

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Indian River Farms Water Control
7 District, Indian River County; codifying, amending,
8 reenacting, and repealing special acts relating to the
9 district; providing territorial boundaries of the
10 district; making the provisions of ch. 298, F.S.,
11 applicable thereto; providing for the levy, collection,
12 and enforcement of installment and maintenance taxes by
13 said district at the same time and in like manner as
14 county taxes; providing that said taxes shall be extended
15 by the county on the county tax roll and shall be
16 collected by the tax collector in the same manner and time
17 as county taxes; providing for the same discounts and
18 penalties as county taxes; providing for the compensation
19 of the tax collector; providing that district taxes shall
20 be a lien on lands against which taxes are levied of equal
21 dignity with county and other taxes; providing that the
22 approval of the board of drainage commissioners is not
23 required to issue bonds; providing for floating

HB 1421

2005
CS

24 | indebtedness of the district; providing that payment of
 25 | taxes in advance is not authorized; providing that use of
 26 | bonds and interest coupons in payment of taxes is not
 27 | authorized; providing that water is a common enemy;
 28 | providing for compensation of the board of supervisors;
 29 | providing for fines for introducing pollutants into the
 30 | waters of the district; providing for severability;
 31 | providing an effective date.

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

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

45 | Section 2. Chapters 8882 (1921), 9988 (1923), 10693
 46 | (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 47 | 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 48 | 63-832, and 67-843, Laws of Florida, are codified, reenacted,
 49 | amended, and repealed as provided in this act.

HB 1421

2005
CS

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

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

64
65 Begin at the Northwest corner of Township 32 S. R. 39
66 E.; Thence East to the northwest corner of northeast
67 quarter of Section 5, Township 32 S. R. 39 E; Thence
68 North to the northwest corner of northeast quarter of
69 Section 32, Township 31 S. R. 39 E.; Thence East to
70 the northwest corner of Section 33, Township 31 S. R.
71 39 E.; Thence South to the northwest corner of the
72 southwest quarter of the northwest quarter of Section
73 33, Township 31 S. R. 39 E.; Thence East to the
74 Northeast corner of the southwest quarter to the
75 northwest quarter of said Section 33; Thence South to
76 the northeast corner of the northwest quarter of the
77 southwest quarter of said Section 33; Thence East to

78 | the northeast corner of the west half of the northeast
 79 | quarter of the southwest quarter of said Section 33;
 80 | Thence South to the southeast corner of the west half
 81 | of the northeast quarter of the northwest quarter of
 82 | said Section 33; Thence East to the northeast corner
 83 | of the southeast quarter of the southwest quarter of
 84 | said Section 33; Thence South to the southeast corner
 85 | of the northeast quarter of the northwest quarter of
 86 | Section 4, Township 32 S. R. 39 E.; Thence East to the
 87 | northeast corner of the west half of the southwest
 88 | quarter of the northeast quarter of said Section 4;
 89 | Thence South to the southeast corner of the west half
 90 | of the northwest quarter of the southeast quarter of
 91 | said Section 4; Thence East to the northeast corner of
 92 | the southwest quarter of the southeast quarter of said
 93 | Section 4; Thence South to the southeast corner of the
 94 | southwest quarter of the southeast quarter of said
 95 | Section 4; thence East to the northeast corner of the
 96 | west half of the northeast quarter of the northeast
 97 | quarter of Section 9, Township 32 S. R. 39 E.; Thence
 98 | South to the southeast corner of the west half of the
 99 | northeast quarter of the northeast quarter of said
 100 | Section 9; Thence East to the northeast corner of the
 101 | southeast quarter of the northeast quarter of said
 102 | Section 9; Thence South to the southeast corner of the
 103 | southeast quarter of the northeast quarter of said
 104 | Section 9; Thence East to the northeast corner of the
 105 | west half of the northwest quarter of the southwest

106 | quarter of Section 10, Township 32 S. R. 39 E.; Thence
 107 | South to the southeast corner of the west half of the
 108 | northwest quarter of the southwest quarter of said
 109 | Section 10; Thence East to the northeast corner of the
 110 | southwest quarter of the southwest quarter of said
 111 | Section 10; Thence South to the southeast corner of
 112 | the southwest quarter of the southwest quarter of said
 113 | Section 10; Thence East to the northeast corner of
 114 | the west half of the northeast quarter of the
 115 | northwest quarter of Section 15, Township 32 S. R. 39
 116 | E.; Thence South to the southeast corner of the west
 117 | half of the northeast quarter of the northwest quarter
 118 | of said Section 15; Thence East to the northeast
 119 | corner of the southeast quarter of the northwest
 120 | quarter of said Section 15; Thence South to the
 121 | southeast corner of the northwest quarter of said
 122 | Section 15; Thence East to the northeast corner of the
 123 | west half of the northwest quarter of the southeast
 124 | quarter of said Section 15; Thence South to the
 125 | southeast corner of the west half of the northwest
 126 | quarter of the southeast quarter of said Section 15;
 127 | Thence East to the northeast corner of the southwest
 128 | quarter of the southeast quarter of said Section 15;
 129 | Thence South to the southeast corner of the northwest
 130 | quarter of the northeast quarter of Section 22,
 131 | Township 32 S. R. 39 E.; Thence East to the northeast
 132 | corner of the west half of southeast quarter of
 133 | northeast quarter of said Section 22; Thence South to

134 | the southeast corner of west half of southeast quarter
 135 | of southeast quarter of said Section 22; Thence East
 136 | to the northeast corner of Section 27, Township 32 S.
 137 | R. 39 E.; Thence South to the southeast corner of
 138 | northeast quarter of northeast quarter of said Section
 139 | 27; Thence East to the northeast corner of west half
 140 | of the southwest quarter of the northwest quarter of
 141 | Section 26, Township 32 S R. 39 E.; Thence South to
 142 | the southeast corner of the west half of southwest
 143 | quarter of the northwest quarter of said Section 26;
 144 | Thence East to the northeast corner of the northwest
 145 | quarter of the southwest quarter of said Section 26;
 146 | Thence South to the southeast corner of the southwest
 147 | quarter of the southwest quarter of said Section 26;
 148 | Thence East to the northeast corner of west half of
 149 | the northeast quarter of northwest quarter of Section
 150 | 35, Township 32 S. R. 39 E.; Thence South to the
 151 | southeast corner of the west half of northeast quarter
 152 | of the northwest quarter of said Section 35; Thence
 153 | East to the northeast corner of the southeast quarter
 154 | of northwest quarter of said Section 35; Thence South
 155 | to the southeast corner of northwest quarter of said
 156 | Section 35; Thence East on the center line of Sections
 157 | 35 and 36, Township 32 S. R. 39 E., and along the
 158 | center line of Section 31, Township 32 S. R. 40 E. to
 159 | the water's edge of Indian River; Thence southerly
 160 | along the water's edge of the Indian River to the
 161 | north line of Township 33 S. R. 40 E.; Thence West

162 along said township line to the northeast corner of
 163 the west half of the west half of Section 1, Township
 164 33 S. R. 39 E.; Thence South to the southeast corner
 165 of west half of west half of said Section 1; Thence
 166 west to the northwest corner of Section 12, Township
 167 33 S. R. 39 E.; Thence South to the southwest corner
 168 of the northwest quarter of the northwest quarter of
 169 said Section 12; Thence East to the northeast corner
 170 of the west half of the southwest quarter of the
 171 northwest quarter of said Section 12; Thence South to
 172 the southeast corner of the west half of the northwest
 173 quarter of the southwest quarter of said Section 12;
 174 Thence East to the northeast corner of southwest
 175 quarter of the southwest quarter of said Section 12;
 176 Thence South to the southeast corner of the northwest
 177 quarter of the northwest quarter of Section 13,
 178 Township 33 S. R. 39 E.; Thence East to the northeast
 179 corner of the west half of the southeast quarter of
 180 the northwest quarter of said Section 13; Thence South
 181 to the southeast corner of west half of the southeast
 182 quarter of the northwest quarter of said Section 13;
 183 Thence East to the northeast corner of the southwest
 184 quarter of said Section 13; Thence South to the
 185 southeast corner of the northeast quarter of the
 186 southwest quarter of said Section 13; Thence East to
 187 the northeast corner of the west half of the southwest
 188 quarter of the southeast quarter of said Section 13;
 189 Thence South to the southeast corner of the west half

190 | of the northwest quarter of the northeast quarter of
 191 | Section 24, Township 33 S. R. 39 E.; Thence East to
 192 | the northeast corner of southwest quarter of the
 193 | northeast quarter of said Section 24; Thence South to
 194 | the southeast corner of the southwest quarter of the
 195 | northeast quarter of said Section 24; Thence East to
 196 | the northeast corner of the west half of the northeast
 197 | quarter of the southeast quarter of said Section 24;
 198 | Thence South to the southeast corner of the west half
 199 | of the southeast quarter of the northeast quarter of
 200 | Section 25, Township 33 S. R. 39 E.; Thence East to
 201 | the northeast corner of the southeast quarter of said
 202 | Section 25; Thence South to the southeast corner of
 203 | the northeast quarter of the southeast quarter of said
 204 | Section 25; Thence East to the northeast corner of the
 205 | west half of the southwest quarter of the southwest
 206 | quarter of Section 30, Township 33 S. R. 40 E.; Thence
 207 | South to the southeast corner of west half of the
 208 | southwest quarter of the southwest quarter of said
 209 | Section 30; Thence East to the northeast corner of the
 210 | northwest quarter of the northwest quarter of Section
 211 | 31, Township 33 S. R. 40 E.; Thence South to the
 212 | southeast corner of the southwest quarter of the
 213 | northwest quarter of said Section 31; Thence East to
 214 | the northeast corner of the west half of the northeast
 215 | quarter of the southwest quarter of said Section 31;
 216 | Thence South to the southeast corner of the west half
 217 | of the northeast quarter of the southwest quarter of

218 said Section 31; Thence East to the northeast corner
 219 of the southeast quarter of the southwest quarter of
 220 said Section 31; Thence South to the southeast corner
 221 of the southwest quarter of said Section 31, Township
 222 33 S. R. 40 E.; Thence West along Township lines nine
 223 miles more or less to the southwest corner of the
 224 southeast quarter of Section 34, Township 33 S. R. 38
 225 E.; Thence North to the northwest corner of the
 226 northeast quarter of Section 34, Township 33 S. R. 38
 227 E.; Thence West to the southwest corner of Section 27,
 228 Township 33 S. R. 38 E.; Thence North to the southeast
 229 corner of Section 9, Township 33 S. R. 38 E.; Thence
 230 West to the southwest corner of Section 9, Township 33
 231 S. R. 38 E.; Thence North to the southeast corner of
 232 Section 5, Township 33 S. R. 38 E.; Thence West to the
 233 southwest corner of southeast quarter of Section 5,
 234 Township 33 S. R. 38 E.; Thence North on center line
 235 of Section 5 to northwest corner of northeast quarter
 236 of Section 5, Township 33 S. R. 38 E.; Thence East
 237 along Township line to the northwest corner of
 238 Township 33 S. R. 39 E.; Thence North to the northwest
 239 corner of Township 32 S. R. 39 E., being the point of
 240 beginning.

241
 242 The foregoing boundaries containing and including the
 243 following lands, to wit:
 244 The East half of Section 32, Township 31 S. R. 39 E.;
 245

246 | The Southwest quarter of northwest quarter; the
 247 | northwest quarter of southwest quarter; the west half
 248 | of northeast quarter of southwest quarter; the south
 249 | half of southwest quarter; all in Section 33, Township
 250 | 31 S. R. 39 E.;

251 |
 252 | Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 27, 28,
 253 | 29, 30, 31, 32, 33, and 34, all in Township 32 S. R.
 254 | 39 E;

255 |
 256 | The West half of Section 4, Township 32 S. R. 39 E.;

257 |
 258 | The West half of southwest quarter of northeast
 259 | quarter; the west half of northwest quarter of
 260 | southeast quarter; the southwest quarter of southeast
 261 | quarter; all in Section 4, Township 32 S. R. 39 E.;

262 |
 263 | All of Section 9, Township 32 S. R. 39 E., except the
 264 | east half of northeast quarter of northeast quarter of
 265 | said section;

266 |
 267 | The West half of northwest quarter of southwest
 268 | quarter; and the southwest quarter of southwest
 269 | quarter; all in Section 10, Township 32 S. R. 39 E.;

270 |
 271 | All of the West half of Section 15, Township 32 S. R.
 272 | 39 E., except the east half of the northeast quarter
 273 | of northwest quarter of said Section;

274
 275 The West half of northwest quarter of southeast
 276 quarter; and the southwest quarter of the southeast
 277 quarter; all in Section 15, Township 32 S. R. 39 E.;
 278
 279 The West half of Section 22; the west half of the
 280 northeast quarter of Section 22, and the west half of
 281 the southeast quarter of Section 22; all in the
 282 township 32 S. R. 39 E.;
 283
 284 The West half of southeast quarter of the northeast
 285 quarter; and the west half of the east half of the
 286 southeast quarter; all in Section 22, Township 32 S.
 287 R. 39 E.;
 288
 289 The West half of southwest quarter of northwest
 290 quarter; and the west half of southeast quarter; all
 291 in Section 26, Township 32 S. R. 39 E.;
 292
 293 The West half of Section 35, Township 32 S. R. 39 E.;
 294 except the east half of the northeast quarter of
 295 northwest quarter of said Section;
 296
 297 The Southeast quarter of Section 35, Township 32, S.
 298 R. 39 E.;
 299
 300 The South half of Section 36, Township 32 S. R. 39 E.;
 301

302 | Lots 5 and 6 of Section 31, Township 32 S. R. 40 E.;
 303 |
 304 | Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16,
 305 | 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31,
 306 | 32, 33, 34, 35 and 36, all in Township 33 S. R. 39 E.;
 307 |
 308 | The West half of west half of Section 1, Township 33
 309 | S. R. 39 E.;
 310 |
 311 | The West half of southwest quarter of northwest
 312 | quarter; the west half of northwest quarter of
 313 | southwest quarter; the southwest quarter of southwest
 314 | quarter; all in Section 12, Township 33 S. R. 39 E.;
 315 |
 316 | The West half of northwest quarter; the west half of
 317 | southeast quarter of northwest quarter; the southwest
 318 | quarter; the west half of southwest quarter of
 319 | southeast quarter; all in Section 13, Township 33, S.
 320 | R. 39 E.;
 321 |
 322 | The Northwest quarter; the southwest quarter; the west
 323 | half of the northwest quarter of northeast quarter;
 324 | the southwest quarter of northeast quarter; the west
 325 | half of southeast quarter; the west half of northeast
 326 | quarter of southeast quarter; the west half of
 327 | southeast quarter of southeast quarter; all in Section
 328 | 24, Township 33 S. R. 39 E.;
 329 |

HB 1421

2005
CS

330 All of Section 25, Township 33 S. R. 39 E., except the
 331 east half of the east half of the northeast quarter of
 332 said Section;

333
 334 The West half of the southwest quarter of the
 335 southwest quarter of Section 30, Township 33 S. R. 40
 336 E.;

337
 338 The West half of the northwest quarter; the west half
 339 of the southwest quarter; the west half of the
 340 northeast quarter of the southwest quarter; the
 341 southeast quarter of the southwest quarter; all in
 342 Section 31, Township 33 S. R. 40 E.

343
 344 Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22,
 345 23, 24, 25, 26, 27, 35 and 36, all in Township 33 S.
 346 R. 38 E.;

347
 348 The East half of Section 5, Township 33 S. R. 38 E.;

349
 350 The East half of Section 34, Township 33 S. R. 38 E.

351
 352 Section 2. All of the acts and proceedings of the board of
 353 supervisors and all officers and agents of Indian River Farms
 354 Water Control District in Indian River County acting for and on
 355 behalf of said district prior to August 2, 1921, the effective
 356 date of chapter 8882 (1921), Laws of Florida, be and they are
 357 hereby ratified, approved, validated, and confirmed.

HB 1421

2005
CS

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

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

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

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

384 Section 7. (1) Indian River County shall be paid annually
 385 an amount equal to 1 percent of the total taxes of the district

HB 1421

2005
CS

386 and the Tax Collector of Indian River County shall be paid
 387 annually an amount equal to 1 percent of the total taxes of the
 388 district collected, for their respective services to the Indian
 389 River Farms Water Control District in said county for
 390 respectively assessing and collecting said drainage district
 391 taxes, provided, however, that the total amount to be paid to
 392 said county and tax collector in any one year shall not exceed
 393 the sum of \$1,500 to each. All compensation paid the county and
 394 the tax collector shall be paid from the proceeds of the
 395 maintenance tax.

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

406 Section 8. All drainage taxes levied by the district,
 407 together with all penalties for default in payment of the same
 408 and all costs in collecting the same, shall constitute a lien of
 409 equal dignity with the liens for county taxes, and other taxes
 410 of equal dignity with county taxes, upon all the lands against
 411 which said taxes shall be levied. A sale of any of the lands
 412 within the district for county or other taxes shall not operate
 413 to relieve or release the lands so sold from the lien for

414 subsequent installments of district taxes, which lien may be
 415 enforced against such lands as though no such sale thereof had
 416 been made.

417 Section 9. The board of supervisors may issue bonds under
 418 the provisions of chapter 298, Florida Statutes, without the
 419 approval of the board of drainage commissioners, as provided for
 420 in section 298.47, Florida Statutes.

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

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

HB 1421

2005
CS

442 thereof. Such bond anticipation notes shall be paid from the
 443 proceeds of such bonds when issued, or from any taxes levied for
 444 the payment of such bonds which have been authorized, but in
 445 such case a like amount of the bonds authorized shall not be
 446 issued. The proceeds of any bond anticipation notes shall be
 447 used solely for the purposes provided in the resolution which
 448 authorized the issuance of the bonds in anticipation of which
 449 bond anticipation notes are issued.

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

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

466 Section 13. Beginning with the year 1924, the annual
 467 landowners' meeting for said Indian River Farms Water Control
 468 District shall be held in the month of February in each

HB 1421

2005
CS

469 successive year, on such day as the board of supervisors of said
 470 district may fix from time to time.

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

483 Section 15. The Board of Supervisors of Indian River Farms
 484 Water Control District in Indian River County, in order to
 485 effect the drainage, reclamation, and protection of lands in the
 486 district, is hereby authorized to construct, install, and
 487 maintain locks, dams, and other works and facilities in the
 488 canals, ditches, and drains in said district and elsewhere.

489 Section 16. In order to raise money to pay the cost of
 490 constructing and installing the water control and water
 491 conservation works and facilities herein authorized, and to pay
 492 the principal of and interest on any bonds or other obligations
 493 which may be issued to provide funds for such purposes, the
 494 board of supervisors of the district is hereby authorized and
 495 required to levy, assess, and cause to be collected an annual
 496 tax on all lands in said district subject to taxation. Such tax

HB 1421

2005
CS

497 shall be at a uniform rate for all lands within the district and
 498 shall be assessed against each acre, fraction, or fractional
 499 interest therein.

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

509 Section 18. No landowner in the Indian River Farms Water
 510 Control District in Indian River County shall be permitted to
 511 vote at any landowners' meeting of said district for any lands
 512 in the district on which the drainage taxes are delinquent at
 513 the time of such meeting.

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

HB 1421

2005
CS

525 and shall pass any motion and after such passage the same shall
 526 constitute the action of the landowners.

527 Section 20. The board of supervisors of said district is
 528 hereby authorized to assess and levy a minimum drainage tax,
 529 which said minimum drainage tax shall be at a rate not less than
 530 the 1-acre tax rate as established by the district from time to
 531 time. Said minimum drainage tax shall apply to any one parcel
 532 separately assessed on the tax rolls of said tax district.

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

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

551 Section 23. For the purposes of this act, the term
 552 "absolute necessity" shall mean that there is no alternative

553 route open to the condemning authority or that the cost of the
 554 alternative route would be prohibitive in comparison to the
 555 overall cost of the proposed project.

556 Section 24. The Indian River Farms Water Control District
 557 is hereby authorized to grant such permits as it shall deem
 558 proper in allowing any access over, under, or across its lands.

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

581 remedies, and security of the holders of any bonds or other
 582 obligations issued by the district.

583 Section 26. The district shall also have power to covenant
 584 and agree with the holders of such bonds that all of the fees
 585 and expenses for the levy and collection of taxes in said
 586 district and of any trustees or other custodians of the bond
 587 proceeds or of the construction funds or debt service funds or
 588 reserves therefor or the cost of the expenses of any annual
 589 audits or of any other annually recurring services or costs
 590 shall be paid from the maintenance taxes to be collected in each
 591 year with said district and not from the proceeds of any bonds
 592 or other obligations issued by said district.

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

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

HB 1421

2005
CS

609 Section 29. (1) The district shall also have power to
610 levy fines for the introduction of pollutants into the waters of
611 the district, for violation of any rule or regulation
612 promulgated by the Florida Department of Environmental
613 Protection, for violation of the United States Clean Water Act,
614 33 U.S.C. ss. 1251-1387, or for violation of the conditions of
615 any National Pollutant Discharge Elimination System permit.

616 (2) If, after notice and an opportunity to be heard by the
617 board of supervisors of the district, any person is found and
618 determined to have committed any of the foregoing violations,
619 the district shall enter an order imposing a fine, or a fine
620 plus repair costs, against the violator, and a certified copy of
621 the order may be recorded in the public records of Indian River
622 County and thereafter shall constitute a lien against the land
623 on which the violation exists. Upon petition to the circuit
624 court, such order shall be enforceable in the same manner as a
625 court judgment by the sheriffs of this state, including
626 execution and levy against the personal property of the
627 violator, but such order shall not be deemed a court judgment
628 except for enforcement purposes. A fine imposed pursuant to this
629 section shall continue to accrue until the violator comes into
630 compliance or until judgment is rendered in a suit filed
631 pursuant to this section, whichever occurs first. A lien arising
632 from a fine imposed pursuant to this section runs in favor of
633 the district, and the district may execute a satisfaction or
634 release of lien entered pursuant to this section. Three months
635 after the filing of any such lien which remains unpaid, the
636 board may authorize its attorney to foreclose on the lien or to

HB 1421

2005
CS

637 sue to recover a money judgment for the amount of the lien plus
 638 accrued interest. No lien created pursuant to the provisions of
 639 this section may be foreclosed on real property which is
 640 homestead under s. 4, Art. X of the State Constitution. No lien
 641 provided hereunder shall continue for a period longer than 20
 642 years after the certified copy of an order imposing a fine has
 643 been recorded, unless within that time an action is commenced in
 644 a court of competent jurisdiction. In an action to foreclose on
 645 a lien or for a money judgment, the prevailing party is entitled
 646 to recover all costs and reasonable attorney's fees that it
 647 incurs in the action.

648 Section 30. If any provision of this act or the
 649 application thereof to any person or circumstance is held
 650 invalid, the invalidity shall not affect other provisions or
 651 applications of the act which can be given effect without the
 652 invalid provision or application, and to this end the provisions
 653 of this act are declared severable.

654 Section 4. Chapters 8882 (1921), 9988 (1923), 10693
 655 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 656 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 657 63-832, and 67-843, Laws of Florida, are repealed.

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