

## CHAMBER ACTION

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1 The Finance & Tax Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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24 providing for floating indebtedness of the district;  
 25 providing that payment of taxes in advance is not  
 26 authorized; providing that use of bonds and interest  
 27 coupons in payment of taxes is not authorized; providing  
 28 that the board may enter into certain covenants and  
 29 agreements with holders of bonds; providing that water is  
 30 a common enemy; providing for compensation of the board of  
 31 supervisors; providing additional powers of the board;  
 32 providing for severability of the provisions of the act;  
 33 repealing chapters 65-812 and 69-1162, Laws of Florida,  
 34 relating to the district; providing an effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

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

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

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

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

57           Section 1. The decree of the Circuit Court in and for the  
58 Ninth Judicial Circuit, Indian River County, Florida, entered in  
59 Case No. 5736 on May 14, 1962, creating and incorporating the  
60 St. Johns Water Control District, an independent special  
61 district, under chapter 298, Florida Statutes, and the decree of  
62 said court revising and correcting the boundaries of the  
63 district entered on October 25, 1963, and an order correcting a  
64 clerical error in the decree revising and correcting the  
65 boundaries of the district on December 27, 1963, and all  
66 subsequent proceedings taken in said circuit court concerning  
67 said district are hereby ratified, confirmed, and approved,  
68 including its territorial boundaries as follows:

69  
70           From the center of Section 5, township 33 South, Range  
71 38 East, run West along the centerline of Highway 60  
72 through Sections 5 and 6, and in Township 33 South,  
73 Range 37 East continue west along the centerline of  
74 State Highway 60 through Sections 1, 2, 3, 4, 5 and 6  
75 to the West boundary of Section 6; thence South along  
76 the West boundary of Sections 6, 7, 18 and 19 to the  
77 Southwest corner of Section 19; thence East along the  
78 south boundary of Section 19 to the Southeast corner

79 | of said Section 19; thence South along the West  
 80 | boundary of Sections 29 and 32 to the Southwest corner  
 81 | of Section 32; thence Easterly along the South  
 82 | boundary of Sections 32, 33, 34, 35 and 36 to the  
 83 | Southeast corner of Section 36, all lying in Township  
 84 | 33 South, Range 37 East; thence in Township 33 South,  
 85 | Range 38 East, run Easterly along the South boundary  
 86 | of Sections 31 and 32 to the Southeast corner of  
 87 | Section 32; thence run North to the Northeast corner  
 88 | of Section 29, Township 33 South, Range 38 East;  
 89 | thence run Easterly to the Southeast corner of Section  
 90 | 21, Township 33 South, Range 38 East; thence Northerly  
 91 | along the East boundaries of Sections 21 and 16 to the  
 92 | Northeast corner of the Southeast one-quarter (SE 1/4)  
 93 | of Section 16, Township 33 South, Range 38 East;  
 94 | thence Westerly to the center of Section 16; thence  
 95 | Northerly to the Northeast corner of the Northwest  
 96 | one-quarter (NW 1/4) of Section 16; thence Westerly to  
 97 | the Southeast corner of Section 8; thence North to the  
 98 | Northeast corner of Section 8; thence Westerly to the  
 99 | Southeast corner of the Southwest one-quarter (SW 1/4)  
 100 | of Section 5; thence North to the center of Section 5  
 101 | and the point of beginning. Including 27,743.40 acres.

103 | Section 2. The provisions of the general drainage laws of  
 104 | Florida applicable to drainage districts or subdrainage  
 105 | districts which are embodied in chapter 298, Florida Statutes,  
 106 | and all of the laws amendatory thereof, now existing or

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107 hereafter enacted, so far as not inconsistent with this act, are  
108 hereby declared to be applicable to said St. Johns Water Control  
109 District.

110 Section 3. Taxes shall be levied and apportioned as  
111 provided for in the general drainage laws of Florida (chapter  
112 298, Florida Statutes, and amendments thereto), except as  
113 otherwise provided herein. The board of supervisors shall  
114 determine, order, and levy the amount of the annual installments  
115 of the total taxes levied under sections 298.50 and 298.54,  
116 Florida Statutes, which shall become due and be collected during  
117 each year at the same time that county taxes are due and  
118 collected, which said annual installment and levy shall be  
119 evidenced to and certified by the said board not later than  
120 August 1 of each year, to Indian River County. Said tax shall be  
121 extended by the county on the county tax roll and shall be  
122 collected by the tax collector in the same manner and time as  
123 county taxes, and the proceeds thereof paid to said district.  
124 Said tax shall be a lien until paid on the property against  
125 which assessed, and enforceable in like manner as county taxes.

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

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135 lien until paid on the property against which assessed and  
136 enforceable in like manner as county taxes.

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

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

154 Section 7. (1) The Property Appraiser of Indian River  
155 County shall be paid annually an amount equal to 1 percent of  
156 the total taxes of the district and the Tax Collector of Indian  
157 River County shall be paid annually an amount equal to 1 percent  
158 of the total taxes of the district collected for their  
159 respective services to the St. Johns Water Control District in  
160 said county for respectively assessing and collecting said  
161 drainage district taxes, provided, however, that the total

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162 amount to be paid to said property appraiser and tax collector  
163 shall be paid from the proceeds of the maintenance tax.

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

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

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

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

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



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217 authorized the issuance of the bonds in anticipation of which  
218 bond anticipation notes are issued.

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

224 Section 12. The board of supervisors of the district shall  
225 have the power, in the resolution or other proceedings  
226 authorizing the issuance of any bonds, to enter into valid and  
227 legally binding covenants and agreements with the holders of  
228 such bonds as to the custody and security of the proceeds of  
229 said bonds, or of any bond anticipation notes issued in  
230 anticipation thereof, the custody and security of any debt  
231 service funds, including reserves, and the appointment of banks  
232 or trust companies as trustee to hold such construction funds  
233 and debt service and reserve funds, the rank or priority as  
234 between the bonds originally issued by the district, and any  
235 bonds thereafter issued and terms and conditions under which any  
236 bonds can be issued by the district after the original bonds or  
237 notes have been issued to finance the cost of the drainage  
238 improvements or works, and such other covenants and conditions  
239 as shall be deemed necessary and advisable by the board of  
240 supervisors in accordance with bond market practices and in  
241 order to better secure the payment of such bonds and the  
242 marketability thereof. All such covenants and agreements shall  
243 be and constitute valid and legally binding obligations of the  
244 district and the state does hereby covenant that it will not by

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245 any legislation hereafter in any manner repeal, modify, or  
 246 impair the rights, remedies, and security of the holders of any  
 247 bonds or other obligations issued by the district.

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

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

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

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272 mile for each mile actually traveled in going to and from their  
273 place of residence to the place of meeting.

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

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

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

295 Section 19. In case any one or more of the sections or  
296 provisions of this act or the application of such sections or  
297 provisions to any situation, circumstance, or person shall for  
298 any reason be held to be unconstitutional, such  
299 unconstitutionality shall not affect any other sections or

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300 | provisions to any other situation, circumstance, or person, and  
 301 | it is intended that this law shall be construed and applied as  
 302 | if such section or provision had not been included herein for  
 303 | any unconstitutional application.

304 |       Section 4. Chapters 65-812 and 69-1162, Laws of Florida,  
 305 | are repealed.

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