

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

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

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, an independent special
 56 | district, under chapter 298, Florida Statutes, and the decree of

57 said court revising and correcting the boundaries of the
58 district entered on October 25, 1963, and an order correcting a
59 clerical error in the decree revising and correcting the
60 boundaries of the district on December 27, 1963, and all
61 subsequent proceedings taken in said circuit court concerning
62 said district are hereby ratified, confirmed, and approved,
63 including its territorial boundaries as follows:

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

85 21, Township 33 South, Range 38 East; thence Northerly
86 along the East boundaries of Sections 21 and 16 to the
87 Northeast corner of the Southeast one-quarter (SE 1/4)
88 of Section 16, Township 33 South, Range 38 East;
89 thence Westerly to the center of Section 16; thence
90 Northerly to the Northeast corner of the Northwest
91 one-quarter (NW 1/4) of Section 16; thence Westerly to
92 the Southeast corner of Section 8; thence North to the
93 Northeast corner of Section 8; thence Westerly to the
94 Southeast corner of the Southwest one-quarter (SW 1/4)
95 of Section 5; thence North to the center of Section 5
96 and the point of beginning. Including 27,743.40
97 acres.

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

106 Section 3. Taxes shall be levied and apportioned as
107 provided for in the general drainage laws of Florida (chapter
108 298, Florida Statutes, and amendments thereto), except as
109 otherwise provided herein. The board of supervisors shall
110 determine, order, and levy the amount of the annual installments
111 of the total taxes levied under sections 298.50 and 298.54,
112 Florida Statutes, which shall become due and be collected during

113 each year at the same time that county taxes are due and
114 collected, which said annual installment and levy shall be
115 evidenced to and certified by the said board not later than
116 August 1 of each year, to Indian River County. Said tax shall be
117 extended by the county on the county tax roll and shall be
118 collected by the tax collector in the same manner and time as
119 county taxes, and the proceeds thereof paid to said district.
120 Said tax shall be a lien until paid on the property against
121 which assessed, and enforceable in like manner as county taxes.

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

133 Section 5. The collection and enforcement of all taxes
134 levied by said district shall be at the same time and in like
135 manner as county taxes, and the provisions of the Florida
136 Statutes relating to the sale of lands for unpaid and delinquent
137 county taxes, the issuance, sale, and delivery of tax
138 certificates for such unpaid and delinquent county taxes, the
139 redemption thereof, the issuance to individuals of tax deeds
140 based thereon, and all other procedures in connection therewith,

141 shall be applicable to said district and the delinquent and
 142 unpaid taxes of said district to the same extent as if said
 143 statutory provisions were expressly set forth in this act. All
 144 taxes shall be subject to the same discounts as county taxes.
 145 All discounts allowed shall be a charge against the maintenance
 146 tax only.

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

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

162 (2) The services of said county and said county tax
 163 collector in assessing and collecting said drainage district
 164 taxes are hereby declared to be special services performed
 165 directly for said district and the amounts paid therefor shall
 166 not be considered a part of the general income of their
 167 respective offices, nor shall it come under the provisions of
 168 sections 116.03, 145.10, and 145.11, Florida Statutes. The

169 personnel required to do said special work shall be paid for
170 such special services by the county or the tax collector, as the
171 case may be, from the receipts provided for such purpose.

172 Section 8. All drainage taxes levied by the district,
173 together with all penalties for default in payment of the same
174 and all costs in collecting the same, shall constitute a lien of
175 equal dignity with the liens for county taxes, and other taxes
176 of equal dignity with county taxes, upon all the lands against
177 which said taxes shall be levied. A sale of any of the lands
178 within the district for county or other taxes shall not operate
179 to relieve or release the lands so sold from the lien for
180 subsequent installments of district taxes, which lien may be
181 enforced against such lands as though no such sale thereof had
182 been made.

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

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

197 provided in the resolution or resolutions of the board of
 198 supervisors authorizing the issuance thereof.

199 (2) After the authorization of any bonds under the
 200 provisions of chapter 298, Florida Statutes, the board of
 201 supervisors may from time to time issue bond anticipation notes
 202 in anticipation of the issuance of such bonds, and the amount
 203 thereof shall not exceed the amount of bonds authorized and not
 204 issued. Such notes shall all mature not later than 1 year after
 205 the date thereof and may be renewed for a further period not
 206 exceeding 1 year, but all of such notes, including the renewals
 207 thereof, shall mature not later than 2 years from the date
 208 thereof. Such bond anticipation notes shall be paid from the
 209 proceeds of such bonds when issued, or from any taxes levied for
 210 the payment of such bonds which have been authorized, but in
 211 such case a like amount of the bonds authorized shall not be
 212 issued. The proceeds of any bond anticipation notes shall be
 213 used solely for the purposes provided in the resolution which
 214 authorized the issuance of the bonds in anticipation of which
 215 bond anticipation notes are issued.

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

221 Section 12. The board of supervisors of the district shall
 222 have the power, in the resolution or other proceedings
 223 authorizing the issuance of any bonds, to enter into valid and
 224 legally binding covenants and agreements with the holders of

225 such bonds as to the custody and security of the proceeds of
226 said bonds, or of any bond anticipation notes issued in
227 anticipation thereof, the custody and security of any debt
228 service funds, including reserves, and the appointment of banks
229 or trust companies as trustee to hold such construction funds
230 and debt service and reserve funds, the rank or priority as
231 between the bonds originally issued by the district, and any
232 bonds thereafter issued and terms and conditions under which any
233 bonds can be issued by the district after the original bonds or
234 notes have been issued to finance the cost of the drainage
235 improvements or works, and such other covenants and conditions
236 as shall be deemed necessary and advisable by the board of
237 supervisors in accordance with bond market practices and in
238 order to better secure the payment of such bonds and the
239 marketability thereof. All such covenants and agreements shall
240 be and constitute valid and legally binding obligations of the
241 district and the state does hereby covenant that it will not by
242 any legislation hereafter in any manner repeal, modify, or
243 impair the rights, remedies, and security of the holders of any
244 bonds or other obligations issued by the district.

245 Section 13. The district shall also have power to covenant
246 and agree with the holders of such bonds that all of the fees
247 and expenses for the levy and collection of taxes in said
248 district and of any trustees or other custodians of the bond
249 proceeds or of the construction funds or debt service funds or
250 reserves therefor, or the cost of the expenses of any annual
251 audits or of any other annually recurring services or costs
252 shall be paid from the maintenance taxes to be collected in each

253 year with said district and not from the proceeds of any bonds
254 or other obligations issued by said district.

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

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

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

281 cause any such connection constructed or maintained in violation
 282 of this act to be blocked or stopped up.

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

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

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

300 (2) If, after notice and an opportunity to be heard by the
 301 board of supervisors of the district, any person is found and
 302 determined to have committed any of the foregoing violations,
 303 the district shall enter an order imposing a fine, or a fine
 304 plus repair costs, against the violator, and a certified copy of
 305 the order may be recorded in the public records of Indian River
 306 County, and thereafter shall constitute a lien against the land
 307 on which the violation exists. Upon petition to the circuit
 308 court, such order shall be enforceable in the same manner as a

309 court judgment by the sheriffs of this state, including
310 execution and levy against the personal property of the
311 violator, but such order shall not be deemed a court judgment
312 except for enforcement purposes. A fine imposed pursuant to this
313 section shall continue to accrue until the violator comes into
314 compliance or until judgment is rendered in a suit filed
315 pursuant to this section, whichever occurs first. A lien arising
316 from a fine imposed pursuant to this section runs in favor of
317 the district, and the district may execute a satisfaction or
318 release of lien entered pursuant to this section. After 3 months
319 after the filing of any such lien which remains unpaid, the
320 board may authorize its attorney to foreclose on the lien or to
321 sue to recover a money judgment for the amount of the lien plus
322 accrued interest. No lien created pursuant to the provisions of
323 this section may be foreclosed on real property which is
324 homestead under section 4, Article X of the State Constitution.
325 No lien provided hereunder shall continue for a period longer
326 than 20 years after the certified copy of an order imposing a
327 fine has been recorded, unless within that time an action is
328 commenced in a court of competent jurisdiction. In an action to
329 foreclose on a lien or for a money judgment, the prevailing
330 party is entitled to recover all costs and reasonable attorney's
331 fees that it incurs in the action.

332 Section 20. In case any one or more of the sections or
333 provisions of this act or the application of such sections or
334 provisions to any situation, circumstance, or person shall for
335 any reason be held to be unconstitutional, such
336 unconstitutionality shall not affect any other sections or

337 provisions to any other situation, circumstance, or person, and
338 it is intended that this law shall be construed and applied as
339 if such section or provision had not been included herein for
340 any unconstitutional application.

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

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