

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
27 additional powers of the board; providing for severability
28 of the provisions of the act; repealing chapters 65-812

29 and 69-1162, Laws of Florida, relating to the district;
 30 providing an effective date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

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 34 Section 1. (1) The reenactment of existing law in this
 35 act shall not be construed as a grant of additional authority to
 36 nor to supersede the authority of any entity pursuant to law.
 37 Exceptions to law contained in any special act that are
 38 reenacted pursuant to this act shall continue to apply.

39 (2) The reenactment of existing law in this act shall not
 40 be construed to modify, amend, or alter any covenants,
 41 contracts, or other obligations of the district with respect to
 42 bonded indebtedness. Nothing pertaining to the reenactment of
 43 existing law in this act shall be construed to affect the
 44 ability of the district to levy and collect taxes, assessments,
 45 fees, or charges for the purpose of redeeming or servicing
 46 bonded indebtedness of the district.

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 48 are codified, reenacted, amended, and repealed as provided in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

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

53 Section 1. The decree of the Circuit Court in and for the
 54 Ninth Judicial Circuit, Indian River County, Florida, entered in
 55 Case No. 5736 on May 14, 1962, creating and incorporating the
 56 St. Johns Water Control District, an independent special

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57 district, under chapter 298, Florida Statutes, and the decree of
58 said court revising and correcting the boundaries of the
59 district entered on October 25, 1963, and an order correcting a
60 clerical error in the decree revising and correcting the
61 boundaries of the district on December 27, 1963, and all
62 subsequent proceedings taken in said circuit court concerning
63 said district are hereby ratified, confirmed, and approved,
64 including its territorial boundaries as follows:

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

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

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

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

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

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

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

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

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

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

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

169 sections 116.03, 145.10, and 145.11, Florida Statutes. The
 170 personnel required to do said special work shall be paid for
 171 such special services by the county or the tax collector, as the
 172 case may be, from the receipts provided for such purpose.

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

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

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

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197 percent per annum, and shall have such other details as shall be
198 provided in the resolution or resolutions of the board of
199 supervisors authorizing the issuance thereof.

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

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

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

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

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

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253 shall be paid from the maintenance taxes to be collected in each
254 year with said district and not from the proceeds of any bonds
255 or other obligations issued by said district.

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

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

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

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281 The board of supervisors shall also have the right and power to
 282 cause any such connection constructed or maintained in violation
 283 of this act to be blocked or stopped up.

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

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

293 Section 19. In case any one or more of the sections or
 294 provisions of this act or the application of such sections or
 295 provisions to any situation, circumstance, or person shall for
 296 any reason be held to be unconstitutional, such
 297 unconstitutionality shall not affect any other sections or
 298 provisions to any other situation, circumstance, or person, and
 299 it is intended that this law shall be construed and applied as
 300 if such section or provision had not been included herein for
 301 any unconstitutional application.

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

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