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CS/HB 1009

2013 Legislature

1  
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43 repealed as herein provided.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

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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 within  
66 | 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 feet 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

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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 line 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 wide 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 Thence run northerly along said parallel line,  
125 approximately 0.38 miles, across said tract 518, tract  
126 418, "ditch and road 28" and "ditch and road 27" of  
127 said "Plat of Fellsmere Farms Company's subdivision of  
128 unsurveyed township 32 south, range 36 east" to the  
129 north right of way line of said "ditch and road 27",  
130 said north right of way line also being the south  
131 boundary line of tract 318 of said "Plat of Fellsmere  
132 Farms Company's subdivision of unsurveyed township 32  
133 south, range 36 east";

134  
135 Thence run westerly along said south boundary line of  
136 tract 318, approximately 0.06 miles to the  
137 intersection with a line being 1,021 feet west of,  
138 normal to, and parallel with the east boundary line of  
139 said tract 318;

140  
141 Thence run northerly along said parallel line,  
142 approximately 0.25 miles, across said tract 318 and  
143 "ditch and road 26" to the north right of way line of  
144 said "ditch and road 26", said north right of way line  
145 also being the south boundary line of tract 218 of  
146 said "Plat of Fellsmere Farms Company's subdivision of  
147 unsurveyed township 32 south, range 36 east";

148  
149 Thence run westerly along said south boundary line of  
150 tract 218 and tract 217 of said "Plat of Fellsmere  
151 Farms Company's subdivision of unsurveyed township 32  
152 south, range 36 east", approximately 0.19 miles to the  
153 intersection with a line being 680 feet west of,  
154 normal to, and parallel with the east boundary line of  
155 said tract 217;

156  
157 Thence run northerly along said parallel line,  
158 approximately 0.25 miles, across said tract 217 and  
159 "ditch and road 25" to the north right of way line of  
160 said "ditch and road 25", said north right of way line  
161 also being the south boundary line of tract 117 of  
162 said "Plat of Fellsmere Farms Company's subdivision of  
163 unsurveyed township 32 south, range 36 east";

164  
165 Thence run westerly along said south boundary line of  
166 tract 117 of said "Plat of Fellsmere Farms Company's  
167 subdivision of unsurveyed township 32 south, range 36

168 east", approximately 0.06 miles to the intersection  
 169 with a line being 1,021 feet west of, normal to, and  
 170 parallel with the east boundary line of said tract  
 171 117;  
 172  
 173 Thence run northerly along said parallel line,  
 174 approximately 0.25 miles, across said tract 117 and  
 175 the south one-half right of way of "ditch and road 24"  
 176 (60' wide R.O.W.) to the north boundary limits of the  
 177 "Plat of Fellsmere Farms Company's subdivision of  
 178 unsurveyed township 32 south, range 36 east, in St.  
 179 Lucie County, State of Florida" as recorded in plat  
 180 book 2, page 18 of the public records of St. Lucie  
 181 County, now Indian River County, Florida, said north  
 182 boundary limits also being the south boundary limits  
 183 of the "Plat of Fellsmere Farms Company's subdivision  
 184 of unsurveyed township 31 south, range 36 east, in St.  
 185 Lucie County, State of Florida" as recorded in plat  
 186 book 2, page 9 of the public records of St. Lucie  
 187 County, now Indian River County, Florida;  
 188  
 189 Thence continue northerly along the parallel line  
 190 being 1,021 feet west of, normal to, and parallel with  
 191 the east boundary lines of tracts 2417, 2317, 2217,  
 192 2117, 2017 of said "Plat of Fellsmere Farms Company's  
 193 subdivision of unsurveyed township 31 south, range 36  
 194 east, in St. Lucie County, State of Florida",  
 195 approximately 1.22 miles, across said tracts 2417,

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196 2317, 2217, 2117, 2017, the north one-half right of  
 197 way of "ditch and road 24" (60' wide R.O.W.), "ditch  
 198 and road 23", "ditch and road 22", "ditch and road 21"  
 199 and "ditch and road 20" to the north boundary line of  
 200 said tract 2017, said line also being the south right  
 201 of way line of "ditch and road 19", all of said "Plat  
 202 of Fellsmere Farms Company's subdivision of unsurveyed  
 203 township 31 south, range 36 east";

204  
 205 Thence run easterly along said north boundary line of  
 206 tract 2017 and tract 2018 of said "Plat of Fellsmere  
 207 Farms Company's subdivision of unsurveyed township 31  
 208 south, range 36 east", approximately 0.32 miles to the  
 209 intersection with a line being 680 feet west of,  
 210 normal to, and parallel with the east boundary line of  
 211 said tract 2018;

212  
 213 Thence run northerly along the line being 680 feet  
 214 west of, normal to, and parallel with the east  
 215 boundary lines of tracts 1918, 1818, 1718 and 1618,  
 216 approximately 0.89 miles, across said tracts 1918,  
 217 1818, 1718, 1618, "ditch and road 19", "ditch and road  
 218 18", "ditch and road 17", and "ditch and road 16" of  
 219 said "Plat of Fellsmere Farms Company's subdivision of  
 220 unsurveyed township 31 south, range 36 east" to the  
 221 intersection with a line being 640 feet north of,  
 222 normal to and parallel with the south boundary line of  
 223 said tract 1618, tracts 1619, 1620, 1621 and 1622;



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224  
225 Thence run easterly along said parallel line,  
226 approximately 1.17 miles, across said tract 1618, a 50  
227 feet wide road right of way, said tract 1619, 1620,  
228 1621 and 1622 to the west right of way line of lateral  
229 "S" canal (225' wide right of way) of said "Plat of  
230 Fellsmere Farms Company's subdivision of unsurveyed  
231 township 31 south, range 36 east";

232  
233 Thence run northerly along said west right of way line  
234 of lateral "S" canal, approximately 0.02 miles to the  
235 intersection with the westerly projection of the north  
236 boundary lines of tracts 1692, 1691, 1690, 1689, 1688  
237 and 1687 of the "Plat of Fellsmere Farms Company's  
238 subdivision of unsurveyed township 31 south, range 37  
239 east, in St. Lucie County, State of Florida" as  
240 recorded in plat book 2, pages 1 and 2 of the public  
241 records of St. Lucie County, now Indian River County,  
242 Florida;

243  
244 Thence run easterly along said westerly projection and  
245 north boundary lines, approximately 0.83 miles, across  
246 said lateral "S" canal (225' wide right of way), tract  
247 1600 and along said north boundary lines of tract  
248 1692, 1691, 1690, 1689, 1688 and 1687 to the  
249 intersection with a line being 170 feet west of,  
250 normal to and parallel with the east boundary lines of  
251 tracts 1606, 1587, 1506, 1487, 1406, 1387, 1306, 1287,

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252 | 1206, 1187, 1106, 1087, 1006, 987, 906, 887, 806, 787,  
 253 | 706, 687, 606, 587, 506, 487 and 406 of said "Plat of  
 254 | Fellsmere Farms Company's subdivision of unsurveyed  
 255 | township 31 south, range 37 east";

256 |  
 257 | Thence run northerly along said parallel line,  
 258 | approximately 3.13 miles, across said tracts 1606,  
 259 | 1587, 1506, 1487, 1406, 1387, 1306, 1287, 1206, 1187,  
 260 | 1106, 1087, 1006, 987, 906, 887, 806, 787, 706, 687,  
 261 | 606, 587, 506, 487, 406, "ditch and road 15", "ditch  
 262 | and road 14", north and south "ditch and road 13",  
 263 | Fellsmere Railroad (100' wide right of way), "ditch  
 264 | and road 12", "ditch and road 11", "ditch and road  
 265 | 10", "ditch and road 9", "ditch and road 8", "ditch  
 266 | and road 7", "ditch and road 6", "ditch and road 5",  
 267 | "ditch and road 4" and "ditch and road 3" to the north  
 268 | right of way line of said "ditch and road 3", said  
 269 | north right of way line also being the south boundary  
 270 | line of tract 384 of said "Plat of Fellsmere Farms  
 271 | Company's subdivision of unsurveyed township 31 south,  
 272 | range 37 east";

273 |  
 274 | Thence run westerly along said south boundary line,  
 275 | approximately 0.06 miles to a line being 510 feet west  
 276 | of, normal to and parallel with the east boundary line  
 277 | of said tract 384;

278 |  
 279 | Thence run northerly along said parallel line,

280 approximately 0.12 miles to the north boundary line of  
281 said tract 384;

282  
283 Thence run westerly along said north boundary line,  
284 approximately 0.03 miles to the northwest corner of  
285 said tract 384, also being the southwest corner of  
286 tract 306 of said "Plat of Fellsmere Farms Company's  
287 subdivision of unsurveyed township 31 south, range 37  
288 east";

289  
290 Thence run northerly on the west boundary line of said  
291 tract 306, approximately 0.03 miles to the  
292 intersection with a line being 480 feet south of,  
293 normal to and parallel with the north boundary lines  
294 of tracts 305, 304, 303, 302 and 301 of said "Plat of  
295 Fellsmere Farms Company's subdivision of unsurveyed  
296 township 31 south, range 37 east";

297  
298 Thence run westerly along said parallel line,  
299 approximately 0.71 miles, across said tracts 305, 304,  
300 303, 302, 301, 300 and a portion of the lateral "S"  
301 canal (225' wide right of way) to the west boundary  
302 limits of said "Plat of Fellsmere Farms Company's  
303 subdivision of unsurveyed township 31 south, range 37  
304 east";

305  
306 Thence continue westerly along said parallel line,  
307 approximately 0.09 miles, across remaining said

308 | lateral "S" canal (225' wide right of way) and to the  
 309 | intersection with a line being 340 feet west of,  
 310 | normal to and parallel with the east boundary line of  
 311 | tracts 322, and 222 of the "Plat of Fellsmere Farms  
 312 | Company's subdivision of unsurveyed township 31 south,  
 313 | range 36 east, in St. Lucie County, State of Florida"  
 314 | as recorded in plat book 2, page 9 of the public  
 315 | records of St. Lucie County, now Indian River County,  
 316 | Florida;

317 |  
 318 | Thence run northerly along said parallel line,  
 319 | approximately 0.39 miles, across said tracts 322, 222,  
 320 | "ditch and road 2", "ditch and road 1" to the north  
 321 | right of way line of said "ditch and road 1", said  
 322 | right of way line also being the south boundary line  
 323 | of tract 122 of said "Plat of Fellsmere Farms  
 324 | Company's subdivision of unsurveyed township 31 south,  
 325 | range 36 east";

326 |  
 327 | Thence run westerly along said south boundary line of  
 328 | tract 122, approximately 0.06 miles to the  
 329 | intersection with a line being 680 feet west of,  
 330 | normal to and parallel with the east boundary line of  
 331 | said tract 122;

332 |  
 333 | Thence run northerly along said parallel line,  
 334 | approximately 0.16 miles, across said tract 122 and  
 335 | the "main canal" right of way to the north limits of

336 said "Plat of Fellsmere Farms Company's subdivision of  
 337 unsurveyed township 31 south, range 36 east", said  
 338 limits also being the common township line of township  
 339 30 and 31 south and the north limits of Indian River  
 340 County, Florida;

341  
 342 Thence run easterly along said common township line  
 343 and north county line, approximately 5.29 miles to the  
 344 intersection with the southwesterly line of Fleming  
 345 Grant;

346  
 347 Thence run southeasterly along said southwesterly line  
 348 of Fleming Grant, approximately 1.21 miles to the  
 349 intersection with the east line of township 31 south,  
 350 range 37 east, also being the common range line of  
 351 range 37 and 38 east;

352  
 353 Thence run southerly along said east line of township  
 354 31 south, range 37 east and the east line of township  
 355 32 south, range 37 east, approximately 7.71 miles to  
 356 the intersection with the east boundary line of tract  
 357 1123 of the "Plat of Fellsmere Farms Company's  
 358 subdivision of unsurveyed township 32 south, range 37  
 359 east, in St. Lucie County, State of Florida" as  
 360 recorded in plat book 2, page 8 of the public records  
 361 of St. Lucie County, now Indian River County, Florida,  
 362 and a line being 200 feet south of, normal to and  
 363 parallel with the north boundary line of said tract

364           1123;  
 365  
 366           Thence run westerly along said parallel line  
 367           approximately 6.00 miles, across said tract 1123,  
 368           tracts 1122, 1121, 1120, a 30 feet wide road right of  
 369           way, tracts 1119, 1118, 1117, 1116, a 60 feet wide  
 370           road right of way; tract 1115, park lateral canal  
 371           (92.25' wide right of way), tracts 1114, 1113, 1112, a  
 372           30 feet wide road right of way, tracts 1111, 1110,  
 373           1109, 1108, lateral "U" canal (156' wide right of  
 374           way), tracts 1107, 1106, 1105, 1104, a 30 feet wide  
 375           road right of way, tracts 1103, 1102, 1101, 1100 and a  
 376           portion of lateral "S" canal (225' wide right of way)  
 377           of said "Plat of Fellsmere Farms Company's subdivision  
 378           of unsurveyed township 32 south, range 37 east" to the  
 379           west limits of said plat;  
 380  
 381           Thence continue westerly along said parallel line,  
 382           approximately 0.02 miles, across remaining said  
 383           lateral "S" canal (225' wide right of way) to the  
 384           intersection with the west right of way line of said  
 385           lateral "S" canal, also being the east line of  
 386           aforesaid tract 1122 of the "Plat of Fellsmere Farms  
 387           Company's subdivision of unsurveyed township 32 south,  
 388           range 36 east, in St. Lucie County, State of Florida"  
 389           as recorded in plat book 2, page 18 of the public  
 390           records of St. Lucie County, now Indian River County,  
 391           Florida, and point of beginning.

392  
393       Section 3. Provisions of other laws made applicable.—The  
394 provisions of chapter 298, Florida Statutes, and all of the laws  
395 amendatory thereof, now existing or hereafter enacted, are  
396 applicable to said Fellsmere Improvement District. The Fellsmere  
397 Improvement District shall have all of the powers and  
398 authorities mentioned in or conferred by chapter 298, Florida  
399 Statutes.

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

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

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

406       (b) To acquire by purchase, gift, or condemnation real and  
407 personal property, either or both, within or without the  
408 district, and to convey and dispose of such real and personal  
409 property, either or both, as may be necessary or convenient to  
410 carry out any of the purposes of this act and chapter 298,  
411 Florida Statutes.

412       (c) To finance, fund, plan, establish, construct, equip,  
413 operate, and maintain canals, ditches, drains, levees, lakes,  
414 ponds, control structures, or similar devices for water control  
415 and diversion and other works for water management and control  
416 purposes.

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

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

422       (f) To finance, fund, plan, establish, construct, improve,  
423 pave, equip, operate, and maintain roadways and roads necessary  
424 and convenient for the exercise of any of the powers or duties  
425 of said district or the supervisors thereof and to include  
426 parkways, bridges, landscaping, irrigation, drainage, bicycle  
427 and jogging paths, street lighting, traffic signals, road  
428 striping, and all other customary elements of a modern road  
429 system as a component of such roadways and roads.

430       (g) To finance, fund, plan, establish, acquire, construct  
431 or reconstruct, enlarge or extend, equip, operate, and maintain  
432 systems and facilities for providing transportation throughout  
433 the district, including private or contract carriers, buses,  
434 vehicles, railroads, and other transportation facilities, to  
435 meet the transportation requirements of the district in  
436 activities conducted within the district.

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

440       (i) To finance, fund, plan, establish, acquire, construct  
441 or reconstruct, enlarge or extend, equip, operate, and maintain  
442 additional systems and facilities for parks and facilities for  
443 indoor and outdoor recreational, cultural, and educational uses.

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



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

451       (l) To levy non-ad valorem assessments; to prescribe, fix,  
452 establish, and collect rates, fees, rentals, fares, or other  
453 charges; and to revise the same from time to time for the  
454 facilities and services furnished or to be furnished by the  
455 district and to recover the cost of making connection to any  
456 district facility or system.

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

464       (n) To enter into agreements with any person, firm, or  
465 corporation for the furnishing by such person, firm, or  
466 corporation of any facilities and services of the type provided  
467 for in this act.

468       (o) To enter into impact fee credit agreements with local  
469 general purpose governments. In the event the district enters  
470 into an impact fee credit agreement with a local general purpose  
471 government where the district constructs or makes contributions  
472 for public facilities for which impact fee credits would be  
473 available, the agreement may provide that such impact fee  
474 credits shall inure to the landowners within the district in

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475 proportion to their relative assessments, and the district  
476 shall, from time to time, execute such instruments, such as  
477 assignments of impact fee credits, as may be necessary or  
478 desirable to accomplish or confirm the foregoing.

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

482 (q) To finance, fund, plan, establish, acquire, construct  
483 or reconstruct, enlarge or extend, equip, operate, and maintain  
484 additional systems and facilities for conservation areas,  
485 mitigation areas, and wildlife habitat, including the  
486 maintenance of any plant or animal species, and any related  
487 interest in real or personal property.

488 (r) To borrow money and issue negotiable or other bonds of  
489 said district as hereinafter provided; to borrow money, from  
490 time to time, and issue negotiable or other notes of said  
491 district therefor, bearing interest at not exceeding the maximum  
492 interest allowable by law, in anticipation of the collection of  
493 levies and assessments or revenues of said district; to pledge  
494 or hypothecate such levies, assessments, and revenues to secure  
495 such bonds, notes, or obligations; and to sell, discount,  
496 negotiate, and dispose of the same.

497 (s) To provide public safety, including, but not limited  
498 to, security, guardhouses, fences and gates, electronic  
499 intrusion detection systems, and patrol cars, when authorized by  
500 proper governmental agencies, except that the district may not  
501 exercise any police power but may contract with the appropriate

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502 local general purpose government agencies for an increased level  
503 of such service within the district boundaries.

504 (t) To provide systems and facilities for fire prevention  
505 and control and emergency medical services, including the  
506 construction or purchase of fire stations, water mains and  
507 plugs, fire trucks, and other vehicles and equipment.

508 (u) To finance, fund, plan, establish, acquire, construct  
509 or reconstruct, enlarge or extend, equip, operate, and maintain  
510 additional systems and facilities for school buildings and  
511 related structures, which may be leased, sold, or donated to the  
512 school district for use in the educational system when  
513 authorized by the district school board.

514 (v) To establish and create such departments, committees,  
515 boards, or other agencies, including a public relations  
516 committee, as from time to time the board of supervisors may  
517 deem necessary or desirable in the performance of the acts or  
518 other things necessary to the exercise of the powers provided in  
519 this act, and to delegate to such departments, committees,  
520 boards, or other agencies such administrative duties and other  
521 powers as the board of supervisors may deem necessary or  
522 desirable.

523 (w) To exercise all other powers necessary, convenient, or  
524 proper in connection with any of the powers or duties of the  
525 Fellsmere Water Control District. The powers and duties of the  
526 Fellsmere Water Control District shall be exercised by and  
527 through the board of supervisors of the district, which board of  
528 supervisors shall have the authority to employ engineers,  
529 attorneys, agents, employees, and representatives as the board

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530 of supervisors may, from time to time, determine and to fix  
531 their compensation and duties. In addition thereto, said  
532 district shall have all of the powers provided for in chapter  
533 298, Florida Statutes. All powers and authority of the district  
534 shall extend and apply to the district as a whole and to each  
535 unit of development as, from time to time, may be designated by  
536 the board of supervisors.

537 (2) Notwithstanding any authority contained within this  
538 section, the development, operation, or maintenance of any  
539 district facilities or services within Indian River County or  
540 the City of Fellsmere shall comply with the respective adopted  
541 comprehensive plan and any adopted land development regulations  
542 adopted thereunder that apply within the geographic boundaries  
543 of the district.

544 Section 5. Non-ad valorem assessments.-

545 (1) NON-AD VALOREM ASSESSMENTS.-Non-ad valorem assessments  
546 for the construction, operation, or maintenance of district  
547 facilities, services, and operations shall be assessed, levied,  
548 and collected pursuant to chapter 170, Florida Statutes, chapter  
549 197, Florida Statutes, or chapter 298, Florida Statutes.

550 (2) ASSESSMENTS AND COSTS; LIEN ON ASSESSED LAND.-All  
551 assessments provided for in this act, together with all  
552 penalties for default in payment of the same, and all costs in  
553 collecting the same, shall, from the date of assessment thereof  
554 until paid, constitute a lien of equal dignity with the liens  
555 for county taxes, and other taxes of equal dignity with county  
556 taxes, upon all the lands against which such assessments shall  
557 be levied as provided in this act.

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558       (3) LEVIES OF NON-AD VALOREM ASSESSMENTS.—In levying and  
 559 assessing all assessments, each tract or parcel of land less  
 560 than 1 acre in area shall be assessed as a full acre, and each  
 561 tract or parcel of land more than 1 acre in area that contains a  
 562 fraction of an acre shall be assessed at the nearest whole  
 563 number of acres, a fraction of one-half or more to be assessed  
 564 as a full acre.

565       Section 6. Unpaid assessments; penalty.—All assessments  
 566 provided for in this act shall be and become delinquent and bear  
 567 penalties on the amount of said assessments in the same manner  
 568 as county taxes.

569       Section 7. Enforcement of assessments.—The collection and  
 570 enforcement of all assessments levied by said district shall be  
 571 at the same time and in like manner as county taxes, and the  
 572 provisions of general law relating to the sale of lands for  
 573 unpaid and delinquent county taxes; the issuance, sale, and  
 574 delivery of tax certificates for such unpaid and delinquent  
 575 county taxes; the redemption thereof; the issuance to  
 576 individuals of tax deeds based thereon; and all other procedures  
 577 in connection therewith shall be applicable to said district and  
 578 the delinquent and unpaid assessments of said district to the  
 579 same extent as if said statutory provisions were expressly set  
 580 forth in this act. All assessments shall be subject to the same  
 581 discounts as county taxes.

582       Section 8. Issuance of revenue bonds, assessment bonds,  
 583 and bond anticipation notes.—

584       (1) In addition to the other powers provided to the  
 585 district, and not in limitation thereof, the district shall have

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586 the power, pursuant to chapter 298, Florida Statutes, and  
587 applicable general law, at any time and from time to time, after  
588 the issuance of any bonds of the district have been authorized,  
589 to borrow money for the purposes for which such bonds are to be  
590 issued in anticipation of the receipt of the proceeds of the  
591 sale of such bonds and to issue bond anticipation notes in a  
592 principal sum not in excess of the authorized maximum amount of  
593 such bond issue.

594 (2) Pursuant to chapter 298, Florida Statutes, and  
595 applicable general law, the district shall have the power to  
596 issue assessment bonds and revenue bonds, from time to time,  
597 without limitation as to amount, for the purpose of financing  
598 those systems and facilities provided for in section 4. Such  
599 revenue bonds may be secured by, or payable from, the gross or  
600 net pledge of the revenues to be derived from any project or  
601 combination of projects; from the rates, fees, or other charges  
602 to be collected from the users of any project or projects; from  
603 any revenue-producing undertaking or activity of the district;  
604 from special assessments; or from any other source or pledged  
605 security. Such bonds shall not constitute an indebtedness of the  
606 district, and the approval of the qualified electors shall not  
607 be required unless such bonds are additionally secured by the  
608 full faith and credit and taxing power of the district.

609 (3) Any issue of bonds may be secured by a trust agreement  
610 by and between the district and a corporate trustee or trustees,  
611 which may be any trust company or bank having the powers of a  
612 trust company within or without the state. The resolution  
613 authorizing the issuance of the bonds or such trust agreement

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614 may pledge the revenues to be received from any projects of the  
 615 district and may contain such provisions for protecting and  
 616 enforcing the rights and remedies of the bondholders as the  
 617 board may approve, including, without limitation, covenants  
 618 setting forth the duties of the district in relation to the  
 619 acquisition, construction, reconstruction, improvement,  
 620 maintenance, repair, operation, and insurance of any projects;  
 621 the fixing and revising of the rates, fees, and charges; the  
 622 custody, safeguarding, and application of all moneys; and the  
 623 employment of consulting engineers in connection with such  
 624 acquisition, construction, reconstruction, improvement,  
 625 maintenance, repair, or operation.

626 (4) Bonds of each issue shall be dated; shall bear  
 627 interest at such rate or rates, including variable rates, which  
 628 interest may be tax exempt or taxable for federal income tax  
 629 purposes; shall mature at such time or times from their date or  
 630 dates; and may be made redeemable before maturity at such price  
 631 or prices and under such terms and conditions as may be  
 632 determined by the board.

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

635 Section 4. Ratification of prior acts and circuit court  
 636 decrees; inconsistent acts and court decrees inapplicable.-All  
 637 of the acts and circuit court decrees taken by, for, and on  
 638 behalf of the district since its creation, and all of the acts  
 639 and proceedings of the board of supervisors, commissioners, and  
 640 all other officers and agents of the district acting for and on  
 641 behalf of the district, and any and all tax levies and

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642 assessments that have been made by the governing board for and  
643 on behalf of the district, are each and every one of them, and  
644 each and every part thereof, hereby ratified, validated, and  
645 confirmed; however, in the event of a conflict of the provisions  
646 of this act with the provisions of any other act or circuit  
647 court decree, the provisions of this act shall control to the  
648 extent of such conflict.

649 Section 5. Chapters 8877 (1921), 11555 (1925), 12023  
650 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and  
651 69-1161, Laws of Florida, are repealed.

652 Section 6. In case any one or more of the sections or  
653 provisions of this act or the application of such sections or  
654 provisions to any situations, circumstances, or person shall for  
655 any reason be held to be unconstitutional, such  
656 unconstitutionality shall not affect any other sections or  
657 provisions of this act or the application of such sections or  
658 provisions to any other situation, circumstance, or person; and  
659 it is intended that this law shall be construed and applied as  
660 if such section or provision had not been included herein for  
661 any unconstitutional application.

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