

CHAMBER ACTION

1 The Finance & Tax Committee 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 property appraiser and tax collector; providing
20 that district taxes shall be a lien on lands against which
21 taxes are levied of equal dignity with county and other
22 taxes; authorizing the board of supervisors to issue
23 bonds; providing for floating indebtedness of the

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

30

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

32

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

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

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 50 amended, and repealed as provided in this act.

HB 1205 CS

2006
CS

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

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

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

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

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

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

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

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

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

242
243 The foregoing boundaries containing and including the
244 following lands, to wit:

245 The East half of Section 32, Township 31 S. R. 39 E.;
246

247 | The Southwest quarter of northwest quarter; the
 248 | northwest quarter of southwest quarter; the west half
 249 | of northeast quarter of southwest quarter; the south
 250 | half of southwest quarter; all in Section 33, Township
 251 | 31 S. R. 39 E.;

252 |
 253 | Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 27, 28,
 254 | 29, 30, 31, 32, 33, and 34, all in Township 32 S. R.
 255 | 39 E;

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

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

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

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

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

275
 276 The West half of northwest quarter of southeast
 277 quarter; and the southwest quarter of the southeast
 278 quarter; all in Section 15, Township 32 S. R. 39 E.;
 279
 280 The West half of Section 22; the west half of the
 281 northeast quarter of Section 22, and the west half of
 282 the southeast quarter of Section 22; all in the
 283 township 32 S. R. 39 E.;
 284
 285 The West half of southeast quarter of the northeast
 286 quarter; and the west half of the east half of the
 287 southeast quarter; all in Section 22, Township 32 S.
 288 R. 39 E.;
 289
 290 The West half of southwest quarter of northwest
 291 quarter; and the west half of southeast quarter; all
 292 in Section 26, Township 32 S. R. 39 E.;
 293
 294 The West half of Section 35, Township 32 S. R. 39 E.;
 295 except the east half of the northeast quarter of
 296 northwest quarter of said Section;
 297
 298 The Southeast quarter of Section 35, Township 32, S.
 299 R. 39 E.;
 300
 301 The South half of Section 36, Township 32 S. R. 39 E.;
 302

303 | Lots 5 and 6 of Section 31, Township 32 S. R. 40 E.;
 304 |
 305 | Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16,
 306 | 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31,
 307 | 32, 33, 34, 35 and 36, all in Township 33 S. R. 39 E.;
 308 |
 309 | The West half of west half of Section 1, Township 33
 310 | S. R. 39 E.;
 311 |
 312 | The West half of southwest quarter of northwest
 313 | quarter; the west half of northwest quarter of
 314 | southwest quarter; the southwest quarter of southwest
 315 | quarter; all in Section 12, Township 33 S. R. 39 E.;
 316 |
 317 | The West half of northwest quarter; the west half of
 318 | southeast quarter of northwest quarter; the southwest
 319 | quarter; the west half of southwest quarter of
 320 | southeast quarter; all in Section 13, Township 33, S.
 321 | R. 39 E.;
 322 |
 323 | The Northwest quarter; the southwest quarter; the west
 324 | half of the northwest quarter of northeast quarter;
 325 | the southwest quarter of northeast quarter; the west
 326 | half of southeast quarter; the west half of northeast
 327 | quarter of southeast quarter; the west half of
 328 | southeast quarter of southeast quarter; all in Section
 329 | 24, Township 33 S. R. 39 E.;
 330 |

HB 1205 CS

2006
CS

331 All of Section 25, Township 33 S. R. 39 E., except the
 332 east half of the east half of the northeast quarter of
 333 said Section;

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

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

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

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

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

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

HB 1205 CS

2006
CS

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

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

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

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

385 Section 7. (1) The Property Appraiser of Indian River
386 County shall be paid annually an amount equal to 1 percent of

HB 1205 CS

2006
CS

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

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

409 Section 8. All drainage taxes levied by the district,
410 together with all penalties for default in payment of the same
411 and all costs in collecting the same, shall constitute a lien of
412 equal dignity with the liens for county taxes, and other taxes
413 of equal dignity with county taxes, upon all the lands against
414 which said taxes shall be levied. A sale of any of the lands

HB 1205 CS

2006
CS

415 within the district for county or other taxes shall not operate
416 to relieve or release the lands so sold from the lien for
417 subsequent installments of district taxes, which lien may be
418 enforced against such lands as though no such sale thereof had
419 been made.

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

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

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

HB 1205 CS

2006
CS

443 thereof. Such bond anticipation notes shall be paid from the
444 proceeds of such bonds when issued, or from any taxes levied for
445 the payment of such bonds which have been authorized, but in
446 such case a like amount of the bonds authorized shall not be
447 issued. The proceeds of any bond anticipation notes shall be
448 used solely for the purposes provided in the resolution which
449 authorized the issuance of the bonds in anticipation of which
450 bond anticipation notes are issued.

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

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

467 Section 13. Beginning with the year 1924, the annual
468 landowners' meeting for said Indian River Farms Water Control
469 District shall be held in the month of February in each

HB 1205 CS

2006
CS

470 successive year, on such day as the board of supervisors of said
471 district may fix from time to time.

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

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

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

HB 1205 CS

2006
CS

498 shall be at a uniform rate for all lands within the district and
499 shall be assessed against each acre, fraction, or fractional
500 interest therein.

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

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

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

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

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

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

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

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

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

HB 1205 CS

2006
CS

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

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

HB 1205 CS

2006
CS

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

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

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

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

HB 1205 CS

2006
CS

610 Section 4. Chapters 8882 (1921), 9988 (1923), 10693
611 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
612 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
613 63-832, and 67-843, Laws of Florida, are repealed.

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