

1 A bill to be entitled

2 An act relating to the St. Johns Water Control District,
3 Indian River County; codifying, amending, and reenacting
4 special acts relating to the district; fixing and
5 prescribing boundaries of said district; making the
6 provisions of chapter 298, F.S., applicable thereto;
7 providing for the levy, collection, and enforcement of
8 installment and maintenance taxes by said district at the
9 same time and in like manner as county taxes; providing
10 that said taxes shall be extended by the county on the
11 county tax roll and shall be collected by the tax
12 collector in the same manner and time as county taxes;
13 providing for the same discounts and penalties as county
14 taxes; providing for the compensation of the county and
15 tax collector; providing that district taxes shall be a
16 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 the board may enter into
24 certain covenants and agreements with holders of bonds;
25 providing that water is a common enemy; providing for
26 compensation of the board of supervisors; providing for
27 the levy of fines for the introduction of pollutants into
28 the waters of the district; providing additional powers of
29 the board; providing for severability of the provisions of

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30 the act; repealing chapters 65-812 and 69-1162, Laws of
 31 Florida, relating to the district; providing an effective
 32 date.

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

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

46 Section 2. Chapters 65-812 and 69-1162, Laws of Florida,
 47 are codified, reenacted, amended, and repealed as provided in
 48 this act.

49 Section 3. The St. Johns Water Control District is re-
 50 created, and the charter for such district is re-created and
 51 reenacted to read:

52 Section 1. The decree of the Circuit Court in and for the
 53 Ninth Judicial Circuit, Indian River County, Florida, entered in
 54 Case No. 5736 on May 14, 1962, creating and incorporating the
 55 St. Johns Water Control District under chapter 298, Florida
 56 Statutes, and the decree of said court revising and correcting
 57 the boundaries of the district entered on October 25, 1963, and
 58 an order correcting a clerical error in the decree revising and

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59 correcting the boundaries of the district on December 27, 1963,
 60 and all subsequent proceedings taken in said circuit court
 61 concerning said district are hereby ratified, confirmed, and
 62 approved, including its territorial boundaries as follows:

63
 64 From the center of Section 5, township 33 South, Range
 65 38 East, run West along the centerline of Highway 60
 66 through Sections 5 and 6, and in Township 33 South,
 67 Range 37 East continue west along the centerline of
 68 State Highway 60 through Sections 1, 2, 3, 4, 5 and 6
 69 to the West boundary of Section 6; thence South along
 70 the West boundary of Sections 6, 7, 18 and 19 to the
 71 Southwest corner of Section 19; thence East along the
 72 south boundary of Section 19 to the Southeast corner
 73 of said Section 19; thence South along the West
 74 boundary of Sections 29 and 32 to the Southwest corner
 75 of Section 32; thence Easterly along the South
 76 boundary of Sections 32, 33, 34, 35 and 36 to the
 77 Southeast corner of Section 36, all lying in Township
 78 33 South, Range 37 East; thence in Township 33 South,
 79 Range 38 East, run Easterly along the South boundary
 80 of Sections 31 and 32 to the Southeast corner of
 81 Section 32; thence run North to the Northeast corner
 82 of Section 29, Township 33 South, Range 38 East;
 83 thence run Easterly to the Southeast corner of Section
 84 21, Township 33 South, Range 38 East; thence Northerly
 85 along the East boundaries of Sections 21 and 16 to the
 86 Northeast corner of the Southeast one-quarter (SE 1/4)
 87 of Section 16, Township 33 South, Range 38 East;

88 thence Westerly to the center of Section 16; thence
 89 Northerly to the Northeast corner of the Northwest
 90 one-quarter (NW 1/4) of Section 16; thence Westerly to
 91 the Southeast corner of Section 8; thence North to the
 92 Northeast corner of Section 8; thence Westerly to the
 93 Southeast corner of the Southwest one-quarter (SW 1/4)
 94 of Section 5; thence North to the center of Section 5
 95 and the point of beginning. Including 27,743.40
 96 acres.

97
 98 Section 2. The provisions of the general drainage laws of
 99 Florida applicable to drainage districts or subdrainage
 100 districts which are embodied in chapter 298, Florida Statutes,
 101 and all of the laws amendatory thereof, now existing or
 102 hereafter enacted, so far as not inconsistent with this act, are
 103 hereby declared to be applicable to said St. Johns Water Control
 104 District.

105 Section 3. Taxes shall be levied and apportioned as
 106 provided for in the general drainage laws of Florida (chapter
 107 298, Florida Statutes, and amendments thereto), except as
 108 otherwise provided herein. The board of supervisors shall
 109 determine, order, and levy the amount of the annual installments
 110 of the total taxes levied under sections 298.50 and 298.54,
 111 Florida Statutes, which shall become due and be collected during
 112 each year at the same time that county taxes are due and
 113 collected, which said annual installment and levy shall be
 114 evidenced to and certified by the said board not later than
 115 August 1 of each year, to Indian River County. Said tax shall be
 116 extended by the county on the county tax roll and shall be

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117 collected by the tax collector in the same manner and time as
 118 county taxes, and the proceeds thereof paid to said district.
 119 Said tax shall be a lien until paid on the property against
 120 which assessed, and enforceable in like manner as county taxes.

121 Section 4. Maintenance taxes as provided for under section
 122 298.54, Florida Statutes, shall be apportioned upon the basis of
 123 the net assessments of benefits assessed as accruing for
 124 original construction, and shall be evidenced to and certified
 125 by the board of supervisors not later than August 31 of each
 126 year, to Indian River County, and shall be extended by the
 127 county on the county tax roll and shall be collected by the tax
 128 collector in the same manner and time as county taxes and the
 129 proceeds therefrom paid to said district. Said tax shall be a
 130 lien until paid on the property against which assessed and
 131 enforceable in like manner as county taxes.

132 Section 5. The collection and enforcement of all taxes
 133 levied by said district shall be at the same time and in like
 134 manner as county taxes, and the provisions of the Florida
 135 Statutes relating to the sale of lands for unpaid and delinquent
 136 county taxes, the issuance, sale, and delivery of tax
 137 certificates for such unpaid and delinquent county taxes, the
 138 redemption thereof, the issuance to individuals of tax deeds
 139 based thereon, and all other procedures in connection therewith,
 140 shall be applicable to said district and the delinquent and
 141 unpaid taxes of said district to the same extent as if said
 142 statutory provisions were expressly set forth in this act. All
 143 taxes shall be subject to the same discounts as county taxes.
 144 All discounts allowed shall be a charge against the maintenance
 145 tax only.

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

149 Section 7. (1) Indian River County shall be paid annually
 150 an amount equal to 1 percent of the total taxes of the district
 151 and the Tax Collector of Indian River County shall be paid
 152 annually an amount equal to 1 percent of the total taxes of the
 153 district collected, for their respective services to the St.
 154 Johns Water Control District in said county for respectively
 155 assessing and collecting said drainage district taxes, provided,
 156 however, that the total amount to be paid to said county and
 157 said tax collector in any one year shall not exceed the sum of
 158 \$1,500 to each. All compensation paid the tax assessor and the
 159 tax collector shall be paid from the proceeds of the maintenance
 160 tax.

161 (2) The services of said county and said county tax
 162 collector in assessing and collecting said drainage district
 163 taxes are hereby declared to be special services performed
 164 directly for said district and the amounts paid therefor shall
 165 not be considered a part of the general income of their
 166 respective offices, nor shall it come under the provisions of
 167 sections 116.03, 145.10, and 145.11, Florida Statutes. The
 168 personnel required to do said special work shall be paid for
 169 such special services by the county or the tax collector, as the
 170 case may be, from the receipts provided for such purpose.

171 Section 8. All drainage taxes levied by the district,
 172 together with all penalties for default in payment of the same
 173 and all costs in collecting the same, shall constitute a lien of
 174 equal dignity with the liens for county taxes, and other taxes

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175 of equal dignity with county taxes, upon all the lands against
 176 which said taxes shall be levied. A sale of any of the lands
 177 within the district for county or other taxes shall not operate
 178 to relieve or release the lands so sold from the lien for
 179 subsequent installments of district taxes, which lien may be
 180 enforced against such lands as though no such sale thereof had
 181 been made.

182 Section 9. The board of supervisors may issue bonds under
 183 the provisions of chapter 298, Florida Statutes, without the
 184 approval of the Board of Drainage Commissioners of the State of
 185 Florida, as provided for in section 298.47, Florida Statutes.

186 Section 10. (1) After the levy of maintenance taxes for
 187 any year, the board of supervisors may from time to time issue
 188 warrants or negotiable notes or other evidences of indebtedness
 189 of the district, which shall be payable solely from such
 190 maintenance taxes and shall not be issued in an amount greater
 191 than the amount of such maintenance taxes then unpaid less the
 192 amount of any of such notes then outstanding. All such notes
 193 shall mature not later than 1 year from the date of issuance
 194 thereof, shall bear interest at a rate or rates not exceeding 6
 195 percent per annum, and shall have such other details as shall be
 196 provided in the resolution or resolutions of the board of
 197 supervisors authorizing the issuance thereof.

198 (2) After the authorization of any bonds under the
 199 provisions of chapter 298, Florida Statutes, the board of
 200 supervisors may from time to time issue bond anticipation notes
 201 in anticipation of the issuance of such bonds, and the amount
 202 thereof shall not exceed the amount of bonds authorized and not
 203 issued. Such notes shall all mature not later than 1 year after

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204 the date thereof and may be renewed for a further period not
 205 exceeding 1 year, but all of such notes, including the renewals
 206 thereof, shall mature not later than 2 years from the date
 207 thereof. Such bond anticipation notes shall be paid from the
 208 proceeds of such bonds when issued, or from any taxes levied for
 209 the payment of such bonds which have been authorized, but in
 210 such case a like amount of the bonds authorized shall not be
 211 issued. The proceeds of any bond anticipation notes shall be
 212 used solely for the purposes provided in the resolution which
 213 authorized the issuance of the bonds in anticipation of which
 214 bond anticipation notes are issued.

215 Section 11. The provisions of section 298.73, Florida
 216 Statutes, and amendments and successors thereof, relating to the
 217 use of bonds and obligations in payment of drainage taxes, shall
 218 not be applicable to said district and its bonds, obligations,
 219 and taxes.

220 Section 12. The board of supervisors of the district shall
 221 have the power, in the resolution or other proceedings
 222 authorizing the issuance of any bonds, to enter into valid and
 223 legally binding covenants and agreements with the holders of
 224 such bonds as to the custody and security of the proceeds of
 225 said bonds, or of any bond anticipation notes issued in
 226 anticipation thereof, the custody and security of any debt
 227 service funds, including reserves, and the appointment of banks
 228 or trust companies as trustee to hold such construction funds
 229 and debt service and reserve funds, the rank or priority as
 230 between the bonds originally issued by the district, and any
 231 bonds thereafter issued and terms and conditions under which any
 232 bonds can be issued by the district after the original bonds or

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233 notes have been issued to finance the cost of the drainage
 234 improvements or works, and such other covenants and conditions
 235 as shall be deemed necessary and advisable by the board of
 236 supervisors in accordance with bond market practices and in
 237 order to better secure the payment of such bonds and the
 238 marketability thereof. All such covenants and agreements shall
 239 be and constitute valid and legally binding obligations of the
 240 district and the state does hereby covenant that it will not by
 241 any legislation hereafter in any manner repeal, modify, or
 242 impair the rights, remedies, and security of the holders of any
 243 bonds or other obligations issued by the district.

244 Section 13. The district shall also have power to covenant
 245 and agree with the holders of such bonds that all of the fees
 246 and expenses for the levy and collection of taxes in said
 247 district and of any trustees or other custodians of the bond
 248 proceeds or of the construction funds or debt service funds or
 249 reserves therefor, or the cost of the expenses of any annual
 250 audits or of any other annually recurring services or costs
 251 shall be paid from the maintenance taxes to be collected in each
 252 year with said district and not from the proceeds of any bonds
 253 or other obligations issued by said district.

254 Section 14. It is hereby declared that, in said district,
 255 surface waters, which shall include rainfall and the overflow of
 256 rivers and streams, are a common enemy, and the said district
 257 and any individual or agency holding a permit to do so from said
 258 district shall have the right to dike, dam, and construct levees
 259 to protect the said district or any part thereof, or the
 260 property of said individual or agency against the same, and
 261 thereby divert the course and flow of such surface water and or

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262 pump the water from within such dikes and levees.

263 Section 15. Each supervisor shall be paid for his or her
 264 services a per diem of \$25 for each day actually engaged in work
 265 pertaining to the said district; but the said supervisors shall
 266 not in any one month be paid more than \$100 each, except that in
 267 addition to the said per diem, they shall be paid 10 cents per
 268 mile for each mile actually traveled in going to and from their
 269 place of residence to the place of meeting.

270 Section 16. It shall be unlawful for any person, firm, or
 271 corporation to connect or to maintain a connection of any farm
 272 ditch with any of the canals, ditches, laterals, or waterways
 273 constructed, controlled, or maintained by St. Johns Water
 274 Control District in Indian River County, except in accordance
 275 with plans and specifications showing the method of such
 276 connection as prescribed by the board of supervisors of said
 277 district. Any violation of this act shall be punished as
 278 prescribed by the general law for punishment of misdemeanors.
 279 The board of supervisors shall also have the right and power to
 280 cause any such connection constructed or maintained in violation
 281 of this act to be blocked or stopped up.

282 Section 17. The Board of Supervisors of St. Johns Water
 283 Control District in Indian River County, in order to effect the
 284 drainage, reclamation, and protection of lands in said district,
 285 is hereby authorized to construct, install, and maintain locks,
 286 dams, and other works and facilities in the canals, ditches, and
 287 drains in said district and elsewhere.

288 Section 18. The St. Johns Water Control District is hereby
 289 authorized to grant such permits as it shall deem proper in
 290 allowing any access over, under, or across its lands.

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291 Section 19. (1) The district shall also have power to
 292 levy fines for the introduction of pollutants into the waters of
 293 the district; for violation of any rule or regulation
 294 promulgated by the Florida Department of Environmental
 295 Protection; for violation of the United States Clean Water Act
 296 (33 U.S.C. sections 1251-1387); or for violation of the
 297 conditions of any National Pollutant Discharge Elimination
 298 System permit.

299 (2) If, after notice and an opportunity to be heard by the
 300 board of supervisors of the district, any person is found and
 301 determined to have committed any of the foregoing violations,
 302 the district shall enter an order imposing a fine, or a fine
 303 plus repair costs, against the violator, and a certified copy of
 304 the order may be recorded in the public records of Indian River
 305 County, and thereafter shall constitute a lien against the land
 306 on which the violation exists. Upon petition to the circuit
 307 court, such order shall be enforceable in the same manner as a
 308 court judgment by the sheriffs of this state, including
 309 execution and levy against the personal property of the
 310 violator, but such order shall not be deemed a court judgment
 311 except for enforcement purposes. A fine imposed pursuant to this
 312 section shall continue to accrue until the violator comes into
 313 compliance or until judgment is rendered in a suit filed
 314 pursuant to this section, whichever occurs first. A lien arising
 315 from a fine imposed pursuant to this section runs in favor of
 316 the district, and the district may execute a satisfaction or
 317 release of lien entered pursuant to this section. After 3 months
 318 after the filing of any such lien which remains unpaid, the
 319 board may authorize its attorney to foreclose on the lien or to

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320 sue to recover a money judgment for the amount of the lien plus
 321 accrued interest. No lien created pursuant to the provisions of
 322 this section may be foreclosed on real property which is
 323 homestead under section 4, Article X of the State Constitution.
 324 No lien provided hereunder shall continue for a period longer
 325 than 20 years after the certified copy of an order imposing a
 326 fine has been recorded, unless within that time an action is
 327 commenced in a court of competent jurisdiction. In an action to
 328 foreclose on a lien or for a money judgment, the prevailing
 329 party is entitled to recover all costs and reasonable attorney's
 330 fees that it incurs in the action.

331 Section 20. In case any one or more of the sections or
 332 provisions of this act or the application of such sections or
 333 provisions to any situation, circumstance, or person shall for
 334 any reason be held to be unconstitutional, such
 335 unconstitutionality shall not affect any other sections or
 336 provisions to any other situation, circumstance, or person, and
 337 it is intended that this law shall be construed and applied as
 338 if such section or provision had not been included herein for
 339 any unconstitutional application.

340 Section 4. Chapters 65-812 and 69-1162, Laws of Florida,
 341 are repealed.

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