

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  
15          property appraiser and tax collector; providing that  
16          district taxes shall be a lien on lands against which  
17          taxes are levied of equal dignity with county and other  
18          taxes; providing that the approval of the board of  
19          drainage commissioners is not required to issue bonds;  
20          providing for floating indebtedness of the district;  
21          providing that payment of taxes in advance is not  
22          authorized; providing that use of bonds and interest  
23          coupons in payment of taxes is not authorized; providing  
24          that the board may enter into certain covenants and  
25          agreements with holders of bonds; providing that water is  
26          a common enemy; providing for compensation of the board of  
27          supervisors; providing additional powers of the board;

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

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

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  
 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:

65  
 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 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) The Property Appraiser of Indian River  
151 County shall be paid annually an amount equal to 1 percent of  
152 the total taxes of the district and the Tax Collector of Indian  
153 River County shall be paid annually an amount equal to 1 percent  
154 of the total taxes of the district collected for their  
155 respective services to the St. Johns Water Control District in  
156 said county for respectively assessing and collecting said  
157 drainage district taxes, provided, however, that the total  
158 amount to be paid to said property appraiser and tax collector  
159 shall be paid from the proceeds of the maintenance tax.

160 (2) The services of said county property appraiser and  
161 said county tax collector in assessing and collecting said  
162 drainage district taxes are hereby declared to be special

163 services performed directly for said district and the amounts  
164 paid therefor shall not be considered a part of the general  
165 income of their respective offices, nor shall it come under the  
166 provisions of sections 116.03, 145.10, and 145.11, Florida  
167 Statutes. The personnel required to do said special work shall  
168 be paid for such special services by the property appraiser or  
169 the tax collector, as the case may be, from the receipts  
170 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  
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  
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  
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  
 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.

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

297 it is intended that this law shall be construed and applied as  
298 if such section or provision had not been included herein for  
299 any unconstitutional application.

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

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