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1 A bill to be entitled
2 An act relating to Indian River Farms Water Control
3 District, Indian River County; codifying, amending,
4 reenacting, and repealing special acts relating to the
5 district; providing territorial boundaries of the
6 district; making the provisions of ch. 298, F.S.,
7 applicable thereto; providing for the levy, collection,
8 and enforcement of installment and maintenance taxes by
9 said district at the same time and in like manner as
10 county taxes; providing that said taxes shall be extended
11 by the county on the county tax roll and shall be
12 collected by the tax collector in the same manner and time
13 as county taxes; providing for the same discounts and
14 penalties as county taxes; providing for the compensation
15 of the tax collector; providing that district taxes shall
16 be a lien on lands against which taxes are levied of equal
17 dignity with county and other taxes; providing that the
18 approval of the board of drainage commissioners is not
19 required to issue bonds; providing for floating
20 indebtedness of the district; providing that payment of
21 taxes in advance is not authorized; providing that use of
22 bonds and interest coupons in payment of taxes is not
23 authorized; providing that water is a common enemy;
24 providing for compensation of the board of supervisors;
25 providing for fines for introducing pollutants into the
26 waters of the district; providing for severability;
27 providing an effective date.

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

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Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Indian River Farms Water Control District, hereinafter referred to as the "district," together with the decree creating and incorporating the district. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments, any additional authority granted by this act, and authority granted by applicable general law.

Section 2. Chapters 8882 (1921), 9988 (1923), 10693 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933), 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104, 63-832, and 67-843, Laws of Florida, are codified, reenacted, amended, and repealed as provided in this act.

Section 3. The Indian River Farms Water Control District is re-created, and the charter for such district is re-created and reenacted to read:

Section 1. The decree of the Circuit Court in and for the Fifteenth Judicial Circuit, St. Lucie County, entered in the case captioned "In re: Indian River Farms Drainage District" on May 6, 1919, creating and incorporating the Indian River Farms Water Control District under chapter 6458 (1913), Laws of Florida, and the order of said court approving the report of the district commissioners entered on August 18, 1921, and all subsequent proceedings taken in said circuit court concerning said district are hereby ratified, confirmed, and approved, including its territorial boundaries as follows:

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 60 Begin at the Northwest corner of Township 32 S. R. 39
 61 E.; Thence East to the northwest corner of northeast
 62 quarter of Section 5, Township 32 S. R. 39 E; Thence
 63 North to the northwest corner of northeast quarter of
 64 Section 32, Township 31 S. R. 39 E.; Thence East to
 65 the northwest corner of Section 33, Township 31 S. R.
 66 39 E.; Thence South to the northwest corner of the
 67 southwest quarter of the northwest quarter of Section
 68 33, Township 31 S. R. 39 E.; Thence East to the
 69 Northeast corner of the southwest quarter to the
 70 northwest quarter of said Section 33; Thence South to
 71 the northeast corner of the northwest quarter of the
 72 southwest quarter of said Section 33; Thence East to
 73 the northeast corner of the west half of the northeast
 74 quarter of the southwest quarter of said Section 33;
 75 Thence South to the southeast corner of the west half
 76 of the northeast quarter of the northwest quarter of
 77 said Section 33; Thence East to the northeast corner
 78 of the southeast quarter of the southwest quarter of
 79 said Section 33; Thence South to the southeast corner
 80 of the northeast quarter of the northwest quarter of
 81 Section 4, Township 32 S. R. 39 E.; Thence East to the
 82 northeast corner of the west half of the southwest
 83 quarter of the northeast quarter of said Section 4;
 84 Thence South to the southeast corner of the west half
 85 of the northwest quarter of the southeast quarter of
 86 said Section 4; Thence East to the northeast corner of
 87 the southwest quarter of the southeast quarter of said

88 Section 4; Thence South to the southeast corner of the
 89 southwest quarter of the southeast quarter of said
 90 Section 4; thence East to the northeast corner of the
 91 west half of the northeast quarter of the northeast
 92 quarter of Section 9, Township 32 S. R. 39 E.; Thence
 93 South to the southeast corner of the west half of the
 94 northeast quarter of the northeast quarter of said
 95 Section 9; Thence East to the northeast corner of the
 96 southeast quarter of the northeast quarter of said
 97 Section 9; Thence South to the southeast corner of the
 98 southeast quarter of the northeast quarter of said
 99 Section 9; Thence East to the northeast corner of the
 100 west half of the northwest quarter of the southwest
 101 quarter of Section 10, Township 32 S. R. 39 E.; Thence
 102 South to the southeast corner of the west half of the
 103 northwest quarter of the southwest quarter of said
 104 Section 10; Thence East to the northeast corner of the
 105 southwest quarter of the southwest quarter of said
 106 Section 10; Thence South to the southeast corner of
 107 the southwest quarter of the southwest quarter of said
 108 Section 10; Thence East to the northeast corner of
 109 the west half of the northeast quarter of the
 110 northwest quarter of Section 15, Township 32 S. R. 39
 111 E.; Thence South to the southeast corner of the west
 112 half of the northeast quarter of the northwest quarter
 113 of said Section 15; Thence East to the northeast
 114 corner of the southeast quarter of the northwest
 115 quarter of said Section 15; Thence South to the
 116 southeast corner of the northwest quarter of said

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117 Section 15; Thence East to the northeast corner of the
 118 west half of the northwest quarter of the southeast
 119 quarter of said Section 15; Thence South to the
 120 southeast corner of the west half of the northwest
 121 quarter of the southeast quarter of said Section 15;
 122 Thence East to the northeast corner of the southwest
 123 quarter of the southeast quarter of said Section 15;
 124 Thence South to the southeast corner of the northwest
 125 quarter of the northeast quarter of Section 22,
 126 Township 32 S. R. 39 E.; Thence East to the northeast
 127 corner of the west half of southeast quarter of
 128 northeast quarter of said Section 22; Thence South to
 129 the southeast corner of west half of southeast quarter
 130 of southeast quarter of said Section 22; Thence East
 131 to the northeast corner of Section 27, Township 32 S.
 132 R. 39 E.; Thence South to the southeast corner of
 133 northeast quarter of northeast quarter of said Section
 134 27; Thence East to the northeast corner of west half
 135 of the southwest quarter of the northwest quarter of
 136 Section 26, Township 32 S R. 39 E.; Thence South to
 137 the southeast corner of the west half of southwest
 138 quarter of the northwest quarter of said Section 26;
 139 Thence East to the northeast corner of the northwest
 140 quarter of the southwest quarter of said Section 26;
 141 Thence South to the southeast corner of the southwest
 142 quarter of the southwest quarter of said Section 26;
 143 Thence East to the northeast corner of west half of
 144 the northeast quarter of northwest quarter of Section
 145 35, Township 32 S. R. 39 E.; Thence South to the

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146 southeast corner of the west half of northeast quarter
 147 of the northwest quarter of said Section 35; Thence
 148 East to the northeast corner of the southeast quarter
 149 of northwest quarter of said Section 35; Thence South
 150 to the southeast corner of northwest quarter of said
 151 Section 35; Thence East on the center line of Sections
 152 35 and 36, Township 32 S. R. 39 E., and along the
 153 center line of Section 31, Township 32 S. R. 40 E. to
 154 the water's edge of Indian River; Thence southerly
 155 along the water's edge of the Indian River to the
 156 north line of Township 33 S. R. 40 E.; Thence West
 157 along said township line to the northeast corner of
 158 the west half of the west half of Section 1, Township
 159 33 S. R. 39 E.; Thence South to the southeast corner
 160 of west half of west half of said Section 1; Thence
 161 west to the northwest corner of Section 12, Township
 162 33 S. R. 39 E.; Thence South to the southwest corner
 163 of the northwest quarter of the northwest quarter of
 164 said Section 12; Thence East to the northeast corner
 165 of the west half of the southwest quarter of the
 166 northwest quarter of said Section 12; Thence South to
 167 the southeast corner of the west half of the northwest
 168 quarter of the southwest quarter of said Section 12;
 169 Thence East to the northeast corner of southwest
 170 quarter of the southwest quarter of said Section 12;
 171 Thence South to the southeast corner of the northwest
 172 quarter of the northwest quarter of Section 13,
 173 Township 33 S. R. 39 E.; Thence East to the northeast
 174 corner of the west half of the southeast quarter of

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175 the northwest quarter of said Section 13; Thence South
 176 to the southeast corner of west half of the southeast
 177 quarter of the northwest quarter of said Section 13;
 178 Thence East to the northeast corner of the southwest
 179 quarter of said Section 13; Thence South to the
 180 southeast corner of the northeast quarter of the
 181 southwest quarter of said Section 13; Thence East to
 182 the northeast corner of the west half of the southwest
 183 quarter of the southeast quarter of said Section 13;
 184 Thence South to the southeast corner of the west half
 185 of the northwest quarter of the northeast quarter of
 186 Section 24, Township 33 S. R. 39 E.; Thence East to
 187 the northeast corner of southwest quarter of the
 188 northeast quarter of said Section 24; Thence South to
 189 the southeast corner of the southwest quarter of the
 190 northeast quarter of said Section 24; Thence East to
 191 the northeast corner of the west half of the northeast
 192 quarter of the southeast quarter of said Section 24;
 193 Thence South to the southeast corner of the west half
 194 of the southeast quarter of the northeast quarter of
 195 Section 25, Township 33 S. R. 39 E.; Thence East to
 196 the northeast corner of the southeast quarter of said
 197 Section 25; Thence South to the southeast corner of
 198 the northeast quarter of the southeast quarter of said
 199 Section 25; Thence East to the northeast corner of the
 200 west half of the southwest quarter of the southwest
 201 quarter of Section 30, Township 33 S. R. 40 E.; Thence
 202 South to the southeast corner of west half of the
 203 southwest quarter of the southwest quarter of said

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204 Section 30; Thence East to the northeast corner of the
 205 northwest quarter of the northwest quarter of Section
 206 31, Township 33 S. R. 40 E.; Thence South to the
 207 southeast corner of the southwest quarter of the
 208 northwest quarter of said Section 31; Thence East to
 209 the northeast corner of the west half of the northeast
 210 quarter of the southwest quarter of said Section 31;
 211 Thence South to the southeast corner of the west half
 212 of the northeast quarter of the southwest quarter of
 213 said Section 31; Thence East to the northeast corner
 214 of the southeast quarter of the southwest quarter of
 215 said Section 31; Thence South to the southeast corner
 216 of the southwest quarter of said Section 31, Township
 217 33 S. R. 40 E.; Thence West along Township lines nine
 218 miles more or less to the southwest corner of the
 219 southeast quarter of Section 34, Township 33 S. R. 38
 220 E.; Thence North to the northwest corner of the
 221 northeast quarter of Section 34, Township 33 S. R. 38
 222 E.; Thence West to the southwest corner of Section 27,
 223 Township 33 S. R. 38 E.; Thence North to the southeast
 224 corner of Section 9, Township 33 S. R. 38 E.; Thence
 225 West to the southwest corner of Section 9, Township 33
 226 S. R. 38 E.; Thence North to the southeast corner of
 227 Section 5, Township 33 S. R. 38 E.; Thence West to the
 228 southwest corner of southeast quarter of Section 5,
 229 Township 33 S. R. 38 E.; Thence North on center line
 230 of Section 5 to northwest corner of northeast quarter
 231 of Section 5, Township 33 S. R. 38 E.; Thence East
 232 along Township line to the northwest corner of

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233 Township 33 S. R. 39 E.; Thence North to the northwest
 234 corner of Township 32 S. R. 39 E., being the point of
 235 beginning.

236
 237 The foregoing boundaries containing and including the
 238 following lands, to wit:

239 The East half of Section 32, Township 31 S. R. 39 E.;

240
 241 The Southwest quarter of northwest quarter; the
 242 northwest quarter of southwest quarter; the west half
 243 of northeast quarter of southwest quarter; the south
 244 half of southwest quarter; all in Section 33, Township
 245 31 S. R. 39 E.;

246
 247 Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 27, 28,
 248 29, 30, 31, 32, 33, and 34, all in Township 32 S. R.
 249 39 E.;

250
 251 The West half of Section 4, Township 32 S. R. 39 E.;

252
 253 The West half of southwest quarter of northeast
 254 quarter; the west half of northwest quarter of
 255 southeast quarter; the southwest quarter of southeast
 256 quarter; all in Section 4, Township 32 S. R. 39 E.;

257
 258 All of Section 9, Township 32 S. R. 39 E., except the
 259 east half of northeast quarter of northeast quarter of
 260 said section;

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262 The West half of northwest quarter of southwest
 263 quarter; and the southwest quarter of southwest
 264 quarter; all in Section 10, Township 32 S. R. 39 E.;

265
 266 All of the West half of Section 15, Township 32 S. R.
 267 39 E., except the east half of the northeast quarter
 268 of northwest quarter of said Section;

269
 270 The West half of northwest quarter of southeast
 271 quarter; and the southwest quarter of the southeast
 272 quarter; all in Section 15, Township 32 S. R. 39 E.;

273
 274 The West half of Section 22; the west half of the
 275 northeast quarter of Section 22, and the west half of
 276 the southeast quarter of Section 22; all in the
 277 township 32 S. R. 39 E.;

278
 279 The West half of southeast quarter of the northeast
 280 quarter; and the west half of the east half of the
 281 southeast quarter; all in Section 22, Township 32 S.
 282 R. 39 E.;

283
 284 The West half of southwest quarter of northwest
 285 quarter; and the west half of southeast quarter; all
 286 in Section 26, Township 32 S. R. 39 E.;

287
 288 The West half of Section 35, Township 32 S. R. 39 E.;
 289 except the east half of the northeast quarter of
 290 northwest quarter of said Section;

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291
 292 The Southeast quarter of Section 35, Township 32, S.
 293 R. 39 E.;
 294
 295 The South half of Section 36, Township 32 S. R. 39 E.;
 296
 297 Lots 5 and 6 of Section 31, Township 32 S. R. 40 E.;
 298
 299 Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16,
 300 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31,
 301 32, 33, 34, 35 and 36, all in Township 33 S. R. 39 E.;
 302
 303 The West half of west half of Section 1, Township 33
 304 S. R. 39 E.;
 305
 306 The West half of southwest quarter of northwest
 307 quarter; the west half of northwest quarter of
 308 southwest quarter; the southwest quarter of southwest
 309 quarter; all in Section 12, Township 33 S. R. 39 E.;
 310
 311 The West half of northwest quarter; the west half of
 312 southeast quarter of northwest quarter; the southwest
 313 quarter; the west half of southwest quarter of
 314 southeast quarter; all in Section 13, Township 33, S.
 315 R. 39 E.;
 316
 317 The Northwest quarter; the southwest quarter; the west
 318 half of the northwest quarter of northeast quarter;
 319 the southwest quarter of northeast quarter; the west

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320 half of southeast quarter; the west half of northeast
 321 quarter of southeast quarter; the west half of
 322 southeast quarter of southeast quarter; all in Section
 323 24, Township 33 S. R. 39 E.;

324
 325 All of Section 25, Township 33 S. R. 39 E., except the
 326 east half of the east half of the northeast quarter of
 327 said Section;

328
 329 The West half of the southwest quarter of the
 330 southwest quarter of Section 30, Township 33 S. R. 40
 331 E.;

332
 333 The West half of the northwest quarter; the west half
 334 of the southwest quarter; the west half of the
 335 northeast quarter of the southwest quarter; the
 336 southeast quarter of the southwest quarter; all in
 337 Section 31, Township 33 S. R. 40 E.

338
 339 Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22,
 340 23, 24, 25, 26, 27, 35 and 36, all in Township 33 S.
 341 R. 38 E.;

342
 343 The East half of Section 5, Township 33 S. R. 38 E.;

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 345 The East half of Section 34, Township 33 S. R. 38 E.

346
 347 Section 2. All of the acts and proceedings of the board of
 348 supervisors and all officers and agents of Indian River Farms

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349 Water Control District in Indian River County acting for and on
 350 behalf of said district be and they are hereby ratified,
 351 approved, validated, and confirmed.

352 Section 3. The provisions of the general drainage laws of
 353 this state applicable to drainage districts or subdrainage
 354 districts which are embodied in chapter 298, Florida Statutes,
 355 and all of the laws amendatory thereof, now existing or
 356 hereafter enacted, so far as not inconsistent with this act, are
 357 hereby declared to be applicable to said Indian River Farms
 358 Water Control District, except as may be otherwise herein
 359 provided.

360 Section 4. Taxes shall be levied and apportioned as
 361 provided for in the general drainage laws of this state, which
 362 are embodied in chapter 298, Florida Statutes, and amendments
 363 thereto, except as otherwise provided herein.

364 Section 5. Maintenance taxes as provided for under section
 365 298.54, Florida Statutes, shall be apportioned upon the basis of
 366 the net assessments of benefits assessed as accruing for
 367 original construction, and shall be evidenced to and certified
 368 by the board of supervisors, not later than August 31 of each
 369 year, to the Property Appraiser of Indian River County, and
 370 shall be extended by the county on the county tax roll and shall
 371 be collected by the tax collector in the same manner and time as
 372 county taxes and the proceeds therefrom paid to said district.
 373 Said tax shall be a lien until paid on the property against
 374 which assessed and enforceable in like manner as county taxes.

375 Section 6. All taxes levied by the district shall be and
 376 become delinquent and bear penalties on the amount of said taxes
 377 in the same manner as county taxes.

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378 Section 7. (1) Indian River County shall be paid annually
 379 an amount equal to 1 percent of the total taxes of the district
 380 and the Tax Collector of Indian River County shall be paid
 381 annually an amount equal to 1 percent of the total taxes of the
 382 district collected, for their respective services to the Indian
 383 River Farms Water Control District in said county for
 384 respectively assessing and collecting said drainage district
 385 taxes, provided, however, that the total amount to be paid to
 386 said county and tax collector in any one year shall not exceed
 387 the sum of \$1,500 to each. All compensation paid the county and
 388 the tax collector shall be paid from the proceeds of the
 389 maintenance tax.

390 (2) The services of said county and said county tax
 391 collector in assessing and collecting said drainage district
 392 taxes are hereby declared to be special services performed
 393 directly for said district and the amounts paid therefor shall
 394 not be considered a part of the general income of their
 395 respective offices, nor shall it come under the provisions of
 396 sections 116.03, 145.10, and 145.11, Florida Statutes. The
 397 personnel required to do said special work shall be paid for
 398 such special services by the county or the tax collector, as the
 399 case may be, from the receipts provided for such purpose.

400 Section 8. All drainage taxes levied by the district,
 401 together with all penalties for default in payment of the same
 402 and all costs in collecting the same, shall constitute a lien of
 403 equal dignity with the liens for county taxes, and other taxes
 404 of equal dignity with county taxes, upon all the lands against
 405 which said taxes shall be levied. A sale of any of the lands
 406 within the district for county or other taxes shall not operate

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407 to relieve or release the lands so sold from the lien for
408 subsequent installments of district taxes, which lien may be
409 enforced against such lands as though no such sale thereof had
410 been made.

411 Section 9. The board of supervisors may issue bonds under
412 the provisions of chapter 298, Florida Statutes, without the
413 approval of the board of drainage commissioners, as provided for
414 in section 298.47, Florida Statutes.

415 Section 10. (1) After the levy of maintenance taxes for
416 any year, the board of supervisors may from time to time issue
417 warrants or negotiable notes or other evidences of indebtedness
418 of the district, which shall be payable solely from such
419 maintenance taxes and shall not be issued in an amount greater
420 than the amount of such maintenance taxes then unpaid less the
421 amount of any of such notes then outstanding. All such notes
422 shall mature not later than 1 year after the date of issuance
423 thereof, shall bear interest at a rate or rates not exceeding 6
424 percent per annum, and shall have such other details as shall be
425 provided in the resolution or resolutions of the board of
426 supervisors authorizing the issuance thereof.

427 (2) After the authorization of any bonds under the
428 provisions of chapter 298, Florida Statutes, the board of
429 supervisors may from time to time issue bond anticipation notes
430 in anticipation of the issuance of such bonds and the amount
431 thereof shall not exceed the amount of bonds authorized and not
432 issued. Such notes shall all mature not later than 1 year after
433 the date thereof and may be renewed for a further period of not
434 exceeding 1 year, but all of such notes, including the renewals
435 thereof, shall mature not later than 2 years after the date

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436 thereof. Such bond anticipation notes shall be paid from the
 437 proceeds of such bonds when issued, or from any taxes levied for
 438 the payment of such bonds which have been authorized, but in
 439 such case a like amount of the bonds authorized shall not be
 440 issued. The proceeds of any bond anticipation notes shall be
 441 used solely for the purposes provided in the resolution which
 442 authorized the issuance of the bonds in anticipation of which
 443 bond anticipation notes are issued.

444 Section 11. In preparing the drainage tax book of said
 445 Indian River Farms Water Control District from year to year, the
 446 secretary of said district shall insert opposite the description
 447 of the tract of land to be assessed the name of the person or
 448 persons or corporation owning said tract on the first day of the
 449 preceding January to the best of the knowledge and belief of
 450 said secretary, but any failure to insert the name of the right
 451 owner shall not invalidate such assessment.

452 Section 12. In preparing the drainage tax book of said
 453 Indian River Farms Water Control District from year to year, the
 454 secretary of said district may describe each tract of land
 455 according to any plat or subdivision thereof, or by metes and
 456 bounds, or by any other convenient and feasible manner, stating
 457 the actual number of acres contained in the tract to the best of
 458 his or her knowledge, and the owner shall be required to pay
 459 taxes only upon the acreage as shown by said district tax book.

460 Section 13. Beginning with the year 1924, the annual
 461 landowners' meeting for said Indian River Farms Water Control
 462 District shall be held in the month of February in each
 463 successive year, on such day as the board of supervisors of said
 464 district may fix from time to time.

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465 Section 14. It shall be unlawful for any person, firm, or
 466 corporation to connect or to maintain a connection of any farm
 467 ditch with any of the canals, ditches, laterals, or waterways
 468 constructed, controlled, or maintained by Indian River Farms
 469 Water Control District in Indian River County, except in
 470 accordance with plans and specifications showing method of such
 471 connection as prescribed by the board of supervisors of said
 472 district. Any violation of this act shall be punished as
 473 prescribed by the general law for punishment of misdemeanors.
 474 The board of supervisors shall also have the right and power to
 475 cause any such connection constructed or maintained in violation
 476 of this act to be blocked or stopped up.

477 Section 15. The Board of Supervisors of Indian River Farms
 478 Water Control District in Indian River County, in order to
 479 effect the drainage, reclamation, and protection of lands in the
 480 district, is hereby authorized to construct, install, and
 481 maintain locks, dams, and other works and facilities in the
 482 canals, ditches, and drains in said district and elsewhere.

483 Section 16. In order to raise money to pay the cost of
 484 constructing and installing the water control and water
 485 conservation works and facilities herein authorized, and to pay
 486 the principal of and interest on any bonds or other obligations
 487 which may be issued to provide funds for such purposes, the
 488 board of supervisors of the district is hereby authorized and
 489 required to levy, assess, and cause to be collected an annual
 490 tax on all lands in said district subject to taxation. Such tax
 491 shall be at a uniform rate for all lands within the district and
 492 shall be assessed against each acre, fraction, or fractional
 493 interest therein.

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494 Section 17. It has been ascertained and determined and it
 495 is hereby declared that the water control and conservation works
 496 and facilities authorized to be constructed, installed, and
 497 maintained pursuant to the provisions of this act are for a
 498 public purpose and will confer benefits upon all lands within
 499 Indian River Farms Water Control District in an amount at least
 500 equal to the taxes authorized by the provisions of this act to
 501 be levied and that all lands in said district will be benefited
 502 equally by said works and facilities.

503 Section 18. No landowner in the Indian River Farms Water
 504 Control District in Indian River County shall be permitted to
 505 vote at any landowners' meeting of said district for any lands
 506 in the district on which the drainage taxes are delinquent at
 507 the time of such meeting.

508 Section 19. The owners of 25 percent of the acreage
 509 included in the Indian River Farms Water Control District shall
 510 be necessary and present in person or by proxy to constitute a
 511 quorum at any landowners' meeting in said district. In
 512 determining whether or not a quorum is present at any meeting,
 513 all lands in the district on which drainage taxes are delinquent
 514 at the time of such meeting shall be excluded from the
 515 computation of total acreage in the district and from the
 516 computation of the total acreage present represented by owners
 517 present in person or by proxy. A majority of the landowners
 518 present and voting shall elect the supervisors of said district
 519 and shall pass any motion and after such passage the same shall
 520 constitute the action of the landowners.

521 Section 20. The board of supervisors of said district is
 522 hereby authorized to assess and levy a minimum drainage tax,

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523 which said minimum drainage tax shall be at a rate not less than
 524 the 1-acre tax rate as established by the district from time to
 525 time. Said minimum drainage tax shall apply to any one parcel
 526 separately assessed on the tax rolls of said tax district.

527 Section 21. The Indian River Farms Water Control District
 528 is herewith authorized and empowered to expend the funds of said
 529 district as shall be from time to time determined by the board
 530 of supervisors in clearing, cleaning, and maintaining any and
 531 all parts of the Indian River and the swamped and submerged
 532 lands adjacent to any of the canals and works of said district
 533 in order to improve and facilitate the operations and functions
 534 of said district.

535 Section 22. No entity vested with the power of eminent
 536 domain shall be permitted to take, by eminent domain
 537 proceedings, for any purpose whatsoever, any property, whether
 538 in fee, easement, or otherwise, belonging to the Indian River
 539 Farms Water Control District unless the absolute necessity for
 540 such taking shall be shown. However, this act shall not apply to
 541 the United States Government or any of its agencies, to the
 542 government of the state or any of its agencies, to the
 543 government of Indian River County or any of its agencies, and to
 544 the government of the City of Vero Beach or any of its agencies.

545 Section 23. For the purposes of this act, the term
 546 "absolute necessity" shall mean that there is no alternative
 547 route open to the condemning authority or that the cost of the
 548 alternative route would be prohibitive in comparison to the
 549 overall cost of the proposed project.

550 Section 24. The Indian River Farms Water Control District
 551 is hereby authorized to grant such permits as it shall deem

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552 proper in allowing any access over, under, or across its lands.

553 Section 25. The board of supervisors of the district shall
 554 have power, in the resolution or other proceedings authorizing
 555 the issuance of any bonds, to enter into valid and legally
 556 binding covenants and agreements with the holders of such bonds
 557 as to the custody and security of the proceeds of said bonds, or
 558 of any bond anticipation notes issued in anticipation thereof,
 559 the custody and security of any debt service funds, including
 560 reserves, and the appointment of banks or trust companies as
 561 trustee to hold such construction funds and debt service and
 562 reserve funds, the rank or priority as between the bonds
 563 originally issued by the district and any bonds thereafter
 564 issued and terms and conditions under which any bonds can be
 565 issued by the district after the original bonds or notes have
 566 been issued to finance the cost of the drainage improvements or
 567 works, and such other covenants and conditions as shall be
 568 deemed necessary and advisable by the board of supervisors in
 569 accordance with bond market practices and in order to better
 570 secure the payment of such bonds and the marketability thereof.
 571 All such covenants and agreements shall be and constitute valid
 572 and legally binding obligations of the district, and the state
 573 does hereby covenant that it will not by any legislation
 574 hereafter in any manner repeal, modify, or impair the rights,
 575 remedies, and security of the holders of any bonds or other
 576 obligations issued by the district.

577 Section 26. The district shall also have power to covenant
 578 and agree with the holders of such bonds that all of the fees
 579 and expenses for the levy and collection of taxes in said
 580 district and of any trustees or other custodians of the bond

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581 proceeds or of the construction funds or debt service funds or
582 reserves therefor or the cost of the expenses of any annual
583 audits or of any other annually recurring services or costs
584 shall be paid from the maintenance taxes to be collected in each
585 year with said district and not from the proceeds of any bonds
586 or other obligations issued by said district.

587 Section 27. It is hereby declared that in said district,
588 surface waters, which shall include rainfall and the overflow of
589 rivers and streams, are a common enemy, and the said district
590 and any individual or agency holding a permit to do so from said
591 district shall have the right to dike, dam, and construct levees
592 to protect the said district or any part thereof, or the
593 property of said individual or agency against the same, and
594 thereby divert the course and flow of such surface water and/or
595 pump the water from within such dikes and levees.

596 Section 28. Each supervisor shall be paid for his or her
597 services a per diem of \$50 for each day actually engaged in work
598 pertaining to the said district, but the supervisors shall not
599 in any one month be paid more than \$200 each, except that in
600 addition to the said per diem, they shall be paid 10 cents per
601 mile for each mile actually traveled in going to and from their
602 places of residence to the place of meeting.

603 Section 29. (1) The district shall also have power to
604 levy fines for the introduction of pollutants into the waters of
605 the district, for violation of any rule or regulation
606 promulgated by the Florida Department of Environmental
607 Protection, for violation of the United States Clean Water Act,
608 33 U.S.C. ss. 1251-1387, or for violation of the conditions of
609 any National Pollutant Discharge Elimination System permit.

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610 (2) If, after notice and an opportunity to be heard by the
 611 board of supervisors of the district, any person is found and
 612 determined to have committed any of the foregoing violations,
 613 the district shall enter an order imposing a fine, or a fine
 614 plus repair costs, against the violator, and a certified copy of
 615 the order may be recorded in the public records of Indian River
 616 County and thereafter shall constitute a lien against the land
 617 on which the violation exists. Upon petition to the circuit
 618 court, such order shall be enforceable in the same manner as a
 619 court judgment by the sheriffs of this state, including
 620 execution and levy against the personal property of the
 621 violator, but such order shall not be deemed a court judgment
 622 except for enforcement purposes. A fine imposed pursuant to this
 623 section shall continue to accrue until the violator comes into
 624 compliance or until judgment is rendered in a suit filed
 625 pursuant to this section, whichever occurs first. A lien arising
 626 from a fine imposed pursuant to this section runs in favor of
 627 the district, and the district may execute a satisfaction or
 628 release of lien entered pursuant to this section. Three months
 629 after the filing of any such lien which remains unpaid, the
 630 board may authorize its attorney to foreclose on the lien or to
 631 sue to recover a money judgment for the amount of the lien plus
 632 accrued interest. No lien created pursuant to the provisions of
 633 this section may be foreclosed on real property which is
 634 homestead under s. 4, Art. X of the State Constitution. No lien
 635 provided hereunder shall continue for a period longer than 20
 636 years after the certified copy of an order imposing a fine has
 637 been recorded, unless within that time an action is commenced in
 638 a court of competent jurisdiction. In an action to foreclose on

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639 a lien or for a money judgment, the prevailing party is entitled
 640 to recover all costs and reasonable attorney's fees that it
 641 incurs in the action.

642 Section 30. If any provision of this act or the
 643 application thereof to any person or circumstance is held
 644 invalid, the invalidity shall not affect other provisions or
 645 applications of the act which can be given effect without the
 646 invalid provision or application, and to this end the provisions
 647 of this act are declared severable.

648 Section 4. Chapters 8882 (1921), 9988 (1923), 10693
 649 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 650 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 651 63-832, and 67-843, Laws of Florida, are repealed.

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