

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Indian River Farms Water Control
7 District, Indian River County; codifying, amending,
8 reenacting, and repealing special acts relating to the
9 district; providing territorial boundaries of the
10 district; making the provisions of ch. 298, F.S.,
11 applicable thereto; providing for the levy, collection,
12 and enforcement of installment and maintenance taxes by
13 said district at the same time and in like manner as
14 county taxes; providing that said taxes shall be extended
15 by the county on the county tax roll and shall be
16 collected by the tax collector in the same manner and time
17 as county taxes; providing for the same discounts and
18 penalties as county taxes; providing for the compensation
19 of the tax collector; providing that district taxes shall
20 be a lien on lands against which taxes are levied of equal
21 dignity with county and other taxes; authorizing the board
22 of supervisors to issue bonds; providing for floating
23 indebtedness of the district; providing that payment of

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24 taxes in advance is not authorized; providing that use of
 25 bonds and interest coupons in payment of taxes is not
 26 authorized; providing that water is a common enemy;
 27 providing for compensation of the board of supervisors;
 28 providing for severability; providing an effective date.
 29

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

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

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

45 Section 2. Chapters 8882 (1921), 9988 (1923), 10693
 46 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 47 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 48 63-832, and 67-843, Laws of Florida, are codified, reenacted,
 49 amended, and repealed as provided in this act.

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

53 Section 1. The decree of the Circuit Court in and for the
54 Fifteenth Judicial Circuit, St. Lucie County, entered in the
55 case captioned "In re: Indian River Farms Drainage District" on
56 May 6, 1919, creating and incorporating the Indian River Farms
57 Water Control District, an independent special district, under
58 chapter 6458 (1913), Laws of Florida, and the order of said
59 court approving the report of the district commissioners entered
60 on August 18, 1921, and all subsequent proceedings taken in said
61 circuit court concerning said district are hereby ratified,
62 confirmed, and approved, including its territorial boundaries as
63 follows:

64
65 Begin at the Northwest corner of Township 32 S. R. 39
66 E.; Thence East to the northwest corner of northeast
67 quarter of Section 5, Township 32 S. R. 39 E; Thence
68 North to the northwest corner of northeast quarter of
69 Section 32, Township 31 S. R. 39 E.; Thence East to
70 the northwest corner of Section 33, Township 31 S. R.
71 39 E.; Thence South to the northwest corner of the
72 southwest quarter of the northwest quarter of Section
73 33, Township 31 S. R. 39 E.; Thence East to the
74 Northeast corner of the southwest quarter to the
75 northwest quarter of said Section 33; Thence South to
76 the northeast corner of the northwest quarter of the
77 southwest quarter of said Section 33; Thence East to

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78 | the northeast corner of the west half of the northeast
79 | quarter of the southwest quarter of said Section 33;
80 | Thence South to the southeast corner of the west half
81 | of the northeast quarter of the northwest quarter of
82 | said Section 33; Thence East to the northeast corner
83 | of the southeast quarter of the southwest quarter of
84 | said Section 33; Thence South to the southeast corner
85 | of the northeast quarter of the northwest quarter of
86 | Section 4, Township 32 S. R. 39 E.; Thence East to the
87 | northeast corner of the west half of the southwest
88 | quarter of the northeast quarter of said Section 4;
89 | Thence South to the southeast corner of the west half
90 | of the northwest quarter of the southeast quarter of
91 | said Section 4; Thence East to the northeast corner of
92 | the southwest quarter of the southeast quarter of said
93 | Section 4; Thence South to the southeast corner of the
94 | southwest quarter of the southeast quarter of said
95 | Section 4; thence East to the northeast corner of the
96 | west half of the northeast quarter of the northeast
97 | quarter of Section 9, Township 32 S. R. 39 E.; Thence
98 | South to the southeast corner of the west half of the
99 | northeast quarter of the northeast quarter of said
100 | Section 9; Thence East to the northeast corner of the
101 | southeast quarter of the northeast quarter of said
102 | Section 9; Thence South to the southeast corner of the
103 | southeast quarter of the northeast quarter of said
104 | Section 9; Thence East to the northeast corner of the
105 | west half of the northwest quarter of the southwest

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106 | quarter of Section 10, Township 32 S. R. 39 E.; Thence
 107 | South to the southeast corner of the west half of the
 108 | northwest quarter of the southwest quarter of said
 109 | Section 10; Thence East to the northeast corner of the
 110 | southwest quarter of the southwest quarter of said
 111 | Section 10; Thence South to the southeast corner of
 112 | the southwest quarter of the southwest quarter of said
 113 | Section 10; Thence East to the northeast corner of the
 114 | west half of the northeast quarter of the northwest
 115 | quarter of Section 15, Township 32 S. R. 39 E.; Thence
 116 | South to the southeast corner of the west half of the
 117 | northeast quarter of the northwest quarter of said
 118 | Section 15; Thence East to the northeast corner of the
 119 | southeast quarter of the northwest quarter of said
 120 | Section 15; Thence South to the southeast corner of
 121 | the northwest quarter of said Section 15; Thence East
 122 | to the northeast corner of the west half of the
 123 | northwest quarter of the southeast quarter of said
 124 | Section 15; Thence South to the southeast corner of
 125 | the west half of the northwest quarter of the
 126 | southeast quarter of said Section 15; Thence East to
 127 | the northeast corner of the southwest quarter of the
 128 | southeast quarter of said Section 15; Thence South to
 129 | the southeast corner of the northwest quarter of the
 130 | northeast quarter of Section 22, Township 32 S. R. 39
 131 | E.; Thence East to the northeast corner of the west
 132 | half of southeast quarter of northeast quarter of said
 133 | Section 22; Thence South to the southeast corner of

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134 west half of southeast quarter of southeast quarter of
135 said Section 22; Thence East to the northeast corner
136 of Section 27, Township 32 S. R. 39 E.; Thence South
137 to the southeast corner of northeast quarter of
138 northeast quarter of said Section 27; Thence East to
139 the northeast corner of west half of the southwest
140 quarter of the northwest quarter of Section 26,
141 Township 32 S R. 39 E.; Thence South to the southeast
142 corner of the west half of southwest quarter of the
143 northwest quarter of said Section 26; Thence East to
144 the northeast corner of the northwest quarter of the
145 southwest quarter of said Section 26; Thence South to
146 the southeast corner of the southwest quarter of the
147 southwest quarter of said Section 26; Thence East to
148 the northeast corner of west half of the northeast
149 quarter of northwest quarter of Section 35, Township
150 32 S. R. 39 E.; Thence South to the southeast corner
151 of the west half of northeast quarter of the northwest
152 quarter of said Section 35; Thence East to the
153 northeast corner of the southeast quarter of northwest
154 quarter of said Section 35; Thence South to the
155 southeast corner of northwest quarter of said Section
156 35; Thence East on the center line of Sections 35 and
157 36, Township 32 S. R. 39 E., and along the center line
158 of Section 31, Township 32 S. R. 40 E. to the water's
159 edge of Indian River; Thence southerly along the
160 water's edge of the Indian River to the north line of
161 Township 33 S. R. 40 E.; Thence West along said

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162 township line to the northeast corner of the west half
163 of the west half of Section 1, Township 33 S. R. 39
164 E.; Thence South to the southeast corner of west half
165 of west half of said Section 1; Thence west to the
166 northwest corner of Section 12, Township 33 S. R. 39
167 E.; Thence South to the southwest corner of the
168 northwest quarter of the northwest quarter of said
169 Section 12; Thence East to the northeast corner of the
170 west half of the southwest quarter of the northwest
171 quarter of said Section 12; Thence South to the
172 southeast corner of the west half of the northwest
173 quarter of the southwest quarter of said Section 12;
174 Thence East to the northeast corner of southwest
175 quarter of the southwest quarter of said Section 12;
176 Thence South to the southeast corner of the northwest
177 quarter of the northwest quarter of Section 13,
178 Township 33 S. R. 39 E.; Thence East to the northeast
179 corner of the west half of the southeast quarter of
180 the northwest quarter of said Section 13; Thence South
181 to the southeast corner of west half of the southeast
182 quarter of the northwest quarter of said Section 13;
183 Thence East to the northeast corner of the southwest
184 quarter of said Section 13; Thence South to the
185 southeast corner of the northeast quarter of the
186 southwest quarter of said Section 13; Thence East to
187 the northeast corner of the west half of the southwest
188 quarter of the southeast quarter of said Section 13;
189 Thence South to the southeast corner of the west half

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190 of the northwest quarter of the northeast quarter of
 191 Section 24, Township 33 S. R. 39 E.; Thence East to
 192 the northeast corner of southwest quarter of the
 193 northeast quarter of said Section 24; Thence South to
 194 the southeast corner of the southwest quarter of the
 195 northeast quarter of said Section 24; Thence East to
 196 the northeast corner of the west half of the northeast
 197 quarter of the southeast quarter of said Section 24;
 198 Thence South to the southeast corner of the west half
 199 of the southeast quarter of the northeast quarter of
 200 Section 25, Township 33 S. R. 39 E.; Thence East to
 201 the northeast corner of the southeast quarter of said
 202 Section 25; Thence South to the southeast corner of
 203 the northeast quarter of the southeast quarter of said
 204 Section 25; Thence East to the northeast corner of the
 205 west half of the southwest quarter of the southwest
 206 quarter of Section 30, Township 33 S. R. 40 E.; Thence
 207 South to the southeast corner of west half of the
 208 southwest quarter of the southwest quarter of said
 209 Section 30; Thence East to the northeast corner of the
 210 northwest quarter of the northwest quarter of Section
 211 31, Township 33 S. R. 40 E.; Thence South to the
 212 southeast corner of the southwest quarter of the
 213 northwest quarter of said Section 31; Thence East to
 214 the northeast corner of the west half of the northeast
 215 quarter of the southwest quarter of said Section 31;
 216 Thence South to the southeast corner of the west half
 217 of the northeast quarter of the southwest quarter of

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218 said Section 31; Thence East to the northeast corner
219 of the southeast quarter of the southwest quarter of
220 said Section 31; Thence South to the southeast corner
221 of the southwest quarter of said Section 31, Township
222 33 S. R. 40 E.; Thence West along Township lines nine
223 miles more or less to the southwest corner of the
224 southeast quarter of Section 34, Township 33 S. R. 38
225 E.; Thence North to the northwest corner of the
226 northeast quarter of Section 34, Township 33 S. R. 38
227 E.; Thence West to the southwest corner of Section 27,
228 Township 33 S. R. 38 E.; Thence North to the southeast
229 corner of Section 9, Township 33 S. R. 38 E.; Thence
230 West to the southwest corner of Section 9, Township 33
231 S. R. 38 E.; Thence North to the southeast corner of
232 Section 5, Township 33 S. R. 38 E.; Thence West to the
233 southwest corner of southeast quarter of Section 5,
234 Township 33 S. R. 38 E.; Thence North on center line
235 of Section 5 to northwest corner of northeast quarter
236 of Section 5, Township 33 S. R. 38 E.; Thence East
237 along Township line to the northwest corner of
238 Township 33 S. R. 39 E.; Thence North to the northwest
239 corner of Township 32 S. R. 39 E., being the point of
240 beginning.

241
242 The foregoing boundaries containing and including the
243 following lands, to wit:
244 The East half of Section 32, Township 31 S. R. 39 E.;
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246 The Southwest quarter of northwest quarter; the
247 northwest quarter of southwest quarter; the west half
248 of northeast quarter of southwest quarter; the south
249 half of southwest quarter; all in Section 33, Township
250 31 S. R. 39 E.;

251
252 Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 27, 28,
253 29, 30, 31, 32, 33, and 34, all in Township 32 S. R.
254 39 E;

255
256 The West half of Section 4, Township 32 S. R. 39 E.;

257
258 The West half of southwest quarter of northeast
259 quarter; the west half of northwest quarter of
260 southeast quarter; the southwest quarter of southeast
261 quarter; all in Section 4, Township 32 S. R. 39 E.;

262
263 All of Section 9, Township 32 S. R. 39 E., except the
264 east half of northeast quarter of northeast quarter of
265 said section;

266
267 The West half of northwest quarter of southwest
268 quarter; and the southwest quarter of southwest
269 quarter; all in Section 10, Township 32 S. R. 39 E.;

270
271 All of the West half of Section 15, Township 32 S. R.
272 39 E., except the east half of the northeast quarter
273 of northwest quarter of said Section;

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274
275 The West half of northwest quarter of southeast
276 quarter; and the southwest quarter of the southeast
277 quarter; all in Section 15, Township 32 S. R. 39 E.;
278
279 The West half of Section 22; the west half of the
280 northeast quarter of Section 22, and the west half of
281 the southeast quarter of Section 22; all in the
282 township 32 S. R. 39 E.;
283
284 The West half of southeast quarter of the northeast
285 quarter; and the west half of the east half of the
286 southeast quarter; all in Section 22, Township 32 S.
287 R. 39 E.;
288
289 The West half of southwest quarter of northwest
290 quarter; and the west half of southeast quarter; all
291 in Section 26, Township 32 S. R. 39 E.;
292
293 The West half of Section 35, Township 32 S. R. 39 E.;
294 except the east half of the northeast quarter of
295 northwest quarter of said Section;
296
297 The Southeast quarter of Section 35, Township 32, S.
298 R. 39 E.;
299
300 The South half of Section 36, Township 32 S. R. 39 E.;
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302 | Lots 5 and 6 of Section 31, Township 32 S. R. 40 E.;
 303 |
 304 | Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16,
 305 | 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31,
 306 | 32, 33, 34, 35 and 36, all in Township 33 S. R. 39 E.;
 307 |
 308 | The West half of west half of Section 1, Township 33
 309 | S. R. 39 E.;
 310 |
 311 | The West half of southwest quarter of northwest
 312 | quarter; the west half of northwest quarter of
 313 | southwest quarter; the southwest quarter of southwest
 314 | quarter; all in Section 12, Township 33 S. R. 39 E.;
 315 |
 316 | The West half of northwest quarter; the west half of
 317 | southeast quarter of northwest quarter; the southwest
 318 | quarter; the west half of southwest quarter of
 319 | southeast quarter; all in Section 13, Township 33, S.
 320 | R. 39 E.;
 321 |
 322 | The Northwest quarter; the southwest quarter; the west
 323 | half of the northwest quarter of northeast quarter;
 324 | the southwest quarter of northeast quarter; the west
 325 | half of southeast quarter; the west half of northeast
 326 | quarter of southeast quarter; the west half of
 327 | southeast quarter of southeast quarter; all in Section
 328 | 24, Township 33 S. R. 39 E.;
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330 All of Section 25, Township 33 S. R. 39 E., except the
 331 east half of the east half of the northeast quarter of
 332 said Section;

333
 334 The West half of the southwest quarter of the
 335 southwest quarter of Section 30, Township 33 S. R. 40
 336 E.;

337
 338 The West half of the northwest quarter; the west half
 339 of the southwest quarter; the west half of the
 340 northeast quarter of the southwest quarter; the
 341 southeast quarter of the southwest quarter; all in
 342 Section 31, Township 33 S. R. 40 E.

343
 344 Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22,
 345 23, 24, 25, 26, 27, 35 and 36, all in Township 33 S.
 346 R. 38 E.;

347
 348 The East half of Section 5, Township 33 S. R. 38 E.;

349
 350 The East half of Section 34, Township 33 S. R. 38 E.

351
 352 Section 2. All of the acts and proceedings of the board of
 353 supervisors and all officers and agents of Indian River Farms
 354 Water Control District in Indian River County acting for and on
 355 behalf of said district prior to August 2, 1921, the effective
 356 date of chapter 8882 (1921), Laws of Florida, be and they are
 357 hereby ratified, approved, validated, and confirmed.

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358 Section 3. The provisions of the general drainage laws of
359 this state applicable to drainage districts or subdrainage
360 districts which are embodied in chapter 298, Florida Statutes,
361 and all of the laws amendatory thereof, now existing or
362 hereafter enacted, so far as not inconsistent with this act, are
363 hereby declared to be applicable to said Indian River Farms
364 Water Control District, except as may be otherwise herein
365 provided.

366 Section 4. Taxes shall be levied and apportioned as
367 provided for in the general drainage laws of this state, which
368 are embodied in chapter 298, Florida Statutes, and amendments
369 thereto, except as otherwise provided herein.

370 Section 5. Maintenance taxes as provided for under section
371 298.54, Florida Statutes, shall be apportioned upon the basis of
372 the net assessments of benefits assessed as accruing for
373 original construction, shall be evidenced to and certified by
374 the board of supervisors, not later than August 31 of each year,
375 to the Property Appraiser of Indian River County, shall be
376 extended by the county on the county tax roll, and shall be
377 collected by the tax collector in the same manner and time as
378 county taxes and the proceeds therefrom paid to said district.
379 Said tax shall be a lien until paid on the property against
380 which assessed and enforceable in like manner as county taxes.

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

384 Section 7. (1) Indian River County shall be paid annually
385 an amount equal to 1 percent of the total taxes of the district

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386 and the Tax Collector of Indian River County shall be paid
387 annually an amount equal to 1 percent of the total taxes of the
388 district collected for their respective services to the Indian
389 River Farms Water Control District in said county for
390 respectively assessing and collecting said drainage district
391 taxes, provided, however, that the total amount to be paid to
392 said county and tax collector in any one year shall not exceed
393 the sum of \$1,500 to each. All compensation paid the county and
394 the tax collector shall be paid from the proceeds of the
395 maintenance tax.

396 (2) The services of said county and said county tax
397 collector in assessing and collecting said drainage district
398 taxes are hereby declared to be special services performed
399 directly for said district and the amounts paid therefor shall
400 not be considered a part of the general income of their
401 respective offices, nor shall it come under the provisions of
402 sections 116.03, 145.10, and 145.11, Florida Statutes. The
403 personnel required to do said special work shall be paid for
404 such special services by the county or the tax collector, as the
405 case may be, from the receipts provided for such purpose.

406 Section 8. All drainage taxes levied by the district,
407 together with all penalties for default in payment of the same
408 and all costs in collecting the same, shall constitute a lien of
409 equal dignity with the liens for county taxes, and other taxes
410 of equal dignity with county taxes, upon all the lands against
411 which said taxes shall be levied. A sale of any of the lands
412 within the district for county or other taxes shall not operate
413 to relieve or release the lands so sold from the lien for

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414 subsequent installments of district taxes, which lien may be
415 enforced against such lands as though no such sale thereof had
416 been made.

417 Section 9. The board of supervisors may issue bonds under
418 the provisions of chapter 298, Florida Statutes.

419 Section 10. (1) After the levy of maintenance taxes for
420 any year, the board of supervisors may from time to time issue
421 warrants or negotiable notes or other evidences of indebtedness
422 of the district, which shall be payable solely from such
423 maintenance taxes and shall not be issued in an amount greater
424 than the amount of such maintenance taxes then unpaid less the
425 amount of any of such notes then outstanding. All such notes
426 shall mature not later than 1 year after the date of issuance
427 thereof, shall bear interest at a rate or rates not exceeding 6
428 percent per annum, and shall have such other details as shall be
429 provided in the resolution or resolutions of the board of
430 supervisors authorizing the issuance thereof.

431 (2) After the authorization of any bonds under the
432 provisions of chapter 298, Florida Statutes, the board of
433 supervisors may from time to time issue bond anticipation notes
434 in anticipation of the issuance of such bonds and the amount
435 thereof shall not exceed the amount of bonds authorized and not
436 issued. Such notes shall all mature not later than 1 year after
437 the date thereof and may be renewed for a further period of not
438 exceeding 1 year, but all of such notes, including the renewals
439 thereof, shall mature not later than 2 years after the date
440 thereof. Such bond anticipation notes shall be paid from the
441 proceeds of such bonds when issued, or from any taxes levied for

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442 the payment of such bonds which have been authorized, but in
443 such case a like amount of the bonds authorized shall not be
444 issued. The proceeds of any bond anticipation notes shall be
445 used solely for the purposes provided in the resolution which
446 authorized the issuance of the bonds in anticipation of which
447 bond anticipation notes are issued.

448 Section 11. In preparing the drainage tax book of said
449 Indian River Farms Water Control District from year to year, the
450 secretary of said district shall insert opposite the description
451 of the tract of land to be assessed the name of the person or
452 persons or corporation owning said tract on the first day of the
453 preceding January to the best of the knowledge and belief of
454 said secretary, but any failure to insert the name of the right
455 owner shall not invalidate such assessment.

456 Section 12. In preparing the drainage tax book of said
457 Indian River Farms Water Control District from year to year, the
458 secretary of said district may describe each tract of land
459 according to any plat or subdivision thereof, or by metes and
460 bounds, or by any other convenient and feasible manner, stating
461 the actual number of acres contained in the tract to the best of
462 his or her knowledge, and the owner shall be required to pay
463 taxes only upon the acreage as shown by said district tax book.

464 Section 13. Beginning with the year 1924, the annual
465 landowners' meeting for said Indian River Farms Water Control
466 District shall be held in the month of February in each
467 successive year, on such day as the board of supervisors of said
468 district may fix from time to time.

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469 Section 14. It shall be unlawful for any person, firm, or
 470 corporation to connect or to maintain a connection of any farm
 471 ditch with any of the canals, ditches, laterals, or waterways
 472 constructed, controlled, or maintained by Indian River Farms
 473 Water Control District in Indian River County, except in
 474 accordance with plans and specifications showing method of such
 475 connection as prescribed by the board of supervisors of said
 476 district. Any violation of this act shall be punished as
 477 prescribed by the general law for punishment of misdemeanors.
 478 The board of supervisors shall also have the right and power to
 479 cause any such connection constructed or maintained in violation
 480 of this act to be blocked or stopped up.

481 Section 15. The Board of Supervisors of Indian River Farms
 482 Water Control District in Indian River County, in order to
 483 effect the drainage, reclamation, and protection of lands in the
 484 district, is hereby authorized to construct, install, and
 485 maintain locks, dams, and other works and facilities in the
 486 canals, ditches, and drains in said district and elsewhere.

487 Section 16. In order to raise money to pay the cost of
 488 constructing and installing the water control and water
 489 conservation works and facilities herein authorized, and to pay
 490 the principal of and interest on any bonds or other obligations
 491 which may be issued to provide funds for such purposes, the
 492 board of supervisors of the district is hereby authorized and
 493 required to levy, assess, and cause to be collected an annual
 494 tax on all lands in said district subject to taxation. Such tax
 495 shall be at a uniform rate for all lands within the district and

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496 shall be assessed against each acre, fraction, or fractional
497 interest therein.

498 Section 17. It has been ascertained and determined and it
499 is hereby declared that the water control and conservation works
500 and facilities authorized to be constructed, installed, and
501 maintained pursuant to the provisions of this act are for a
502 public purpose and will confer benefits upon all lands within
503 Indian River Farms Water Control District in an amount at least
504 equal to the taxes authorized by the provisions of this act to
505 be levied and that all lands in said district will be benefited
506 equally by said works and facilities.

507 Section 18. No landowner in the Indian River Farms Water
508 Control District in Indian River County shall be permitted to
509 vote at any landowners' meeting of said district for any lands
510 in the district on which the drainage taxes are delinquent at
511 the time of such meeting.

512 Section 19. The owners and proxy holders of district
513 acreage who are present at a duly noticed landowners' meeting
514 shall constitute a quorum at any landowners' meeting in said
515 district. A majority of the landowners present and voting shall
516 elect the supervisors of said district and shall pass any motion
517 and after such passage the same shall constitute the action of
518 the landowners.

519 Section 20. The board of supervisors of said district is
520 hereby authorized to assess and levy a minimum drainage tax,
521 which said minimum drainage tax shall be at a rate not less than
522 the 1-acre tax rate as established by the district from time to

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523 time. Said minimum drainage tax shall apply to any one parcel
 524 separately assessed on the tax rolls of said tax district.

525 Section 21. The Indian River Farms Water Control District
 526 is herewith authorized and empowered to expend the funds of said
 527 district as shall be from time to time determined by the board
 528 of supervisors in clearing, cleaning, and maintaining any and
 529 all parts of the Indian River and the swamped and submerged
 530 lands adjacent to any of the canals and works of said district
 531 in order to improve and facilitate the operations and functions
 532 of said district.

533 Section 22. No entity vested with the power of eminent
 534 domain shall be permitted to take, by eminent domain
 535 proceedings, for any purpose whatsoever, any property, whether
 536 in fee, easement, or otherwise, belonging to the Indian River
 537 Farms Water Control District unless the absolute necessity for
 538 such taking shall be shown. However, this act shall not apply to
 539 the United States Government or any of its agencies, to the
 540 government of the state or any of its agencies, to the
 541 government of Indian River County or any of its agencies, and to
 542 the government of the City of Vero Beach or any of its agencies.

543 Section 23. For the purposes of this act, the term
 544 "absolute necessity" shall mean that there is no alternative
 545 route open to the condemning authority or that the cost of the
 546 alternative route would be prohibitive in comparison to the
 547 overall cost of the proposed project.

548 Section 24. The Indian River Farms Water Control District
 549 is hereby authorized to grant such permits as it shall deem
 550 proper in allowing any access over, under, or across its lands.

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551 Section 25. The board of supervisors of the district shall
552 have power, in the resolution or other proceedings authorizing
553 the issuance of any bonds, to enter into valid and legally
554 binding covenants and agreements with the holders of such bonds
555 as to the custody and security of the proceeds of said bonds, or
556 of any bond anticipation notes issued in anticipation thereof,
557 the custody and security of any debt service funds, including
558 reserves, and the appointment of banks or trust companies as
559 trustee to hold such construction funds and debt service and
560 reserve funds, the rank or priority as between the bonds
561 originally issued by the district and any bonds thereafter
562 issued and terms and conditions under which any bonds can be
563 issued by the district after the original bonds or notes have
564 been issued to finance the cost of the drainage improvements or
565 works, and such other covenants and conditions as shall be
566 deemed necessary and advisable by the board of supervisors in
567 accordance with bond market practices and in order to better
568 secure the payment of such bonds and the marketability thereof.
569 All such covenants and agreements shall be and constitute valid
570 and legally binding obligations of the district, and the state
571 does hereby covenant that it will not by any legislation
572 hereafter in any manner repeal, modify, or impair the rights,
573 remedies, and security of the holders of any bonds or other
574 obligations issued by the district.

575 Section 26. The district shall also have power to covenant
576 and agree with the holders of such bonds that all of the fees
577 and expenses for the levy and collection of taxes in said
578 district and of any trustees or other custodians of the bond

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579 | proceeds or of the construction funds or debt service funds or
580 | reserves therefor or the cost of the expenses of any annual
581 | audits or of any other annually recurring services or costs
582 | shall be paid from the maintenance taxes to be collected in each
583 | year with said district and not from the proceeds of any bonds
584 | or other obligations issued by said district.

585 | Section 27. It is hereby declared that in said district,
586 | surface waters, which shall include rainfall and the overflow of
587 | rivers and streams, are a common enemy, and the said district
588 | and any individual or agency holding a permit to do so from said
589 | district shall have the right to dike, dam, and construct levees
590 | to protect the said district or any part thereof, or the
591 | property of said individual or agency against the same, and
592 | thereby divert the course and flow of such surface water and/or
593 | pump the water from within such dikes and levees.

594 | Section 28. Each supervisor shall be paid for his or her
595 | services a per diem of \$50 for each day actually engaged in work
596 | pertaining to the said district, but the supervisors shall not
597 | in any one month be paid more than \$200 each, except that in
598 | addition to the said per diem they shall be paid 10 cents per
599 | mile for each mile actually traveled in going to and from their
600 | places of residence to the place of meeting.

601 | Section 29. If any provision of this act or the
602 | application thereof to any person or circumstance is held
603 | invalid, the invalidity shall not affect other provisions or
604 | applications of the act which can be given effect without the
605 | invalid provision or application, and to this end the provisions
606 | of this act are declared severable.

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607 Section 4. Chapters 8882 (1921), 9988 (1923), 10693
 608 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 609 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 610 63-832, and 67-843, Laws of Florida, are repealed.

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