve or release the  
2062 property so sold from the lien for subsequent district taxes  
2063 or installments of district taxes, which lien may be enforced  
2064 against such property as though no such sale thereof had been

2065 made. In addition to, and not in limitation of, the preceding  
2066 sentence, for purposes of s.197.552, Florida Statutes, the  
2067 lien of all special assessments levied by the district shall  
2068 constitute a lien of record held by a municipal or county  
2069 governmental unit. The provisions of ss. 194.171, 197.122,  
2070 197.333, and 197.432, Florida Statutes, shall be applicable to  
2071 district taxes with the same force and effect as if such  
2072 provisions were expressly set forth in this act.

2073 (16) PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY  
2074 THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE.—

2075 (a) The district shall have the power and right to:

2076 1. Pay any delinquent state, county, district,  
2077 municipal, or other tax or assessment upon lands located  
2078 wholly or partially within the boundaries of the district.

2079 2. Redeem or purchase any tax sales certificates  
2080 issued or sold on account of any state, county, district,  
2081 municipal, or other taxes or assessments upon lands located  
2082 wholly or partially within the boundaries of the district.

2083 (b) Delinquent taxes paid, or tax sales certificates  
2084 redeemed or purchased, by the district, together with all  
2085 penalties for the default in payment of the same and all costs  
2086 in collecting the same and a reasonable attorney fee, shall

2087 constitute a lien in favor of the district of equal dignity  
2088 with the liens of state and county taxes and other taxes of  
2089 equal dignity with state and county taxes upon all the real  
2090 property against which the taxes were levied. The lien of the  
2091 district may be foreclosed in the manner provided in this act.

2092 (c) In any sale of land pursuant to s. 197.542,  
2093 Florida Statutes, as may be amended from time to time, the  
2094 district may certify to the clerk of the circuit court of the  
2095 county holding such sale the amount of taxes due to the  
2096 district upon the lands sought to be sold, and the district  
2097 shall share in the disbursement of the sales proceeds in  
2098 accordance with the provisions of this act and under the laws  
2099 of the state.

2100 (17) FORECLOSURE OF LIENS.—Any lien in favor of the  
2101 district arising under this act may be foreclosed by the  
2102 district by foreclosure proceedings in the name of the  
2103 district in a court of competent jurisdiction as provided by  
2104 general law in like manner as is provided in chapter 170 or  
2105 chapter 173, Florida Statutes, and amendments thereto and the  
2106 provisions of those chapters shall be applicable to such  
2107 proceedings with the same force and effect as if those  
2108 provisions were expressly set forth in this act. Any act

2109 required or authorized to be done by or on behalf of a  
2110 municipality in foreclosure proceedings under chapter 170 or  
2111 chapter 173, Florida Statutes, may be performed by such  
2112 officer or agent of the district as the board of supervisors  
2113 may designate. Such foreclosure proceedings may be brought at  
2114 any time after the expiration of 1 year from the date any tax,  
2115 or installment thereof, becomes delinquent; however, no lien  
2116 shall be foreclosed against any political subdivision or  
2117 agency of the state. Other legal remedies shall remain  
2118 available.

2119 (18) MANDATORY USE OF CERTAIN DISTRICT SYSTEMS,  
2120 FACILITIES, AND SERVICES.—To the full extent permitted by law,  
2121 the district shall require all lands, buildings, premises,  
2122 persons, firms, and corporations within the district to use  
2123 the facilities of the district.

2124 (19) COMPETITIVE PROCUREMENT; BIDS; NEGOTIATIONS;  
2125 RELATED PROVISIONS REQUIRED.—

2126 (a) No contract shall be let by the board for any  
2127 goods, supplies, or materials to be purchased when the amount  
2128 thereof to be paid by the district shall exceed the amount  
2129 provided in s. 287.017, Florida Statutes, as amended from time  
2130 to time, for category four, unless notice of bids shall be

2131 advertised once in newspapers in general circulation in  
2132 Brevard and Volusia Counties. Any board seeking to construct  
2133 or improve a public building, structure, or other public works  
2134 shall comply with the bidding procedures of s. 255.20, Florida  
2135 Statutes, as amended from time to time, and other applicable  
2136 general law. In each case, the bid of the lowest responsive  
2137 and responsible bidder shall be accepted unless all bids are  
2138 rejected because the bids are too high or the board determines  
2139 it is in the best interests of the district to reject all  
2140 bids. The board may require the bidders to furnish bond with a  
2141 responsible surety to be approved by the board. Nothing in  
2142 this subsection shall prevent the board from undertaking and  
2143 performing the construction, operation, and maintenance of any  
2144 project or facility authorized by this act by the employment  
2145 of labor, material, and machinery.

2146 (b) The provisions of the Consultants' Competitive  
2147 Negotiation Act, s. 287.055, Florida Statutes, apply to  
2148 contracts for engineering, architecture, landscape  
2149 architecture, or registered surveying and mapping services let  
2150 by the board.

2151 (c) Contracts for maintenance services for any  
2152 district facility or project shall be subject to competitive

2153 bidding requirements when the amount thereof to be paid by the  
2154 district exceeds the amount provided in s. 287.017, Florida  
2155 Statutes, as amended from time to time, for category four. The  
2156 district shall adopt rules, policies, or procedures  
2157 establishing competitive bidding procedures for maintenance  
2158 services. Contracts for other services shall not be subject to  
2159 competitive bidding unless the district adopts a rule, policy,  
2160 or procedure applying competitive bidding procedures to said  
2161 contracts. Nothing herein shall preclude the use of requests  
2162 for proposal instead of invitations to bid as determined by  
2163 the district to be in its best interest.

2164 (20) FEES, RENTALS, AND CHARGES; PROCEDURE FOR  
2165 ADOPTION AND MODIFICATIONS; MINIMUM REVENUE REQUIREMENTS.-

2166 (a) The district is authorized to prescribe, fix,  
2167 establish, and collect rates, fees, rentals, or other charges,  
2168 hereinafter sometimes referred to as "revenues," and to revise  
2169 the same from time to time, for the systems, facilities, and  
2170 services furnished by the district, within the limits of the  
2171 district, including, but not limited to, recreational  
2172 facilities, water management and control facilities, and water  
2173 and sewer systems; to recover the costs of making connection

2174 with any district service, facility, or system; and to provide  
2175 for reasonable penalties against any user or property for any  
2176 such rates, fees, rentals, or other charges that are  
2177 delinquent.

2178 (b) No such rates, fees, rentals, or other charges for  
2179 any of the facilities or services of the district shall be  
2180 fixed until after a public hearing at which all the users of  
2181 the proposed facility or services or owners, tenants, or  
2182 occupants served or to be served thereby and all other  
2183 interested persons shall have an opportunity to be heard  
2184 concerning the proposed rates, fees, rentals, or other  
2185 charges. Rates, fees, rentals, and other charges shall be  
2186 adopted under the administrative rulemaking authority of the  
2187 district, but shall not apply to district leases. Notice of  
2188 such public hearing setting forth the proposed schedule or  
2189 schedules of rates, fees, rentals, and other charges shall  
2190 have been published in a newspaper of general circulation in  
2191 Brevard and Volusia Counties at least once and at least 10  
2192 days prior to such public hearing. The rulemaking hearing may  
2193 be adjourned from time to time. After such hearing, such  
2194 schedule or schedules, either as initially proposed or as  
2195 modified or amended, may be finally adopted. A copy of the

2196 | schedule or schedules of such rates, fees, rentals, or charges  
2197 | as finally adopted shall be kept on file in an office  
2198 | designated by the board and shall be open at all reasonable  
2199 | times to public inspection. The rates, fees, rentals, or  
2200 | charges so fixed for any class of users or property served  
2201 | shall be extended to cover any additional users or properties  
2202 | thereafter served which shall fall in the same class, without  
2203 | the necessity of any notice or hearing.

2204 |         (c) Such rates, fees, rentals, and charges shall be  
2205 | just and equitable and uniform for users of the same class,  
2206 | and when appropriate may be based or computed either upon the  
2207 | amount of service furnished, upon the average number of  
2208 | persons residing or working in or otherwise occupying the  
2209 | premises served, or upon any other factor affecting the use of  
2210 | the facilities furnished, or upon any combination of the  
2211 | foregoing factors, as may be determined by the board on an  
2212 | equitable basis.

2213 |         (d) The rates, fees, rentals, or other charges  
2214 | prescribed shall be such as will produce revenues, together  
2215 | with any other assessments, taxes, revenues, or funds  
2216 | available or pledged for such purpose, at least sufficient to

2217 provide for the items hereinafter listed, but not necessarily  
2218 in the order stated:

2219 1. To provide for all expenses of operation and  
2220 maintenance of such facility or service.

2221 2. To pay when due all bonds and interest thereon for  
2222 the payment of which such revenues are, or shall have been,  
2223 pledged or encumbered, including reserves for such purpose.

2224 3. To provide for any other funds which may be  
2225 required under the resolution or resolutions authorizing the  
2226 issuance of bonds pursuant to this act.

2227 (e) The board shall have the power to enter into  
2228 contracts for the use of the projects of the district and with  
2229 respect to the services, systems, and facilities furnished or  
2230 to be furnished by the district.

2231 (21) RECOVERY OF DELINQUENT CHARGES.—In the event that  
2232 any rates, fees, rentals, charges, or delinquent penalties  
2233 shall not be paid as and when due and shall be in default for  
2234 60 days or more, the unpaid balance thereof and all interest  
2235 accrued thereon, together with reasonable attorney fees and  
2236 costs, may be recovered by the district in a civil action.

2237           (22) DISCONTINUANCE OF SERVICE.—In the event the fees,  
2238 rentals, or other charges for district services or facilities  
2239 are not paid when due, the board shall have the power, under  
2240 such reasonable rules and regulations as the board may adopt,  
2241 to discontinue and shut off such services until such fees,  
2242 rentals, or other charges, including interest, penalties, and  
2243 charges for the shutting off and discontinuance and the  
2244 restoration of such services, are fully paid; and, for such  
2245 purposes, the board may enter on any lands, waters, or  
2246 premises of any person, firm, corporation, or body, public or  
2247 private, within the district limits. Such delinquent fees,  
2248 rentals, or other charges, together with interest, penalties,  
2249 and charges for the shutting off and discontinuance and the  
2250 restoration of such services and facilities and reasonable  
2251 attorney fees and other expenses, may be recovered by the  
2252 district, which may also enforce payment of such delinquent  
2253 fees, rentals, or other charges by any other lawful method of  
2254 enforcement.

2255           (23) ENFORCEMENT AND PENALTIES.—The board or any  
2256 aggrieved person may have recourse to such remedies in law and  
2257 at equity as may be necessary to ensure compliance with the  
2258 provisions of this act, including injunctive relief to enjoin

2259 | or restrain any person violating the provisions of this act or  
2260 | any bylaws, resolutions, regulations, rules, codes, or orders  
2261 | adopted under this act. In case any building or structure is  
2262 | erected, constructed, reconstructed, altered, repaired,  
2263 | converted, or maintained, or any building, structure, land, or  
2264 | water is used, in violation of this act or of any code, order,  
2265 | resolution, or other regulation made under authority conferred  
2266 | by this act or under law, the board or any citizen residing in  
2267 | the district may institute any appropriate action or  
2268 | proceeding to prevent such unlawful erection, construction,  
2269 | reconstruction, alteration, repair, conversion, maintenance,  
2270 | or use; to restrain, correct, or avoid such violation; to  
2271 | prevent the occupancy of such building, structure, land, or  
2272 | water; and to prevent any illegal act, conduct, business, or  
2273 | use in or about such premises, land, or water.

2274 |           (24) SUITS AGAINST THE DISTRICT.—Any suit or action  
2275 | brought or maintained against the district for damages arising  
2276 | out of tort, including, without limitation, any claim arising  
2277 | upon account of an act causing an injury or loss of property,  
2278 | personal injury, or death, shall be subject to the limitations  
2279 | provided in s. 768.28, Florida Statutes.

2280 (25) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.-

2281 All district property shall be exempt from levy and sale by  
2282 virtue of an execution, and no execution or other judicial  
2283 process shall issue against such property, nor shall any  
2284 judgment against the district be a charge or lien on its  
2285 property or revenues; however, nothing contained herein shall  
2286 apply to or limit the rights of bondholders to pursue any  
2287 remedy for the enforcement of any lien or pledge given by the  
2288 district in connection with any of the bonds or obligations of  
2289 the district.

2290 (26) TERMINATION, CONTRACTION, OR EXPANSION OF  
2291 DISTRICT.-

2292 (a) The board of supervisors of the district shall not  
2293 ask the Legislature to repeal or amend this act to expand or  
2294 to contract the boundaries of the district or otherwise cause  
2295 the merger or termination of the district without first  
2296 obtaining a resolution or official statement from Brevard and  
2297 Volusia Counties and the City of Edgewater as required by s.  
2298 189.031(2)(e)4., Florida Statutes, for creation of an  
2299 independent special district. The district's consent may be  
2300 evidenced by a resolution or other official written statement  
2301 of the district.

2302 (b) The district shall remain in existence until:

2303 1. The district is terminated and dissolved pursuant  
2304 to amendment to this act by the Legislature.

2305 2. The district has become inactive pursuant to s.  
2306 189.062, Florida Statutes.

2307 (27) MERGER WITH COMMUNITY DEVELOPMENT DISTRICTS. The  
2308 District may merge with one or more community development  
2309 districts situated wholly within its boundaries. The District  
2310 shall be the surviving entity of the merger. Any mergers  
2311 shall commence upon each such community development district  
2312 filing a written request for merger with the District. A copy  
2313 of the written request shall also be filed with Brevard and  
2314 Volusia Counties and the City of Edgewater. The District,  
2315 subject to the direction of its Board of Supervisors, shall  
2316 enter into a merger agreement which shall provide for (i) The  
2317 proper allocation of debt, (ii) The manner in which such debt  
2318 shall be retired, (iii) The transition of the community  
2319 development district board, and (iv) The transfer of all  
2320 financial obligations and operating and maintenance  
2321 responsibilities to the district. The execution of the merger  
2322 agreement by the District and each community development  
2323 district constitutes consent of the landowners within each

2324 district. The District and each community development district  
2325 requesting merger shall hold a public hearing within its  
2326 boundaries to provide information about and take public  
2327 comment on the proposed merger in the merger agreement. The  
2328 public hearing shall be held within 45 days of the execution  
2329 of the merger agreement by all parties thereto. Notice of the  
2330 public hearing shall be published at least 14 days before the  
2331 hearing in newspapers of general circulation in Brevard and  
2332 Volusia Counties. At the conclusion of the public hearing each  
2333 district shall consider a resolution either approving or  
2334 disapproving of the proposed merger. If the District and each  
2335 community development district which is a party to the merger  
2336 agreement adopt a resolution approving the proposed merger,  
2337 the resolutions and the merger shall be filed with Brevard and  
2338 Volusia Counties and the City of Edgewater. Upon receipt of  
2339 the resolutions approving the merger and the merger agreement,  
2340 the City or County which originally established the community  
2341 development district shall adopt a non-emergency ordinance  
2342 dissolving such community development district pursuant to  
2343 section 190.046 (10), Florida Statutes.

2344 (28) INCLUSION OF TERRITORY. The inclusion of any or  
2345 all territory of the district within a municipality does not

2346 | change, alter, or affect the boundary, territory, existence,  
2347 | or jurisdiction of the district.

2348 |           (29) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
2349 | DISCLOSURE TO PURCHASER.—Subsequent to the creation of this  
2350 | district under this act, each contract for the initial sale of  
2351 | a parcel of real property and each contract for the initial  
2352 | sale of a residential unit within the district shall include,  
2353 | immediately prior to the space reserved in the contract for  
2354 | the signature of the purchaser, the following disclosure  
2355 | statement in boldfaced and conspicuous type which is larger  
2356 | than the type in the remaining text of the contract: "THE  
2357 | DEERING PARK STEWARDSHIP DISTRICT MAY IMPOSE AND LEVY TAXES OR  
2358 | ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.  
2359 | THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION,  
2360 | OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC SYSTEMS,  
2361 | FACILITIES, AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY  
2362 | BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND  
2363 | ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL  
2364 | GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND  
2365 | ASSESSMENTS PROVIDED FOR BY LAW."

2366 |           (30) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30  
2367 | days after the election of the first board of supervisors

2368 | creating this district, the district shall cause to be  
2369 | recorded in the grantor-grantee index of the property records  
2370 | in Brevard and Volusia Counties and the City of Edgewater a  
2371 | "Notice of Creation and Establishment of the Deering Park  
2372 | Stewardship District." The notice shall, at a minimum, include  
2373 | the legal description of the property covered by this act.

2374 |           (31) DISTRICT PROPERTY PUBLIC; FEES.—Any system,  
2375 | facility, service, works, improvement, project, or other  
2376 | infrastructure owned by the district, or funded by federal tax  
2377 | exempt bonding issued by the district, is public; and the  
2378 | district by rule may regulate, and may impose reasonable  
2379 | charges or fees for, the use thereof, but not to the extent  
2380 | that such regulation or imposition of such charges or fees  
2381 | constitutes denial of reasonable access.

2382 |           Section 7. If any provision of this act is determined  
2383 | unconstitutional or otherwise determined invalid by a court of  
2384 | law, all the rest and remainder of the act shall remain in  
2385 | full force and effect as the law of this state.

2386 |           Section 8. This act shall take effect upon becoming a  
2387 | law except that the provisions of this act which authorize the  
2388 | levy of ad valorem taxation shall take effect only upon  
2389 | express approval by a majority vote of those qualified

2390 electors of the Deering Park Stewardship District, as required  
2391 by Section 9 of Article VII of the State Constitution, voting  
2392 in a referendum election held at such time as all members of  
2393 the board are qualified electors who are elected by qualified  
2394 electors of the district as provided in this act.

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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.



GLENN D. STORCH, ESQUIRE  
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE  
corey@storchlawfirm.com

September 23, 2019

A. JOSEPH POSEY, ESQUIRE  
joey@storchlawfirm.com

VIA EMAIL TO: [tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)  
Mr. Tad Calkins, Director of Planning & Development  
Brevard County Government  
2725 Judge Fran Jamieson Way  
Viera, Florida 32927

**Re: *Deering Park Stewardship District***

Dear Tad:

Per your request, please find a copy of the proposed stewardship act and exhibits to show the location of the stewardship. As you will recall, we are requesting a no objection letter to allow the Florida Legislature to review and potentially approve a Stewardship District. We are not asking the County to approve the District. However, please consider this letter as a summary of the act and its benefits, specifically:

1. A Stewardship District is similar to a large Community Development District which allows for the efficient self-funding of infrastructure and perpetual maintenance of conservation areas by the creation of a voluntary taxing district. A Stewardship District created by the Legislature is a preferable entity given the size of the project, the charter components needed for long term operation and maintenance, and the avoidance of multiple duplicative CDDs. The Stewardship District is proposed for approximately 63,000 acres of land located in Volusia and Brevard Counties and the City of Edgewater. Two community development districts currently exist on portions of the property. These districts will be merged with the Stewardship District and cease to exist on a going forward basis. Chapter 190 was amended last year to allow for this possibility.

2. The properties are all owned by Miami Corporation or its affiliates and the majority of them have been under that ownership for more than 80 years.

3. The properties are subject to the Farmton Local Plans, which were incorporated into the Volusia and Brevard County Comprehensive Plans. The plans were adopted after more than seven years of planning and meetings with conservation stakeholders, local governments, and members of the public. The plan was peer reviewed by Florida Atlantic University and the Collins Center for Public Policy, which both made suggestions that were incorporated into the plan for both the development and conservation of these acres.

4. Key elements of the plan were the establishment of innovative land-use designations called GreenKey (GK) and Sustainable Development Areas (SDA). GK designations identify conservation areas and other green infrastructure which is protected in perpetuity. GK and other open space designations ensure that over 75% of the acres within the proposed Stewardship District are protected. The Stewardship District is needed to provide one local entity to manage and fund these protected areas on a going forward basis, work in the sunshine with the Counties and the City, and provide a transparent and bankable entity to ensure the fulfillment of the obligations contained in our development approvals. Miami Corporation has already caused over 45,000 acres to be protected in perpetuity through a number of recorded conservation easements consistent with the Farmton Local Plan.

5. Establishing the Stewardship District, and merging the two existing community development districts, will ensure that the lands being developed within the SDA have one stable governmental body with access to the tax-exempt bond market for the financing and maintenance of the infrastructure obligations which were placed on the property. This structure avoids the establishment of multiple community development districts with disparate boards, duplication of costs, and fragmented governmental control.

6. Legislatively created independent districts have been successfully established and operated on similarly large long-term real estate projects around the State of Florida. Examples include Lakewood Ranch in Sarasota and Manatee Counties, Babcock Ranch in Charlotte and Lee Counties, Ave Maria in Collier County, Viera in Brevard County and West Villages in Sarasota County and the City of North Port. These districts are an integral resource to ensure that these successful communities are able to finance, maintain, and operate complex infrastructure and large mitigation and conservation systems.

7. The Stewardship District will allow for the construction of the infrastructure needs for the community without the requirement of County funding. However, the District does not have any power for planning or permitting. It will only be a vehicle to fund and build the infrastructure necessary for the Farmton Local Plan areas. Please note that the CDD's that will be incorporated into the Stewardship District have already completed infrastructure improvements at SR 5A [Deering Parkway] in Brevard and Indian River Boulevard in Edgewater.

7. In summary, a Stewardship District is the best vehicle to ensure a transparent, bankable, stable, long-term entity is in place to meet the many expected development and conservation obligations of this project.

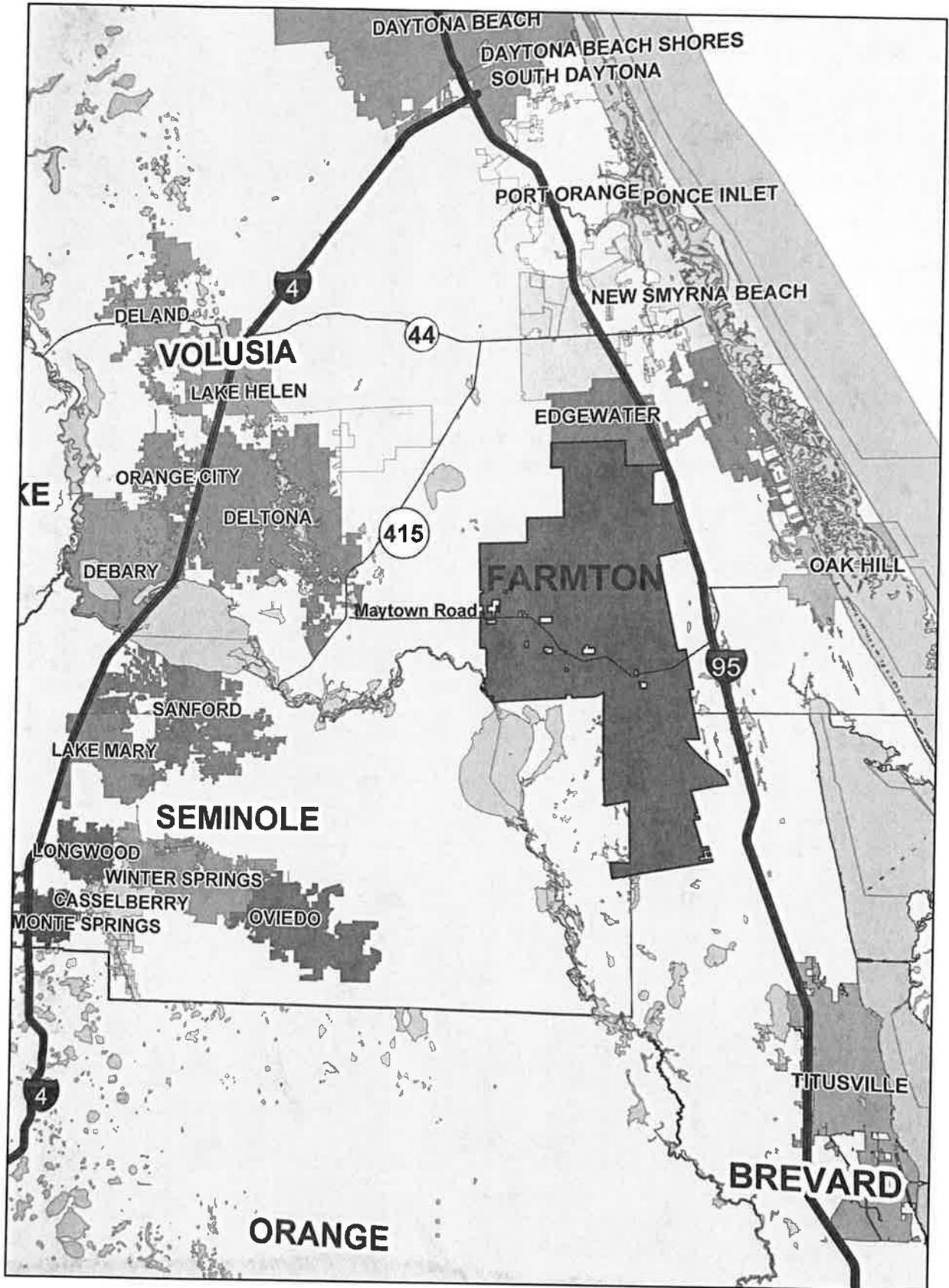
Please let me know if you need any additional information to place our request for a no objection letter to the Stewardship District on the County Commission agenda.

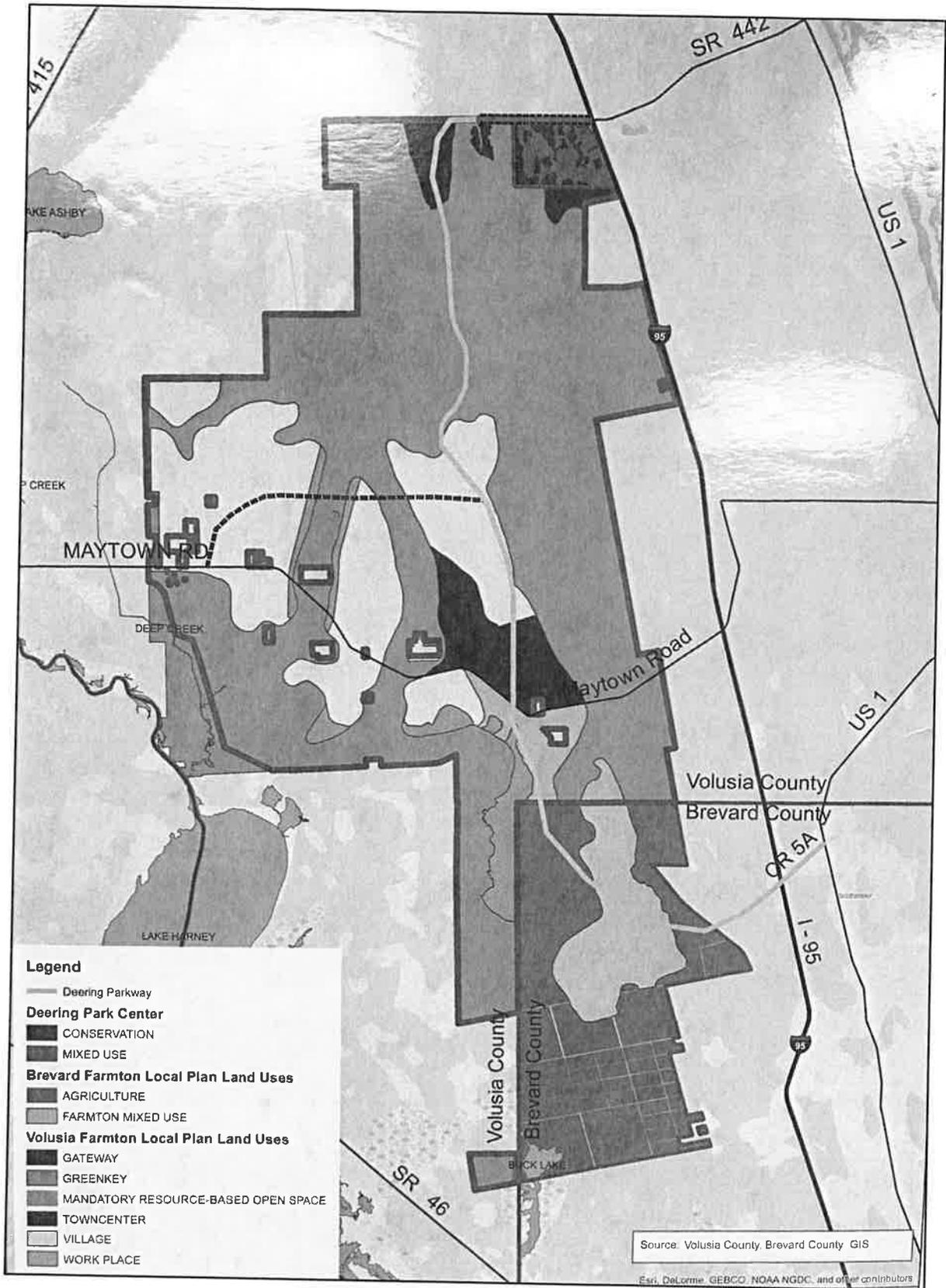
Kindest regards,

Glenn D. Storch

GDS:crs

cc: Rebecca Ragain, Assistant Director Planning and Development  
Amanda Elmore, Special Projects Coordinator, IV  
Jeffrey Ball, ACIP, Manager  
Cheryl Campbell, Planner III







## BOARD OF COUNTY COMMISSIONERS

**KRISTINE ISNARDI, COMMISSIONER, DISTRICT 5**  
490 Centre Lake Dr. NE  
Suite 175  
Palm Bay, FL 32907  
Phone: 321.253.6611  
Fax: 321.253.6620  
D5.Commissioner@brevardfl.gov

Danielle Stern, Chief of Staff  
Vic Luebker, Community Affairs Director  
Janette Roig, Legislative Aide

October 22, 2019

Honorable Tom Wright  
4606 Clyde Morris Boulevard  
Suite 2-J  
Port Orange, Florida 32129

Re: Deering Park Stewardship District  
Dear Senator Wright:

During its meeting on October 22, 2019, the Board of County Commissioners of Brevard County considered the proposed legislation to create the Deering Park Stewardship District by Special Act. The County staff has reviewed the prepared legislation which, if favorably acted upon by the Florida Legislature, would establish the subject Special District. The creation of the proposed district is consistent with the approved Brevard County Comprehensive Plan Future Land Use Element Chapter 11 Objective 17.

The County and the applicant have agreed that nothing in the Act would require Brevard County to accept any infrastructure obligation and, on that basis, the Board of County Commissioners does not oppose the establishment of the Deering Park Stewardship District.

Sincerely,  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA



Kristine Isnardi, Chair  
Brevard County Board of County Commissioners