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HB 1421, Engrossed 1

2005 Legislature

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:

30

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

41 Section 2. Chapters 8882 (1921), 9988 (1923), 10693
42 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
43 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
44 63-832, and 67-843, Laws of Florida, are codified, reenacted,
45 amended, and repealed as provided in this act.

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

49 Section 1. The decree of the Circuit Court in and for the
50 Fifteenth Judicial Circuit, St. Lucie County, entered in the
51 case captioned "In re: Indian River Farms Drainage District" on
52 May 6, 1919, creating and incorporating the Indian River Farms
53 Water Control District, an independent special district, under
54 chapter 6458 (1913), Laws of Florida, and the order of said
55 court approving the report of the district commissioners entered
56 on August 18, 1921, and all subsequent proceedings taken in said

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57 circuit court concerning said district are hereby ratified,
58 confirmed, and approved, including its territorial boundaries as
59 follows:

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

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

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

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141 | quarter of the southwest quarter of said Section 26;
 142 | Thence South to the southeast corner of the southwest
 143 | quarter of the southwest quarter of said Section 26;
 144 | Thence East to the northeast corner of west half of
 145 | the northeast quarter of northwest quarter of Section
 146 | 35, Township 32 S. R. 39 E.; Thence South to the
 147 | southeast corner of the west half of northeast quarter
 148 | of the northwest quarter of said Section 35; Thence
 149 | East to the northeast corner of the southeast quarter
 150 | of northwest quarter of said Section 35; Thence South
 151 | to the southeast corner of northwest quarter of said
 152 | Section 35; Thence East on the center line of Sections
 153 | 35 and 36, Township 32 S. R. 39 E., and along the
 154 | center line of Section 31, Township 32 S. R. 40 E. to
 155 | the water's edge of Indian River; Thence southerly
 156 | along the water's edge of the Indian River to the
 157 | north line of Township 33 S. R. 40 E.; Thence West
 158 | along said township line to the northeast corner of
 159 | the west half of the west half of Section 1, Township
 160 | 33 S. R. 39 E.; Thence South to the southeast corner
 161 | of west half of west half of said Section 1; Thence
 162 | west to the northwest corner of Section 12, Township
 163 | 33 S. R. 39 E.; Thence South to the southwest corner
 164 | of the northwest quarter of the northwest quarter of
 165 | said Section 12; Thence East to the northeast corner
 166 | of the west half of the southwest quarter of the
 167 | northwest quarter of said Section 12; Thence South to
 168 | the southeast corner of the west half of the northwest

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169 | quarter of the southwest quarter of said Section 12;
 170 | Thence East to the northeast corner of southwest
 171 | quarter of the southwest quarter of said Section 12;
 172 | Thence South to the southeast corner of the northwest
 173 | quarter of the northwest quarter of Section 13,
 174 | Township 33 S. R. 39 E.; Thence East to the northeast
 175 | corner of the west half of the southeast quarter of
 176 | the northwest quarter of said Section 13; Thence South
 177 | to the southeast corner of west half of the southeast
 178 | quarter of the northwest quarter of said Section 13;
 179 | Thence East to the northeast corner of the southwest
 180 | quarter of said Section 13; Thence South to the
 181 | southeast corner of the northeast quarter of the
 182 | southwest quarter of said Section 13; Thence East to
 183 | the northeast corner of the west half of the southwest
 184 | quarter of the southeast quarter of said Section 13;
 185 | Thence South to the southeast corner of the west half
 186 | of the northwest quarter of the northeast quarter of
 187 | Section 24, Township 33 S. R. 39 E.; Thence East to
 188 | the northeast corner of southwest quarter of the
 189 | northeast quarter of said Section 24; Thence South to
 190 | the southeast corner of the southwest quarter of the
 191 | northeast quarter of said Section 24; Thence East to
 192 | the northeast corner of the west half of the northeast
 193 | quarter of the southeast quarter of said Section 24;
 194 | Thence South to the southeast corner of the west half
 195 | of the southeast quarter of the northeast quarter of
 196 | Section 25, Township 33 S. R. 39 E.; Thence East to

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197 | the northeast corner of the southeast quarter of said
 198 | Section 25; Thence South to the southeast corner of
 199 | the northeast quarter of the southeast quarter of said
 200 | Section 25; Thence East to the northeast corner of the
 201 | west half of the southwest quarter of the southwest
 202 | quarter of Section 30, Township 33 S. R. 40 E.; Thence
 203 | South to the southeast corner of west half of the
 204 | southwest quarter of the southwest quarter of said
 205 | Section 30; Thence East to the northeast corner of the
 206 | northwest quarter of the northwest quarter of Section
 207 | 31, Township 33 S. R. 40 E.; Thence South to the
 208 | southeast corner of the southwest quarter of the
 209 | northwest quarter of said Section 31; Thence East to
 210 | the northeast corner of the west half of the northeast
 211 | quarter of the southwest quarter of said Section 31;
 212 | Thence South to the southeast corner of the west half
 213 | of the northeast quarter of the southwest quarter of
 214 | said Section 31; Thence East to the northeast corner
 215 | of the southeast quarter of the southwest quarter of
 216 | said Section 31; Thence South to the southeast corner
 217 | of the southwest quarter of said Section 31, Township
 218 | 33 S. R. 40 E.; Thence West along Township lines nine
 219 | miles more or less to the southwest corner of the
 220 | southeast quarter of Section 34, Township 33 S. R. 38
 221 | E.; Thence North to the northwest corner of the
 222 | northeast quarter of Section 34, Township 33 S. R. 38
 223 | E.; Thence West to the southwest corner of Section 27,
 224 | Township 33 S. R. 38 E.; Thence North to the southeast

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225 corner of Section 9, Township 33 S. R. 38 E.; Thence
 226 West to the southwest corner of Section 9, Township 33
 227 S. R. 38 E.; Thence North to the southeast corner of
 228 Section 5, Township 33 S. R. 38 E.; Thence West to the
 229 southwest corner of southeast quarter of Section 5,
 230 Township 33 S. R. 38 E.; Thence North on center line
 231 of Section 5 to northwest corner of northeast quarter
 232 of Section 5, Township 33 S. R. 38 E.; Thence East
 233 along Township line to the northwest corner of
 234 Township 33 S. R. 39 E.; Thence North to the northwest
 235 corner of Township 32 S. R. 39 E., being the point of
 236 beginning.

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

240 The East half of Section 32, Township 31 S. R. 39 E.;
 241

242 The Southwest quarter of northwest quarter; the
 243 northwest quarter of southwest quarter; the west half
 244 of northeast quarter of southwest quarter; the south
 245 half of southwest quarter; all in Section 33, Township
 246 31 S. R. 39 E.;

247
 248 Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 27, 28,
 249 29, 30, 31, 32, 33, and 34, all in Township 32 S. R.
 250 39 E.;

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

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253
 254 The West half of southwest quarter of northeast
 255 quarter; the west half of northwest quarter of
 256 southeast quarter; the southwest quarter of southeast
 257 quarter; all in Section 4, Township 32 S. R. 39 E.;
 258
 259 All of Section 9, Township 32 S. R. 39 E., except the
 260 east half of northeast quarter of northeast quarter of
 261 said section;
 262
 263 The West half of northwest quarter of southwest
 264 quarter; and the southwest quarter of southwest
 265 quarter; all in Section 10, Township 32 S. R. 39 E.;
 266
 267 All of the West half of Section 15, Township 32 S. R.
 268 39 E., except the east half of the northeast quarter
 269 of northwest quarter of said Section;
 270
 271 The West half of northwest quarter of southeast
 272 quarter; and the southwest quarter of the southeast
 273 quarter; all in Section 15, Township 32 S. R. 39 E.;
 274
 275 The West half of Section 22; the west half of the
 276 northeast quarter of Section 22, and the west half of
 277 the southeast quarter of Section 22; all in the
 278 township 32 S. R. 39 E.;
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280 The West half of southeast quarter of the northeast
 281 quarter; and the west half of the east half of the
 282 southeast quarter; all in Section 22, Township 32 S.
 283 R. 39 E.;

284

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

288

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

292

293 The Southeast quarter of Section 35, Township 32, S.
 294 R. 39 E.;

295

296 The South half of Section 36, Township 32 S. R. 39 E.;

297

298 Lots 5 and 6 of Section 31, Township 32 S. R. 40 E.;

299

300 Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16,
 301 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31,
 302 32, 33, 34, 35 and 36, all in Township 33 S. R. 39 E;

303

304 The West half of west half of Section 1, Township 33
 305 S. R. 39 E.;

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307 | The West half of southwest quarter of northwest
 308 | quarter; the west half of northwest quarter of
 309 | southwest quarter; the southwest quarter of southwest
 310 | quarter; all in Section 12, Township 33 S. R. 39 E.;

311 |
 312 | The West half of northwest quarter; the west half of
 313 | southeast quarter of northwest quarter; the southwest
 314 | quarter; the west half of southwest quarter of
 315 | southeast quarter; all in Section 13, Township 33, S.
 316 | R. 39 E.;

317 |
 318 | The Northwest quarter; the southwest quarter; the west
 319 | half of the northwest quarter of northeast quarter;
 320 | the southwest quarter of northeast quarter; the west
 321 | half of southeast quarter; the west half of northeast
 322 | quarter of southeast quarter; the west half of
 323 | southeast quarter of southeast quarter; all in Section
 324 | 24, Township 33 S. R. 39 E.;

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

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

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

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

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

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

347
 348 Section 2. All of the acts and proceedings of the board of
 349 supervisors and all officers and agents of Indian River Farms
 350 Water Control District in Indian River County acting for and on
 351 behalf of said district prior to August 2, 1921, the effective
 352 date of chapter 8882 (1921), Laws of Florida, be and they are
 353 hereby ratified, approved, validated, and confirmed.

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

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

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

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

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

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390 the tax collector shall be paid from the proceeds of the
 391 maintenance tax.

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

402 Section 8. All drainage taxes levied by the district,
 403 together with all penalties for default in payment of the same
 404 and all costs in collecting the same, shall constitute a lien of
 405 equal dignity with the liens for county taxes, and other taxes
 406 of equal dignity with county taxes, upon all the lands against
 407 which said taxes shall be levied. A sale of any of the lands
 408 within the district for county or other taxes shall not operate
 409 to relieve or release the lands so sold from the lien for
 410 subsequent installments of district taxes, which lien may be
 411 enforced against such lands as though no such sale thereof had
 412 been made.

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

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

429 (2) After the authorization of any bonds under the
430 provisions of chapter 298, Florida Statutes, the board of
431 supervisors may from time to time issue bond anticipation notes
432 in anticipation of the issuance of such bonds and the amount
433 thereof shall not exceed the amount of bonds authorized and not
434 issued. Such notes shall all mature not later than 1 year after
435 the date thereof and may be renewed for a further period of not
436 exceeding 1 year, but all of such notes, including the renewals
437 thereof, shall mature not later than 2 years after the date
438 thereof. Such bond anticipation notes shall be paid from the
439 proceeds of such bonds when issued, or from any taxes levied for
440 the payment of such bonds which have been authorized, but in
441 such case a like amount of the bonds authorized shall not be
442 issued. The proceeds of any bond anticipation notes shall be
443 used solely for the purposes provided in the resolution which

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444 authorized the issuance of the bonds in anticipation of which
445 bond anticipation notes are issued.

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

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

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

467 Section 14. It shall be unlawful for any person, firm, or
468 corporation to connect or to maintain a connection of any farm
469 ditch with any of the canals, ditches, laterals, or waterways
470 constructed, controlled, or maintained by Indian River Farms
471 Water Control District in Indian River County, except in

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472 accordance with plans and specifications showing method of such
473 connection as prescribed by the board of supervisors of said
474 district. Any violation of this act shall be punished as
475 prescribed by the general law for punishment of misdemeanors.
476 The board of supervisors shall also have the right and power to
477 cause any such connection constructed or maintained in violation
478 of this act to be blocked or stopped up.

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

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

496 Section 17. It has been ascertained and determined and it
497 is hereby declared that the water control and conservation works
498 and facilities authorized to be constructed, installed, and
499 maintained pursuant to the provisions of this act are for a

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500 public purpose and will confer benefits upon all lands within
501 Indian River Farms Water Control District in an amount at least
502 equal to the taxes authorized by the provisions of this act to
503 be levied and that all lands in said district will be benefited
504 equally by said works and facilities.

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

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

523 Section 20. The board of supervisors of said district is
524 hereby authorized to assess and levy a minimum drainage tax,
525 which said minimum drainage tax shall be at a rate not less than
526 the 1-acre tax rate as established by the district from time to

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527 time. Said minimum drainage tax shall apply to any one parcel
 528 separately assessed on the tax rolls of said tax district.

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

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

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

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

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

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

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

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

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

605 Section 29. (1) The district shall also have power to
 606 levy fines for the introduction of pollutants into the waters of
 607 the district, for violation of any rule or regulation
 608 promulgated by the Florida Department of Environmental
 609 Protection, for violation of the United States Clean Water Act,

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610 33 U.S.C. ss. 1251-1387, or for violation of the conditions of
611 any National Pollutant Discharge Elimination System permit.

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

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638 years after the certified copy of an order imposing a fine has
 639 been recorded, unless within that time an action is commenced in
 640 a court of competent jurisdiction. In an action to foreclose on
 641 a lien or for a money judgment, the prevailing party is entitled
 642 to recover all costs and reasonable attorney's fees that it
 643 incurs in the action.

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

650 Section 4. Chapters 8882 (1921), 9988 (1923), 10693
 651 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 652 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 653 63-832, and 67-843, Laws of Florida, are repealed.

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