

1                                   A bill to be entitled  
 2           An act relating to the Fellsmere Water Control  
 3           District, Indian River County; codifying, amending,  
 4           reenacting, and repealing chapters 8877 (1921), 11555  
 5           (1925), 12023 (1927), 14719 (1931), 16998 (1935),  
 6           28418 (1953), 61-1414, and 69-1161, Laws of Florida;  
 7           renaming the district as the Fellsmere Improvement  
 8           District, a special tax district; providing  
 9           legislative intent; providing additional authority  
 10          relating to the provision of public infrastructure,  
 11          services, assessment, levy, and collection of non-ad  
 12          valorem assessments and fees, public finance, and  
 13          district operations; providing district boundaries;  
 14          providing for applicability of chapter 298, F.S., and  
 15          other general laws; providing powers of the district;  
 16          providing for compliance with county and municipal  
 17          plans and regulations; providing for levy of non-ad  
 18          valorem assessments; providing for collection,  
 19          enforcement, and penalties; providing for issuance of  
 20          revenue bonds, assessment bonds, and bond anticipation  
 21          notes; ratifying prior acts and circuit court decrees;  
 22          providing for severability; providing an effective  
 23          date.

24  
 25   Be It Enacted by the Legislature of the State of Florida:

26  
 27           Section 1. (1) The reenactment of existing law in this  
 28           act shall not be construed to grant additional authority to or

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29 supersede the authority of any entity pursuant to law.  
30 Exceptions to law contained in any special act that are  
31 reenacted pursuant to this act shall continue to apply.

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

40 Section 2. Chapters 8877 (1921), 11555 (1925), 12023  
41 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and  
42 69-1161, Laws of Florida, are codified, reenacted, amended, and  
43 repealed as herein provided.

44 Section 3. The Fellsmere Water Control District is  
45 renamed, and the charter for such district is re-created and  
46 reenacted to read:

47 Section 1. District renamed.—The Fellsmere Water Control  
48 District shall henceforth be known as the "Fellsmere Improvement  
49 District."

50 Section 2. District created and boundaries thereof.—For  
51 the purposes of providing public infrastructure; services; the  
52 assessment, levy, and collection of non-ad valorem assessments  
53 and fees; the operation of district facilities and services; and  
54 all other purposes stated in this act consistent with chapters  
55 189 and 298, Florida Statutes, and other applicable general law,  
56 an independent improvement district is hereby created and

57 | established in Indian River County, to be known as the Fellsmere  
 58 | Improvement District, the territorial boundaries of which shall  
 59 | be as follows, to wit:

60 |  
 61 | All lands situated and being in part of the unsurveyed  
 62 | Township 31 South, Range 36 East; unsurveyed Township  
 63 | 32 South, Range 36 East; unsurveyed Township 31 South,  
 64 | Range 37 East; and unsurveyed Township 32 South, Range  
 65 | 37 East;, Indian River County, Florida, embraced  
 66 | within the following boundary lines:

67 |  
 68 | Beginning at a point on the East boundary line of  
 69 | Tract 1122 of the "Plat of Fellsmere Farms Company's  
 70 | subdivision of unsurveyed Township 32 South, Range 36  
 71 | East, in St. Lucie County, State of Florida" as  
 72 | recorded in Plat Book 2, Page 18 of the Public Records  
 73 | of St. Lucie County, now Indian River County, Florida,  
 74 | said line also being the West right of way line of  
 75 | Lateral "S" Canal (225' wide right of way), said point  
 76 | being distant 200 fee Southerly from the Northeast  
 77 | corner of said Tract 1122;

78 |  
 79 | Thence run Westerly along the line being 200 feet  
 80 | South of, normal to, and parallel with the North  
 81 | boundary line of said Tract 1122 to the intersection  
 82 | with a line being 680 feet West of, normal to, and  
 83 | parallel with the East boundary lines of Tracts 1122,  
 84 | 1022, 922, 822, 722 and 622 of said "Plat of Fellsmere

85 Farms Company's Subdivision of unsurveyed Township 32  
86 South, Range 36 East";

87  
88 Thence run Northerly along said parallel line,  
89 approximately 1.18 miles, across said Tracts 1122,  
90 1022, 922, 822, 722, 622, "Ditch and Road 34", "Ditch  
91 and Road 33", "Ditch and Road 32", "Ditch and Road  
92 31", and "Ditch and Road 30" of said "Plat of  
93 Fellsmere Farms Company's Subdivision of unsurveyed  
94 Township 32 South, Range 36 East" to the intersection  
95 with a line being 640 feet South of, normal to, and  
96 parallel with the North boundary line of said Tract  
97 622;

98  
99 Thence run Westerly along said parallel line,  
100 approximately 0.58 miles, across Tracts 622, 621 and  
101 620 of said "Plat of Fellsmere Farms Company's  
102 Subdivision of unsurveyed Township 32 South, Range 36  
103 East" to the intersection with a line being 1,021 feet  
104 West of, normal to, and parallel with the East  
105 boundary of said Tract 620;

106  
107 Thence run Northerly along said parallel line,  
108 approximately 0.25 miles, across said Tract 620, Tract  
109 520 and "Ditch and Road 29" of said "Plat of Fellsmere  
110 Farms Company's Subdivision of unsurveyed Township 32  
111 South, Range 36 East" to the intersection with a line

112 being 640 feet South of, normal to, and parallel with  
 113 the North boundary line of said Tract 520;

114  
 115 Thence run Westerly along said parallel line,  
 116 approximately 0.46 miles, across said Tract 520, Tract  
 117 519, 50 feet with road right of way and Tract 518 of  
 118 said "Plat of Fellsmere Farms Company's Subdivision of  
 119 unsurveyed Township 32 South, Range 36 East" to the  
 120 intersection with a line being 680 feet West of,  
 121 normal to, and parallel with the East boundary of said  
 122 Tract 518.

123  
 124 Section 3. Provisions of other laws made applicable.—The  
 125 provisions of chapter 298, Florida Statutes, and all of the laws  
 126 amendatory thereof, now existing or hereafter enacted, are  
 127 applicable to said Fellsmere Improvement District. The Fellsmere  
 128 Improvement District shall have all of the powers and  
 129 authorities mentioned in or conferred by chapter 298, Florida  
 130 Statutes.

131 Section 4. Powers of the district; compliance with county  
 132 and municipal plans and regulations.—

133 (1) The district shall have the following powers:

134 (a) To sue and be sued in its name in any court of law or  
 135 in equity, to make contracts, to adopt and use a corporate seal,  
 136 and to alter the same at pleasure.

137 (b) To acquire by purchase, gift, or condemnation real and  
 138 personal property, either or both, within or without the  
 139 district, and to convey and dispose of such real and personal

140 property, either or both, as may be necessary or convenient to  
141 carry out any of the purposes of this act and chapter 298,  
142 Florida Statutes.

143 (c) To finance, fund, plan, establish, construct, equip,  
144 operate, and maintain canals, ditches, drains, levees, lakes,  
145 ponds, control structures, or similar devices for water control  
146 and diversion and other works for water management and control  
147 purposes.

148 (d) To acquire, purchase, finance, fund, plan, establish,  
149 equip, operate, and maintain pumps, plants, and pumping systems  
150 for water management and control purposes.

151 (e) To finance, fund, plan, establish, construct, equip,  
152 operate, and maintain irrigation works, machinery, and plants.

153 (f) To finance, fund, plan, establish, construct, improve,  
154 pave, equip, operate, and maintain roadways and roads necessary  
155 and convenient for the exercise of any of the powers or duties  
156 of said district or the supervisors thereof and to include  
157 parkways, bridges, landscaping, irrigation, drainage, bicycle  
158 and jogging paths, street lighting, traffic signals, road  
159 striping, and all other customary elements of a modern road  
160 system as a component of such roadways and roads.

161 (g) To finance, fund, plan, establish, acquire, construct  
162 or reconstruct, enlarge or extend, equip, operate, and maintain  
163 systems and facilities for providing transportation throughout  
164 the district, including private or contract carriers, buses,  
165 vehicles, railroads, and other transportation facilities, to  
166 meet the transportation requirements of the district in  
167 activities conducted within the district.

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168        (h) To finance, fund, plan, establish, acquire, construct  
169 or reconstruct, enlarge or extend, equip, operate, and maintain  
170 parking facilities within the district boundaries.

171        (i) To finance, fund, plan, establish, acquire, construct  
172 or reconstruct, enlarge or extend, equip, operate, and maintain  
173 additional systems and facilities for parks and facilities for  
174 indoor and outdoor recreational, cultural, and educational uses.

175        (j) To acquire, construct, finance, fund, plan, establish,  
176 equip, operate, and maintain water plants and systems to  
177 produce, purify, and distribute water for consumption.

178        (k) To acquire, construct, finance, fund, establish, plan,  
179 equip, operate, and maintain sewer systems for the collection,  
180 disposal, and reuse of waste and wastewater and to prevent water  
181 pollution in the district.

182        (l) To levy non-ad valorem assessments; to prescribe, fix,  
183 establish, and collect rates, fees, rentals, fares, or other  
184 charges; and to revise the same from time to time for the  
185 facilities and services furnished or to be furnished by the  
186 district and to recover the cost of making connection to any  
187 district facility or system.

188        (m) To provide for the discontinuance of service and  
189 reasonable penalties, including attorney fees, against any user  
190 or property for any such rates, fees, rentals, fares, or other  
191 charges that become delinquent and require collection. However,  
192 no charges or fees shall be established until after a public  
193 hearing of the board of supervisors of the district at which all  
194 affected persons shall be given an opportunity to be heard.

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195 (n) To enter into agreements with any person, firm, or  
196 corporation for the furnishing by such person, firm, or  
197 corporation of any facilities and services of the type provided  
198 for in this act.

199 (o) To enter into impact fee credit agreements with local  
200 general purpose governments. In the event the district enters  
201 into an impact fee credit agreement with a local general purpose  
202 government where the district constructs or makes contributions  
203 for public facilities for which impact fee credits would be  
204 available, the agreement may provide that such impact fee  
205 credits shall inure to the landowners within the district in  
206 proportion to their relative assessments, and the district  
207 shall, from time to time, execute such instruments, such as  
208 assignments of impact fee credits, as may be necessary or  
209 desirable to accomplish or confirm the foregoing.

210 (p) To finance, fund, plan, establish, equip, construct,  
211 operate, and maintain facilities and take measures to control  
212 mosquitoes and other arthropods of public health importance.

213 (q) To finance, fund, plan, establish, acquire, construct  
214 or reconstruct, enlarge or extend, equip, operate, and maintain  
215 additional systems and facilities for conservation areas,  
216 mitigation areas, and wildlife habitat, including the  
217 maintenance of any plant or animal species, and any related  
218 interest in real or personal property.

219 (r) To borrow money and issue negotiable or other bonds of  
220 said district as hereinafter provided; to borrow money, from  
221 time to time, and issue negotiable or other notes of said  
222 district therefor, bearing interest at not exceeding the maximum



223 interest allowable by law, in anticipation of the collection of  
224 levies and assessments or revenues of said district; to pledge  
225 or hypothecate such levies, assessments, and revenues to secure  
226 such bonds, notes, or obligations; and to sell, discount,  
227 negotiate, and dispose of the same.

228 (s) To provide public safety, including, but not limited  
229 to, security, guardhouses, fences and gates, electronic  
230 intrusion detection systems, and patrol cars, when authorized by  
231 proper governmental agencies, except that the district may not  
232 exercise any police power but may contract with the appropriate  
233 local general purpose government agencies for an increased level  
234 of such service within the district boundaries.

235 (t) To provide systems and facilities for fire prevention  
236 and control and emergency medical services, including the  
237 construction or purchase of fire stations, water mains and  
238 plugs, fire trucks, and other vehicles and equipment.

239 (u) To finance, fund, plan, establish, acquire, construct  
240 or reconstruct, enlarge or extend, equip, operate, and maintain  
241 additional systems and facilities for school buildings and  
242 related structures, which may be leased, sold, or donated to the  
243 school district for use in the educational system when  
244 authorized by the district school board.

245 (v) To establish and create such departments, committees,  
246 boards, or other agencies, including a public relations  
247 committee, as from time to time the board of supervisors may  
248 deem necessary or desirable in the performance of the acts or  
249 other things necessary to the exercise of the powers provided in  
250 this act, and to delegate to such departments, committees,

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251 boards, or other agencies such administrative duties and other  
252 powers as the board of supervisors may deem necessary or  
253 desirable.

254 (w) To exercise all other powers necessary, convenient, or  
255 proper in connection with any of the powers or duties of the  
256 Fellsmere Water Control District. The powers and duties of the  
257 Fellsmere Water Control District shall be exercised by and  
258 through the board of supervisors of the district, which board of  
259 supervisors shall have the authority to employ engineers,  
260 attorneys, agents, employees, and representatives as the board  
261 of supervisors may, from time to time, determine and to fix  
262 their compensation and duties. In addition thereto, said  
263 district shall have all of the powers provided for in chapter  
264 298, Florida Statutes. All powers and authority of the district  
265 shall extend and apply to the district as a whole and to each  
266 unit of development as, from time to time, may be designated by  
267 the board of supervisors.

268 (2) Notwithstanding any authority contained within this  
269 section, the development, operation, or maintenance of any  
270 district facilities or services within Indian River County or  
271 the City of Fellsmere shall comply with the respective adopted  
272 comprehensive plan and any adopted land development regulations  
273 adopted thereunder that apply within the geographic boundaries  
274 of the district.

275 Section 5. Non-ad valorem assessments.-

276 (1) NON-AD VALOREM ASSESSMENTS.-Non-ad valorem assessments  
277 for the construction, operation, or maintenance of district  
278 facilities, services, and operations shall be assessed, levied,

279 and collected pursuant to chapter 170, Florida Statutes, chapter  
 280 197, Florida Statutes, or chapter 298, Florida Statutes.

281 (2) ASSESSMENTS AND COSTS; LIEN ON ASSESSED LAND.—All  
 282 assessments provided for in this act, together with all  
 283 penalties for default in payment of the same, and all costs in  
 284 collecting the same, shall, from the date of assessment thereof  
 285 until paid, constitute a lien of equal dignity with the liens  
 286 for county taxes, and other taxes of equal dignity with county  
 287 taxes, upon all the lands against which such assessments shall  
 288 be levied as provided in this act.

289 (3) LEVIES OF NON-AD VALOREM ASSESSMENTS.—In levying and  
 290 assessing all assessments, each tract or parcel of land less  
 291 than 1 acre in area shall be assessed as a full acre, and each  
 292 tract or parcel of land more than 1 acre in area that contains a  
 293 fraction of an acre shall be assessed at the nearest whole  
 294 number of acres, a fraction of one-half or more to be assessed  
 295 as a full acre.

296 Section 6. Unpaid assessments; penalty.—All assessments  
 297 provided for in this act shall be and become delinquent and bear  
 298 penalties on the amount of said assessments in the same manner  
 299 as county taxes.

300 Section 7. Enforcement of assessments.—The collection and  
 301 enforcement of all assessments levied by said district shall be  
 302 at the same time and in like manner as county taxes, and the  
 303 provisions of general law relating to the sale of lands for  
 304 unpaid and delinquent county taxes; the issuance, sale, and  
 305 delivery of tax certificates for such unpaid and delinquent  
 306 county taxes; the redemption thereof; the issuance to

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307 individuals of tax deeds based thereon; and all other procedures  
308 in connection therewith shall be applicable to said district and  
309 the delinquent and unpaid assessments of said district to the  
310 same extent as if said statutory provisions were expressly set  
311 forth in this act. All assessments shall be subject to the same  
312 discounts as county taxes.

313 Section 8. Issuance of revenue bonds, assessment bonds,  
314 and bond anticipation notes.-

315 (1) In addition to the other powers provided to the  
316 district, and not in limitation thereof, the district shall have  
317 the power, pursuant to chapter 298, Florida Statutes, and  
318 applicable general law, at any time and from time to time, after  
319 the issuance of any bonds of the district have been authorized,  
320 to borrow money for the purposes for which such bonds are to be  
321 issued in anticipation of the receipt of the proceeds of the  
322 sale of such bonds and to issue bond anticipation notes in a  
323 principal sum not in excess of the authorized maximum amount of  
324 such bond issue.

325 (2) Pursuant to chapter 298, Florida Statutes, and  
326 applicable general law, the district shall have the power to  
327 issue assessment bonds and revenue bonds, from time to time,  
328 without limitation as to amount, for the purpose of financing  
329 those systems and facilities provided for in section 4. Such  
330 revenue bonds may be secured by, or payable from, the gross or  
331 net pledge of the revenues to be derived from any project or  
332 combination of projects; from the rates, fees, or other charges  
333 to be collected from the users of any project or projects; from  
334 any revenue-producing undertaking or activity of the district;

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335 from special assessments; or from any other source or pledged  
336 security. Such bonds shall not constitute an indebtedness of the  
337 district, and the approval of the qualified electors shall not  
338 be required unless such bonds are additionally secured by the  
339 full faith and credit and taxing power of the district.

340 (3) Any issue of bonds may be secured by a trust agreement  
341 by and between the district and a corporate trustee or trustees,  
342 which may be any trust company or bank having the powers of a  
343 trust company within or without the state. The resolution  
344 authorizing the issuance of the bonds or such trust agreement  
345 may pledge the revenues to be received from any projects of the  
346 district and may contain such provisions for protecting and  
347 enforcing the rights and remedies of the bondholders as the  
348 board may approve, including, without limitation, covenants  
349 setting forth the duties of the district in relation to the  
350 acquisition, construction, reconstruction, improvement,  
351 maintenance, repair, operation, and insurance of any projects;  
352 the fixing and revising of the rates, fees, and charges; the  
353 custody, safeguarding, and application of all moneys; and the  
354 employment of consulting engineers in connection with such  
355 acquisition, construction, reconstruction, improvement,  
356 maintenance, repair, or operation.

357 (4) Bonds of each issue shall be dated; shall bear  
358 interest at such rate or rates, including variable rates, which  
359 interest may be tax exempt or taxable for federal income tax  
360 purposes; shall mature at such time or times from their date or  
361 dates; and may be made redeemable before maturity at such price

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362 or prices and under such terms and conditions as may be  
363 determined by the board.

364 (5) The district shall have the power to issue bonds for  
365 the purpose of refunding any outstanding bonds of the district.

366 Section 4. Ratification of prior acts and circuit court  
367 decrees; inconsistent acts and court decrees inapplicable.—All  
368 of the acts and circuit court decrees taken by, for, and on  
369 behalf of the district since its creation, and all of the acts  
370 and proceedings of the board of supervisors, commissioners, and  
371 all other officers and agents of the district acting for and on  
372 behalf of the district, and any and all tax levies and  
373 assessments that have been made by the governing board for and  
374 on behalf of the district, are each and every one of them, and  
375 each and every part thereof, hereby ratified, validated, and  
376 confirmed; however, in the event of a conflict of the provisions  
377 of this act with the provisions of any other act or circuit  
378 court decree, the provisions of this act shall control to the  
379 extent of such conflict.

380 Section 5. Chapters 8877 (1921), 11555 (1925), 12023  
381 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and  
382 69-1161, Laws of Florida, are repealed.

383 Section 6. In case any one or more of the sections or  
384 provisions of this act or the application of such sections or  
385 provisions to any situations, circumstances, or person shall for  
386 any reason be held to be unconstitutional, such  
387 unconstitutionality shall not affect any other sections or  
388 provisions of this act or the application of such sections or  
389 provisions to any other situation, circumstance, or person; and

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390 | it is intended that this law shall be construed and applied as  
391 | if such section or provision had not been included herein for  
392 | any unconstitutional application.

393 | Section 7. This act shall take effect upon becoming a law.