

ORDINANCE 96-30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA CREATING A DEPENDANT SPECIAL DISTRICT TO BE KNOWN AS THE PORT ST. JOHN DEPENDANT SPECIAL DISTRICT; PROVIDING FOR THE PURPOSE OF THE DISTRICT; SETTING FORTH THE POWERS, FUNCTIONS, AND DUTIES OF THE DISTRICT; CREATING THE METHODS FOR ESTABLISHING AND DISSOLVING THE DISTRICT; PROVIDING A METHOD FOR AMENDING THE CHARTER OF THE DISTRICT; PROVIDING FOR THE MEMBERSHIP AND ORGANIZATION OF THE GOVERNING BOARD OF THE DISTRICT; REQUIRING COMPLIANCE WITH APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS; ESTABLISHING PROCEDURES FOR THE CONDUCT OF THE DISTRICT ELECTIONS AND QUALIFICATIONS OF ELECTORS OF THE DISTRICT; SETTING FORTH METHODS FOR FINANCING THE DISTRICT; SETTING FORTH GEOGRAPHIC BOUNDARIES FOR THE DISTRICT; ESTABLISHING AUTHORITY FOR REMOVAL AND BUDGET APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AREA EMBRACED; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. CREATION.

There is hereby created a dependent special district to be known and referred to as the "Port St. John Dependent Special District.

SECTION 2. PURPOSE.

The Port St. John Dependent Special District is being created for the purpose of providing the citizens of the Port St. John unincorporated area a formal means of establishing an elected board to review and provide the Board of County Commissioners with recommendations on particular matters which affect the Port St. John area of the County.

Officially filed with
The Secretary of State
July 10, 1996

SECTION 3. ESTABLISHMENT AND DISSOLUTION.

The Port St. John Dependent Special District is established by ordinance of the Brevard County Board of County Commissioners. The Dependent Special District may be dissolved by an ordinance repealing the provisions of this ordinance or by resolution of the governing body of the Dependent Special District, a copy of which is filed within 30 days of its effective date with (1) the Special District Information Program and (2) the Board of County Commissioners of Brevard County.

SECTION 4. MEMBERSHIP AND ORGANIZATION.

The governing board of the Port St. John Dependent Special District shall be comprised of nine (9) elected representatives who are registered voters residing within the boundaries of the Dependent Special District.

SECTION 5. POWERS, FUNCTIONS AND DUTIES.

The governing board of the Dependent Special District shall have the power and duty to:

- a. in lieu of the planning and zoning board, review and provide the Brevard County Board of County Commissioners with a recommendation upon rezoning applications made for property located within the boundaries of the Dependent Special District;
- b. in lieu of the applicable CRG, review and provide recommendations to the Brevard County Board of County Commissioners upon site-specific applications requesting a change in designation on the Brevard County Future Land Use Map;
- c. review and provide recommendations to the Brevard County Board of County Commissioners on any issue or subject referred to the governing body of the District by the County Commission which matters may include the priority, location, maintenance, and use of public improvements or infrastructure provided within the District by Brevard County.

d. to adopt bylaws setting forth procedures for conducting business.

The provisions of this section establishing a review process shall supersede and replace any conflicting review procedure set forth in any other ordinance.

SECTION 6. DISCLOSURE AND OPEN GOVERNMENT LAWS.

The governing body of the Dependent Special District shall comply with all financial disclosure, reporting, open government, public records, and public meeting laws set forth in the laws of the State of Florida including, but not limited to, Section 189.417 through 189.422, Florida Statutes; Chapter 218 Part III, Florida Statutes; Chapter 119, Florida Statutes; and Chapter 286, Florida Statutes.

SECTION 7. ELECTIONS.

The nine (9) representatives on the governing body of the Dependent Special District shall be elected by plurality vote of the registered electors residing within the boundaries of the Dependent Special District with the candidates for open seats being ranked according to votes received, and those receiving the highest number of votes being deemed to be elected to the corresponding number of open seats. Elected representatives shall take office at the same time prescribed for county commissioners. Each elected representative shall serve a term of four (4) years with the exception of the initial elected governing body. The five (5) elected candidates receiving the highest number of votes of the initial election for governing body seats shall serve terms of four (4) years. The four (4) candidates in the initial election for governing body seats receiving the fewest votes of the top nine vote-getters shall serve terms of two (2) years. At the conclusion of the two-year terms of these four (4) representatives, a new election shall be held for these four (4) seats and the four (4) candidates receiving the highest number of votes shall be elected for a term of four (4) years. Pursuant to Section 189.405(1), Florida Statutes, the election shall be conducted by the Supervisor of Elections of Brevard County in accordance with the Florida Election Code, Chapters 97 through 106, Florida Statutes. The governing body shall

be known as the "Port St. John Dependent Special District Governing Board." Candidates shall qualify in the manner set forth in Chapter 99, Florida Statutes. Qualifying shall take place between August 12th and 16th in the year of the initial election and, in subsequent elections, at the time that candidates for county offices must qualify.

SECTION 8. REMOVAL OF ELECTED REPRESENTATIVES.

Any elected representative on the governing body of the Dependent Special District may be removed by the Brevard County Board of County Commissioners for malfeasance, nonfeasance or misfeasance as those terms are defined under Florida law.

SECTION 9. FINANCING.

The Port St. John Dependent Special District shall have no authority to borrow money or incur debt of any kind.

SECTION 10. BUDGET.

The Port St. John Dependent Special District shall have no operating budget.

SECTION 11. AREA EMBRACED/GEOGRAPHICAL BOUNDARIES.

The geographical boundaries of the Port St. John Dependent Special District and the area embraced by this ordinance is that described in Exhibit A appended to this ordinance.

SECTION 12. SEVERABILITY.

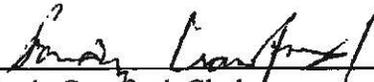
If any section, subsection, sentence, clause, or phrase of this Ordinance Amendment, or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 13. EFFECTIVE DATE.

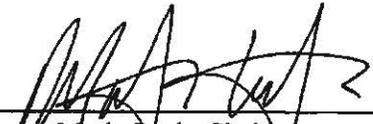
This ordinance shall become effective upon filing as provided by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment. This ordinance shall stand repealed effective July 1, 1998 unless extended after a public hearing held by the Board of County Commissioners of Brevard County, Florida, prior to that date.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Sandy Crawford, Clerk



Mark Cook, Chairman

As approved by the Board on 7-2-96



EXHIBIT A

All the property in Brevard County, Florida lying within the following described boundaries: Begin at the intersection of the western shoreline of the Indian River and the easterly projection of the centerline of the right of way of Kings Highway; thence westerly, along said easterly projection and along said center line of the right of way of Kings Highway, to the point of intersection with the centerline of the right of way of Grissom Parkway; thence southerly, along said centerline of the right of way of Grissom Parkway, to the point of intersection with the centerline of the right of way of Ranch Road; thence westerly, along said centerline of the right of way of Ranch Road and its westerly extension, to the southeasterly right of way of State Road 407 (Beeline Expressway); thence southwesterly, along said southeasterly right of way, to the point of intersection with the northeasterly right of way of State Road 528; thence southeasterly, along said northeasterly right of way of State Road 528, to the south line of the Delespine Grant; thence easterly, along said south line of the Delespine Grant, to the east right of way of Interstate 95 (S.R.9); thence northerly, along said east right of way of Interstate 95, to the north line of Sections 26 and 27, Township 23 South, Range 35 East; thence easterly, along said north line of Sections 26 and 27, to the south east corner of Section 23, Township 23 South, Range 35 East; thence northerly, along the east line of said Section 23, to the south line of the Delespine Grant; thence easterly, along said south line of the Delespine Grant, to the centerline of the Florida East Coast Railroad; thence southerly along said centerline of the Florida East Coast Railroad, to the point of intersection with the centerline of the Right of way of Broadway Boulevard; thence easterly, along said centerline of the right of way of Broadway Boulevard in Sections 25, Township 23 South, Range 35 East and Section 30, Township 23 South, Range 36 East, to the western shoreline of the Indian River; thence northerly, along said westerly shoreline, to the point of beginning.

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County Attorney