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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;

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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

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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

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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

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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

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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

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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

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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

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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.

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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.

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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

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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.