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HB 1205, Engrossed 1

2006 Legislature

1 A bill to be entitled

2 An act relating to Indian River Farms Water Control
3 District, Indian River County; codifying, amending,
4 reenacting, and repealing special acts relating to the
5 district; providing territorial boundaries of the
6 district; making the provisions of ch. 298, F.S.,
7 applicable thereto; providing for the levy, collection,
8 and enforcement of installment and maintenance taxes by
9 said district at the same time and in like manner as
10 county taxes; providing that said taxes shall be extended
11 by the county on the county tax roll and shall be
12 collected by the tax collector in the same manner and time
13 as county taxes; providing for the same discounts and
14 penalties as county taxes; providing for the compensation
15 of the property appraiser and tax collector; providing
16 that district taxes shall be a lien on lands against which
17 taxes are levied of equal dignity with county and other
18 taxes; authorizing the board of supervisors to issue
19 bonds; providing for floating indebtedness of the
20 district; providing that payment of taxes in advance is
21 not authorized; providing that use of bonds and interest
22 coupons in payment of taxes is not authorized; providing
23 that water is a common enemy; providing for compensation
24 of the board of supervisors; providing for severability;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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28
 29 Section 1. (1) The reenactment of existing law in this
 30 act shall not be construed as a grant of additional authority to
 31 nor to supersede the authority of any entity pursuant to law.
 32 Exceptions to law contained in any special act that are
 33 reenacted pursuant to this act shall continue to apply.

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

42 Section 2. Chapters 8882 (1921), 9988 (1923), 10693
 43 (1925), 12057 (1927), 12058 (1927), 14737 (1931), 16048 (1933),
 44 17066 (1935), 19188 (1939), 23906 (1947), 28403 (1953), 57-1104,
 45 63-832, and 67-843, Laws of Florida, are codified, reenacted,
 46 amended, and repealed as provided in this act.

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

50 Section 1. The decree of the Circuit Court in and for the
 51 Fifteenth Judicial Circuit, St. Lucie County, entered in the
 52 case captioned "In re: Indian River Farms Drainage District" on
 53 May 6, 1919, creating and incorporating the Indian River Farms
 54 Water Control District, an independent special district, under

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55 chapter 6458 (1913), Laws of Florida, and the order of said
56 court approving the report of the district commissioners entered
57 on August 18, 1921, and all subsequent proceedings taken in said
58 circuit court concerning said district are hereby ratified,
59 confirmed, and approved, including its territorial boundaries as
60 follows:

61
62 Begin at the Northwest corner of Township 32 S. R. 39
63 E.; Thence East to the northwest corner of northeast
64 quarter of Section 5, Township 32 S. R. 39 E; Thence
65 North to the northwest corner of northeast quarter of
66 Section 32, Township 31 S. R. 39 E.; Thence East to
67 the northwest corner of Section 33, Township 31 S. R.
68 39 E.; Thence South to the northwest corner of the
69 southwest quarter of the northwest quarter of Section
70 33, Township 31 S. R. 39 E.; Thence East to the
71 Northeast corner of the southwest quarter to the
72 northwest quarter of said Section 33; Thence South to
73 the northeast corner of the northwest quarter of the
74 southwest quarter of said Section 33; Thence East to
75 the northeast corner of the west half of the northeast
76 quarter of the southwest quarter of said Section 33;
77 Thence South to the southeast corner of the west half
78 of the northeast quarter of the northwest quarter of
79 said Section 33; Thence East to the northeast corner
80 of the southeast quarter of the southwest quarter of
81 said Section 33; Thence South to the southeast corner

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82 | of the northeast quarter of the northwest quarter of
 83 | Section 4, Township 32 S. R. 39 E.; Thence East to the
 84 | northeast corner of the west half of the southwest
 85 | quarter of the northeast quarter of said Section 4;
 86 | Thence South to the southeast corner of the west half
 87 | of the northwest quarter of the southeast quarter of
 88 | said Section 4; Thence East to the northeast corner of
 89 | the southwest quarter of the southeast quarter of said
 90 | Section 4; Thence South to the southeast corner of the
 91 | southwest quarter of the southeast quarter of said
 92 | Section 4; thence East to the northeast corner of the
 93 | west half of the northeast quarter of the northeast
 94 | quarter of Section 9, Township 32 S. R. 39 E.; Thence
 95 | South to the southeast corner of the west half of the
 96 | northeast quarter of the northeast quarter of said
 97 | Section 9; Thence East to the northeast corner of the
 98 | southeast quarter of the northeast quarter of said
 99 | Section 9; Thence South to the southeast corner of the
 100 | southeast quarter of the northeast quarter of said
 101 | Section 9; Thence East to the northeast corner of the
 102 | west half of the northwest quarter of the southwest
 103 | quarter of Section 10, Township 32 S. R. 39 E.; Thence
 104 | South to the southeast corner of the west half of the
 105 | northwest quarter of the southwest quarter of said
 106 | Section 10; Thence East to the northeast corner of the
 107 | southwest quarter of the southwest quarter of said
 108 | Section 10; Thence South to the southeast corner of

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109 | the southwest quarter of the southwest quarter of said
 110 | Section 10; Thence East to the northeast corner of the
 111 | west half of the northeast quarter of the northwest
 112 | quarter of Section 15, Township 32 S. R. 39 E.; Thence
 113 | South to the southeast corner of the west half of the
 114 | northeast quarter of the northwest quarter of said
 115 | Section 15; Thence East to the northeast corner of the
 116 | southeast quarter of the northwest quarter of said
 117 | Section 15; Thence South to the southeast corner of
 118 | the northwest quarter of said Section 15; Thence East
 119 | to the northeast corner of the west half of the
 120 | northwest quarter of the southeast quarter of said
 121 | Section 15; Thence South to the southeast corner of
 122 | the west half of the northwest quarter of the
 123 | southeast quarter of said Section 15; Thence East to
 124 | the northeast corner of the southwest quarter of the
 125 | southeast quarter of said Section 15; Thence South to
 126 | the southeast corner of the northwest quarter of the
 127 | northeast quarter of Section 22, Township 32 S. R. 39
 128 | E.; Thence East to the northeast corner of the west
 129 | half of southeast quarter of northeast quarter of said
 130 | Section 22; Thence South to the southeast corner of
 131 | west half of southeast quarter of southeast quarter of
 132 | said Section 22; Thence East to the northeast corner
 133 | of Section 27, Township 32 S. R. 39 E.; Thence South
 134 | to the southeast corner of northeast quarter of
 135 | northeast quarter of said Section 27; Thence East to

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136 the northeast corner of west half of the southwest
 137 quarter of the northwest quarter of Section 26,
 138 Township 32 S R. 39 E.; Thence South to the southeast
 139 corner of the west half of southwest quarter of the
 140 northwest quarter of said Section 26; Thence East to
 141 the northeast corner of the northwest quarter of the
 142 southwest quarter of said Section 26; Thence South to
 143 the southeast corner of the southwest quarter of the
 144 southwest quarter of said Section 26; Thence East to
 145 the northeast corner of west half of the northeast
 146 quarter of northwest quarter of Section 35, Township
 147 32 S. R. 39 E.; Thence South to the southeast corner
 148 of the west half of northeast quarter of the northwest
 149 quarter of said Section 35; Thence East to the
 150 northeast corner of the southeast quarter of northwest
 151 quarter of said Section 35; Thence South to the
 152 southeast corner of northwest quarter of said Section
 153 35; Thence East on the center line of Sections 35 and
 154 36, Township 32 S. R. 39 E., and along the center line
 155 of Section 31, Township 32 S. R. 40 E. to the water's
 156 edge of Indian River; Thence southerly along the
 157 water's edge of the Indian River to the north line of
 158 Township 33 S. R. 40 E.; Thence West along said
 159 township line to the northeast corner of the west half
 160 of the west half of Section 1, Township 33 S. R. 39
 161 E.; Thence South to the southeast corner of west half
 162 of west half of said Section 1; Thence west to the

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163 northwest corner of Section 12, Township 33 S. R. 39
164 E.; Thence South to the southwest corner of the
165 northwest quarter of the northwest quarter of said
166 Section 12; Thence East to the northeast corner of the
167 west half of the southwest quarter of the northwest
168 quarter of said Section 12; Thence South to the
169 southeast corner of the west half of the northwest
170 quarter of the southwest quarter of said Section 12;
171 Thence East to the northeast corner of southwest
172 quarter of the southwest quarter of said Section 12;
173 Thence South to the southeast corner of the northwest
174 quarter of the northwest quarter of Section 13,
175 Township 33 S. R. 39 E.; Thence East to the northeast
176 corner of the west half of the southeast quarter of
177 the northwest quarter of said Section 13; Thence South
178 to the southeast corner of west half of the southeast
179 quarter of the northwest quarter of said Section 13;
180 Thence East to the northeast corner of the southwest
181 quarter of said Section 13; Thence South to the
182 southeast corner of the northeast quarter of the
183 southwest quarter of said Section 13; Thence East to
184 the northeast corner of the west half of the southwest
185 quarter of the southeast quarter of said Section 13;
186 Thence South to the southeast corner of the west half
187 of the northwest quarter of the northeast quarter of
188 Section 24, Township 33 S. R. 39 E.; Thence East to
189 the northeast corner of southwest quarter of the

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

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

238
 239 The foregoing boundaries containing and including the
 240 following lands, to wit:

241 The East half of Section 32, Township 31 S. R. 39 E.;
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243 The Southwest quarter of northwest quarter; the
 244 northwest quarter of southwest quarter; the west half
 245 of northeast quarter of southwest quarter; the south
 246 half of southwest quarter; all in Section 33, Township
 247 31 S. R. 39 E.;

248
 249 Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 27, 28,
 250 29, 30, 31, 32, 33, and 34, all in Township 32 S. R.
 251 39 E;

252
 253 The West half of Section 4, Township 32 S. R. 39 E.;

254
 255 The West half of southwest quarter of northeast
 256 quarter; the west half of northwest quarter of
 257 southeast quarter; the southwest quarter of southeast
 258 quarter; all in Section 4, Township 32 S. R. 39 E.;

259
 260 All of Section 9, Township 32 S. R. 39 E., except the
 261 east half of northeast quarter of northeast quarter of
 262 said section;

263
 264 The West half of northwest quarter of southwest
 265 quarter; and the southwest quarter of southwest
 266 quarter; all in Section 10, Township 32 S. R. 39 E.;

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268 All of the West half of Section 15, Township 32 S. R.
 269 39 E., except the east half of the northeast quarter
 270 of northwest quarter of said Section;

271
 272 The West half of northwest quarter of southeast
 273 quarter; and the southwest quarter of the southeast
 274 quarter; all in Section 15, Township 32 S. R. 39 E.;

275
 276 The West half of Section 22; the west half of the
 277 northeast quarter of Section 22, and the west half of
 278 the southeast quarter of Section 22; all in the
 279 township 32 S. R. 39 E.;

280
 281 The West half of southeast quarter of the northeast
 282 quarter; and the west half of the east half of the
 283 southeast quarter; all in Section 22, Township 32 S.
 284 R. 39 E.;

285
 286 The West half of southwest quarter of northwest
 287 quarter; and the west half of southeast quarter; all
 288 in Section 26, Township 32 S. R. 39 E.;

289
 290 The West half of Section 35, Township 32 S. R. 39 E.;
 291 except the east half of the northeast quarter of
 292 northwest quarter of said Section;

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294 The Southeast quarter of Section 35, Township 32, S.
 295 R. 39 E.;
 296
 297 The South half of Section 36, Township 32 S. R. 39 E.;
 298
 299 Lots 5 and 6 of Section 31, Township 32 S. R. 40 E.;
 300
 301 Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16,
 302 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31,
 303 32, 33, 34, 35 and 36, all in Township 33 S. R. 39 E;
 304
 305 The West half of west half of Section 1, Township 33
 306 S. R. 39 E.;
 307
 308 The West half of southwest quarter of northwest
 309 quarter; the west half of northwest quarter of
 310 southwest quarter; the southwest quarter of southwest
 311 quarter; all in Section 12, Township 33 S. R. 39 E.;
 312
 313 The West half of northwest quarter; the west half of
 314 southeast quarter of northwest quarter; the southwest
 315 quarter; the west half of southwest quarter of
 316 southeast quarter; all in Section 13, Township 33, S.
 317 R. 39 E.;
 318
 319 The Northwest quarter; the southwest quarter; the west
 320 half of the northwest quarter of northeast quarter;

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321 the southwest quarter of northeast quarter; the west
 322 half of southeast quarter; the west half of northeast
 323 quarter of southeast quarter; the west half of
 324 southeast quarter of southeast quarter; all in Section
 325 24, Township 33 S. R. 39 E.;

326
 327 All of Section 25, Township 33 S. R. 39 E., except the
 328 east half of the east half of the northeast quarter of
 329 said Section;

330
 331 The West half of the southwest quarter of the
 332 southwest quarter of Section 30, Township 33 S. R. 40
 333 E.;

334
 335 The West half of the northwest quarter; the west half
 336 of the southwest quarter; the west half of the
 337 northeast quarter of the southwest quarter; the
 338 southeast quarter of the southwest quarter; all in
 339 Section 31, Township 33 S. R. 40 E.

340
 341 Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22,
 342 23, 24, 25, 26, 27, 35 and 36, all in Township 33 S.
 343 R. 38 E.;

344
 345 The East half of Section 5, Township 33 S. R. 38 E.;

346
 347 The East half of Section 34, Township 33 S. R. 38 E.

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348
 349 Section 2. All of the acts and proceedings of the board of
 350 supervisors and all officers and agents of Indian River Farms
 351 Water Control District in Indian River County acting for and on
 352 behalf of said district prior to August 2, 1921, the effective
 353 date of chapter 8882 (1921), Laws of Florida, be and they are
 354 hereby ratified, approved, validated, and confirmed.

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

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

367 Section 5. Maintenance taxes as provided for under section
 368 298.54, Florida Statutes, shall be apportioned upon the basis of
 369 the net assessments of benefits assessed as accruing for
 370 original construction, shall be evidenced to and certified by
 371 the board of supervisors, not later than August 31 of each year,
 372 to the Property Appraiser of Indian River County, shall be
 373 extended by the county on the county tax roll, and shall be
 374 collected by the tax collector in the same manner and time as

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375 county taxes and the proceeds therefrom paid to said district.
 376 Said tax shall be a lien until paid on the property against
 377 which assessed and enforceable in like manner as county taxes.

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

381 Section 7. (1) The Property Appraiser of Indian River
 382 County shall be paid annually an amount equal to 1 percent of
 383 the total taxes of the district and the Tax Collector of Indian
 384 River County shall be paid annually an amount equal to 1 percent
 385 of the total taxes of the district collected for their
 386 respective services to the Indian River Farms Water Control
 387 District in said county for respectively assessing and
 388 collecting said drainage district taxes, provided, however, that
 389 the total amount to be paid to said property appraiser and tax
 390 collector in any one year shall not exceed the sum of \$1,500 to
 391 each. All compensation paid the property appraiser and the tax
 392 collector shall be paid from the proceeds of the maintenance
 393 tax.

394 (2) The services of said county property appraiser and
 395 county tax collector in assessing and collecting said drainage
 396 district taxes are hereby declared to be special services
 397 performed directly for said district and the amounts paid
 398 therefor shall not be considered a part of the general income of
 399 their respective offices, nor shall it come under the provisions
 400 of sections 116.03, 145.10, and 145.11, Florida Statutes. The
 401 personnel required to do said special work shall be paid for

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402 such special services by the property appraiser or the tax
403 collector, as the case may be, from the receipts provided for
404 such purpose.

405 Section 8. All drainage taxes levied by the district,
406 together with all penalties for default in payment of the same
407 and all costs in collecting the same, shall constitute a lien of
408 equal dignity with the liens for county taxes, and other taxes
409 of equal dignity with county taxes, upon all the lands against
410 which said taxes shall be levied. A sale of any of the lands
411 within the district for county or other taxes shall not operate
412 to relieve or release the lands so sold from the lien for
413 subsequent installments of district taxes, which lien may be
414 enforced against such lands as though no such sale thereof had
415 been made.

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

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

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428 provided in the resolution or resolutions of the board of
429 supervisors authorizing the issuance thereof.

430 (2) After the authorization of any bonds under the
431 provisions of chapter 298, Florida Statutes, the board of
432 supervisors may from time to time issue bond anticipation notes
433 in anticipation of the issuance of such bonds and the amount
434 thereof shall not exceed the amount of bonds authorized and not
435 issued. Such notes shall all mature not later than 1 year after
436 the date thereof and may be renewed for a further period of not
437 exceeding 1 year, but all of such notes, including the renewals
438 thereof, shall mature not later than 2 years after the date
439 thereof. Such bond anticipation notes shall be paid from the
440 proceeds of such bonds when issued, or from any taxes levied for
441 the payment of such bonds which have been authorized, but in
442 such case a like amount of the bonds authorized shall not be
443 issued. The proceeds of any bond anticipation notes shall be
444 used solely for the purposes provided in the resolution which
445 authorized the issuance of the bonds in anticipation of which
446 bond anticipation notes are issued.

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

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

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

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

480 Section 15. The Board of Supervisors of Indian River Farms
 481 Water Control District in Indian River County, in order to

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482 effect the drainage, reclamation, and protection of lands in the
483 district, is hereby authorized to construct, install, and
484 maintain locks, dams, and other works and facilities in the
485 canals, ditches, and drains in said district and elsewhere.

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

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

506 Section 18. No landowner in the Indian River Farms Water
507 Control District in Indian River County shall be permitted to
508 vote at any landowners' meeting of said district for any lands

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509 | in the district on which the drainage taxes are delinquent at
 510 | the time of such meeting.

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

518 | Section 20. The board of supervisors of said district is
 519 | hereby authorized to assess and levy a minimum drainage tax,
 520 | which said minimum drainage tax shall be at a rate not less than
 521 | the 1-acre tax rate as established by the district from time to
 522 | time. Said minimum drainage tax shall apply to any one parcel
 523 | separately assessed on the tax rolls of said tax district.

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

532 | Section 22. No entity vested with the power of eminent
 533 | domain shall be permitted to take, by eminent domain
 534 | proceedings, for any purpose whatsoever, any property, whether
 535 | in fee, easement, or otherwise, belonging to the Indian River

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536 Farms Water Control District unless the absolute necessity for
 537 such taking shall be shown. However, this act shall not apply to
 538 the United States Government or any of its agencies, to the
 539 government of the state or any of its agencies, to the
 540 government of Indian River County or any of its agencies, and to
 541 the government of the City of Vero Beach or any of its agencies.

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

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

550 Section 25. The board of supervisors of the district shall
 551 have power, in the resolution or other proceedings authorizing
 552 the issuance of any bonds, to enter into valid and legally
 553 binding covenants and agreements with the holders of such bonds
 554 as to the custody and security of the proceeds of said bonds, or
 555 of any bond anticipation notes issued in anticipation thereof,
 556 the custody and security of any debt service funds, including
 557 reserves, and the appointment of banks or trust companies as
 558 trustee to hold such construction funds and debt service and
 559 reserve funds, the rank or priority as between the bonds
 560 originally issued by the district and any bonds thereafter
 561 issued and terms and conditions under which any bonds can be
 562 issued by the district after the original bonds or notes have

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563 been issued to finance the cost of the drainage improvements or
564 works, and such other covenants and conditions as shall be
565 deemed necessary and advisable by the board of supervisors in
566 accordance with bond market practices and in order to better
567 secure the payment of such bonds and the marketability thereof.
568 All such covenants and agreements shall be and constitute valid
569 and legally binding obligations of the district, and the state
570 does hereby covenant that it will not by any legislation
571 hereafter in any manner repeal, modify, or impair the rights,
572 remedies, and security of the holders of any bonds or other
573 obligations issued by the district.

574 Section 26. The district shall also have power to covenant
575 and agree with the holders of such bonds that all of the fees
576 and expenses for the levy and collection of taxes in said
577 district and of any trustees or other custodians of the bond
578 proceeds or of the construction funds or debt service funds or
579 reserves therefor or the cost of the expenses of any annual
580 audits or of any other annually recurring services or costs
581 shall be paid from the maintenance taxes to be collected in each
582 year with said district and not from the proceeds of any bonds
583 or other obligations issued by said district.

584 Section 27. It is hereby declared that in said district,
585 surface waters, which shall include rainfall and the overflow of
586 rivers and streams, are a common enemy, and the said district
587 and any individual or agency holding a permit to do so from said
588 district shall have the right to dike, dam, and construct levees
589 to protect the said district or any part thereof, or the

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590 property of said individual or agency against the same, and
 591 thereby divert the course and flow of such surface water and/or
 592 pump the water from within such dikes and levees.

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

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

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

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