

HB 1403

2014

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; ratifying prior acts and
20 circuit court decrees; providing for severability;
21 providing for a referendum; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

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26 Section 1. (1) The reenactment of existing law in this
27 act shall not be construed to grant additional authority to or
28 supersede the authority of any entity pursuant to law.
29 Exceptions to law contained in any special act that are
30 reenacted pursuant to this act shall continue to apply.

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

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42 repealed as herein provided.

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

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

49 Section 2. District created and boundaries thereof.—For
50 the purposes of providing public infrastructure; services; the
51 assessment, levy, and collection of non-ad valorem assessments

52 and fees; the operation of district facilities and services; and
 53 all other purposes stated in this act consistent with chapters
 54 189 and 298, Florida Statutes, and other applicable general law,
 55 an independent improvement district is hereby created and
 56 established in Indian River County, to be known as the Fellsmere
 57 Improvement District, the territorial boundaries of which shall
 58 be as follows, to wit:

59
 60 All lands situated and being in part of the unsurveyed
 61 township 31 south, range 36 east; unsurveyed township
 62 32 south, range 36 east; unsurveyed township 31 south,
 63 range 37 east; and unsurveyed township 32 south, range
 64 37 east; Indian River County, Florida, embraced within
 65 the following boundary lines:

66
 67 Beginning at a point on the east boundary line of
 68 tract 1122 of the "Plat of Fellsmere Farms Company's
 69 subdivision of unsurveyed township 32 south, range 36
 70 east, in St. Lucie County, State of Florida" as
 71 recorded in plat book 2, page 18 of the public records
 72 of St. Lucie County, now Indian River County, Florida,
 73 said line also being the west right of way line of
 74 lateral "S" canal (225' wide right of way), said point
 75 being distant 200 feet southerly from the northeast
 76 corner of said tract 1122;
 77

78 Thence run westerly along the line being 200 feet
79 south of, normal to, and parallel with the north
80 boundary line of said tract 1122 to the intersection
81 with a line being 680 feet west of, normal to, and
82 parallel with the east boundary lines of tracts 1122,
83 1022, 922, 822, 722 and 622 of said "Plat of Fellsmere
84 Farms Company's subdivision of unsurveyed township 32
85 south, range 36 east";

86
87 Thence run northerly along said parallel line,
88 approximately 1.18 miles, across said tracts 1122,
89 1022, 922, 822, 722, 622, "ditch and road 34", "ditch
90 and road 33", "ditch and road 32", "ditch and road
91 31", and "ditch and road 30" of said "Plat of
92 Fellsmere Farms Company's subdivision of unsurveyed
93 township 32 south, range 36 east" to the intersection
94 with a line being 640 feet south of, normal to, and
95 parallel with the north boundary line of said tract
96 622;

97
98 Thence run westerly along said parallel line,
99 approximately 0.58 miles, across tracts 622, 621 and
100 620 of said "Plat of Fellsmere Farms Company's
101 subdivision of unsurveyed township 32 south, range 36
102 east" to the intersection with a line being 1,021 feet

103 west of, normal to, and parallel with the east
 104 boundary line of said tract 620;

106 Thence run northerly along said parallel line,
 107 approximately 0.25 miles, across said tract 620, tract
 108 520 and "ditch and road 29" of said "Plat of Fellsmere
 109 Farms Company's subdivision of unsurveyed township 32
 110 south, range 36 east" to the intersection with a line
 111 being 640 feet south of, normal to, and parallel with
 112 the north boundary line of said tract 520;

114 Thence run westerly along said parallel line,
 115 approximately 0.46 miles, across said tract 520, tract
 116 519, 50 feet wide road right of way and tract 518 of
 117 said "Plat of Fellsmere Farms Company's subdivision of
 118 unsurveyed township 32 south, range 36 east" to the
 119 intersection with a line being 680 feet west of,
 120 normal to, and parallel with the east boundary of said
 121 tract 518;

123 Thence run northerly along said parallel line,
 124 approximately 0.38 miles, across said tract 518, tract
 125 418, "ditch and road 28" and "ditch and road 27" of
 126 said "Plat of Fellsmere Farms Company's subdivision of
 127 unsurveyed township 32 south, range 36 east" to the
 128 north right of way line of said "ditch and road 27",

129 said north right of way line also being the south
130 boundary line of tract 318 of said "Plat of Fellsmere
131 Farms Company's subdivision of unsurveyed township 32
132 south, range 36 east";

133
134 Thence run westerly along said south boundary line of
135 tract 318, approximately 0.06 miles to the
136 intersection with a line being 1,021 feet west of,
137 normal to, and parallel with the east boundary line of
138 said tract 318;

139
140 Thence run northerly along said parallel line,
141 approximately 0.25 miles, across said tract 318 and
142 "ditch and road 26" to the north right of way line of
143 said "ditch and road 26", said north right of way line
144 also being the south boundary line of tract 218 of
145 said "Plat of Fellsmere Farms Company's subdivision of
146 unsurveyed township 32 south, range 36 east";

147
148 Thence run westerly along said south boundary line of
149 tract 218 and tract 217 of said "Plat of Fellsmere
150 Farms Company's subdivision of unsurveyed township 32
151 south, range 36 east", approximately 0.19 miles to the
152 intersection with a line being 680 feet west of,
153 normal to, and parallel with the east boundary line of
154 said tract 217;

155
156 Thence run northerly along said parallel line,
157 approximately 0.25 miles, across said tract 217 and
158 "ditch and road 25" to the north right of way line of
159 said "ditch and road 25", said north right of way line
160 also being the south boundary line of tract 117 of
161 said "Plat of Fellsmere Farms Company's subdivision of
162 unsurveyed township 32 south, range 36 east";

163
164 Thence run westerly along said south boundary line of
165 tract 117 of said "Plat of Fellsmere Farms Company's
166 subdivision of unsurveyed township 32 south, range 36
167 east", approximately 0.06 miles to the intersection
168 with a line being 1,021 feet west of, normal to, and
169 parallel with the east boundary line of said tract
170 117;

171
172 Thence run northerly along said parallel line,
173 approximately 0.25 miles, across said tract 117 and
174 the south one-half right of way of "ditch and road 24"
175 (60' wide R.O.W.) to the north boundary limits of the
176 "Plat of Fellsmere Farms Company's subdivision of
177 unsurveyed township 32 south, range 36 east, in St.
178 Lucie County, State of Florida" as recorded in plat
179 book 2, page 18 of the public records of St. Lucie
180 County, now Indian River County, Florida, said north

181 boundary limits also being the south boundary limits
182 of the "Plat of Fellsmere Farms Company's subdivision
183 of unsurveyed township 31 south, range 36 east, in St.
184 Lucie County, State of Florida" as recorded in plat
185 book 2, page 9 of the public records of St. Lucie
186 County, now Indian River County, Florida;

187
188 Thence continue northerly along the parallel line
189 being 1,021 feet west of, normal to, and parallel with
190 the east boundary lines of tracts 2417, 2317, 2217,
191 2117, 2017 of said "Plat of Fellsmere Farms Company's
192 subdivision of unsurveyed township 31 south, range 36
193 east, in St. Lucie County, State of Florida",
194 approximately 1.22 miles, across said tracts 2417,
195 2317, 2217, 2117, 2017, the north one-half right of
196 way of "ditch and road 24" (60' wide R.O.W.), "ditch
197 and road 23", "ditch and road 22", "ditch and road 21"
198 and "ditch and road 20" to the north boundary line of
199 said tract 2017, said line also being the south right
200 of way line of "ditch and road 19", all of said "Plat
201 of Fellsmere Farms Company's subdivision of unsurveyed
202 township 31 south, range 36 east";

203
204 Thence run easterly along said north boundary line of
205 tract 2017 and tract 2018 of said "Plat of Fellsmere
206 Farms Company's subdivision of unsurveyed township 31

207 south, range 36 east", approximately 0.32 miles to the
 208 intersection with a line being 680 feet west of,
 209 normal to, and parallel with the east boundary line of
 210 said tract 2018;

211
 212 Thence run northerly along the line being 680 feet
 213 west of, normal to, and parallel with the east
 214 boundary lines of tracts 1918, 1818, 1718 and 1618,
 215 approximately 0.89 miles, across said tracts 1918,
 216 1818, 1718, 1618, "ditch and road 19", "ditch and road
 217 18", "ditch and road 17", and "ditch and road 16" of
 218 said "Plat of Fellsmere Farms Company's subdivision of
 219 unsurveyed township 31 south, range 36 east" to the
 220 intersection with a line being 640 feet north of,
 221 normal to and parallel with the south boundary line of
 222 said tract 1618, tracts 1619, 1620, 1621 and 1622;

223
 224 Thence run easterly along said parallel line,
 225 approximately 1.17 miles, across said tract 1618, a 50
 226 feet wide road right of way, said tract 1619, 1620,
 227 1621 and 1622 to the west right of way line of lateral
 228 "S" canal (225' wide right of way) of said "Plat of
 229 Fellsmere Farms Company's subdivision of unsurveyed
 230 township 31 south, range 36 east";

231
 232 Thence run northerly along said west right of way line

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

242
 243 Thence run easterly along said westerly projection and
 244 north boundary lines, approximately 0.83 miles, across
 245 said lateral "S" canal (225' wide right of way), tract
 246 1600 and along said north boundary lines of tract
 247 1692, 1691, 1690, 1689, 1688 and 1687 to the
 248 intersection with a line being 170 feet west of,
 249 normal to and parallel with the east boundary lines of
 250 tracts 1606, 1587, 1506, 1487, 1406, 1387, 1306, 1287,
 251 1206, 1187, 1106, 1087, 1006, 987, 906, 887, 806, 787,
 252 706, 687, 606, 587, 506, 487 and 406 of said "Plat of
 253 Fellsmere Farms Company's subdivision of unsurveyed
 254 township 31 south, range 37 east";

255
 256 Thence run northerly along said parallel line,
 257 approximately 3.13 miles, across said tracts 1606,
 258 1587, 1506, 1487, 1406, 1387, 1306, 1287, 1206, 1187,

259 1106, 1087, 1006, 987, 906, 887, 806, 787, 706, 687,
 260 606, 587, 506, 487, 406, "ditch and road 15", "ditch
 261 and road 14", north and south "ditch and road 13",
 262 Fellsmere Railroad (100' wide right of way), "ditch
 263 and road 12", "ditch and road 11", "ditch and road
 264 10", "ditch and road 9", "ditch and road 8", "ditch
 265 and road 7", "ditch and road 6", "ditch and road 5",
 266 "ditch and road 4" and "ditch and road 3" to the north
 267 right of way line of said "ditch and road 3", said
 268 north right of way line also being the south boundary
 269 line of tract 384 of said "Plat of Fellsmere Farms
 270 Company's subdivision of unsurveyed township 31 south,
 271 range 37 east";

272
 273 Thence run westerly along said south boundary line,
 274 approximately 0.06 miles to a line being 510 feet west
 275 of, normal to and parallel with the east boundary line
 276 of said tract 384;

277
 278 Thence run northerly along said parallel line,
 279 approximately 0.12 miles to the north boundary line of
 280 said tract 384;

281
 282 Thence run westerly along said north boundary line,
 283 approximately 0.03 miles to the northwest corner of
 284 said tract 384, also being the southwest corner of

285 tract 306 of said "Plat of Fellsmere Farms Company's
286 subdivision of unsurveyed township 31 south, range 37
287 east";

288
289 Thence run northerly on the west boundary line of said
290 tract 306, approximately 0.03 miles to the
291 intersection with a line being 480 feet south of,
292 normal to and parallel with the north boundary lines
293 of tracts 305, 304, 303, 302 and 301 of said "Plat of
294 Fellsmere Farms Company's subdivision of unsurveyed
295 township 31 south, range 37 east";

296
297 Thence run westerly along said parallel line,
298 approximately 0.71 miles, across said tracts 305, 304,
299 303, 302, 301, 300 and a portion of the lateral "S"
300 canal (225' wide right of way) to the west boundary
301 limits of said "Plat of Fellsmere Farms Company's
302 subdivision of unsurveyed township 31 south, range 37
303 east";

304
305 Thence continue westerly along said parallel line,
306 approximately 0.09 miles, across remaining said
307 lateral "S" canal (225' wide right of way) and to the
308 intersection with a line being 340 feet west of,
309 normal to and parallel with the east boundary line of
310 tracts 322, and 222 of the "Plat of Fellsmere Farms

311 Company's subdivision of unsurveyed township 31 south,
312 range 36 east, in St. Lucie County, State of Florida"
313 as recorded in plat book 2, page 9 of the public
314 records of St. Lucie County, now Indian River County,
315 Florida;

316
317 Thence run northerly along said parallel line,
318 approximately 0.39 miles, across said tracts 322, 222,
319 "ditch and road 2", "ditch and road 1" to the north
320 right of way line of said "ditch and road 1", said
321 right of way line also being the south boundary line
322 of tract 122 of said "Plat of Fellsmere Farms
323 Company's subdivision of unsurveyed township 31 south,
324 range 36 east";

325
326 Thence run westerly along said south boundary line of
327 tract 122, approximately 0.06 miles to the
328 intersection with a line being 680 feet west of,
329 normal to and parallel with the east boundary line of
330 said tract 122;

331
332 Thence run northerly along said parallel line,
333 approximately 0.16 miles, across said tract 122 and
334 the "main canal" right of way to the north limits of
335 said "Plat of Fellsmere Farms Company's subdivision of
336 unsurveyed township 31 south, range 36 east", said

337 limits also being the common township line of township
338 30 and 31 south and the north limits of Indian River
339 County, Florida;

340
341 Thence run easterly along said common township line
342 and north county line, approximately 5.29 miles to the
343 intersection with the southwesterly line of Fleming
344 Grant;

345
346 Thence run southeasterly along said southwesterly line
347 of Fleming Grant, approximately 1.21 miles to the
348 intersection with the east line of township 31 south,
349 range 37 east, also being the common range line of
350 range 37 and 38 east;

351
352 Thence run southerly along said east line of township
353 31 south, range 37 east and the east line of township
354 32 south, range 37 east, approximately 7.71 miles to
355 the intersection with the east boundary line of tract
356 1123 of the "Plat of Fellsmere Farms Company's
357 subdivision of unsurveyed township 32 south, range 37
358 east, in St. Lucie County, State of Florida" as
359 recorded in plat book 2, page 8 of the public records
360 of St. Lucie County, now Indian River County, Florida,
361 and a line being 200 feet south of, normal to and
362 parallel with the north boundary line of said tract

363 1123;
364
365 Thence run westerly along said parallel line
366 approximately 6.00 miles, across said tract 1123,
367 tracts 1122, 1121, 1120, a 30 feet wide road right of
368 way, tracts 1119, 1118, 1117, 1116, a 60 feet wide
369 road right of way; tract 1115, park lateral canal
370 (92.25' wide right of way), tracts 1114, 1113, 1112, a
371 30 feet wide road right of way, tracts 1111, 1110,
372 1109, 1108, lateral "U" canal (156' wide right of
373 way), tracts 1107, 1106, 1105, 1104, a 30 feet wide
374 road right of way, tracts 1103, 1102, 1101, 1100 and a
375 portion of lateral "S" canal (225' wide right of way)
376 of said "Plat of Fellsmere Farms Company's subdivision
377 of unsurveyed township 32 south, range 37 east" to the
378 west limits of said plat;
379
380 Thence continue westerly along said parallel line,
381 approximately 0.02 miles, across remaining said
382 lateral "S" canal (225' wide right of way) to the
383 intersection with the west right of way line of said
384 lateral "S" canal, also being the east line of
385 aforesaid tract 1122 of the "Plat of Fellsmere Farms
386 Company's subdivision of unsurveyed township 32 south,
387 range 36 east, in St. Lucie County, State of Florida"
388 as recorded in plat book 2, page 18 of the public

389 records of St. Lucie County, now Indian River County,
 390 Florida, and thence to the point of beginning.

391
 392 Section 3. Provisions of other laws made applicable.—The
 393 provisions of chapter 298, Florida Statutes, and all of the laws
 394 amendatory thereof, now existing or hereafter enacted, are
 395 applicable to said Fellsmere Improvement District. The Fellsmere
 396 Improvement District shall have all of the powers and
 397 authorities mentioned in or conferred by chapter 298, Florida
 398 Statutes.

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

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

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

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

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

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

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

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

428 (g) To finance, fund, plan, establish, acquire, construct
429 or reconstruct, enlarge or extend, equip, operate, and maintain
430 parking facilities within the district boundaries.

431 (h) To finance, fund, plan, establish, acquire, construct
432 or reconstruct, enlarge or extend, equip, operate, and maintain
433 additional systems and facilities for parks and facilities for
434 indoor and outdoor recreational, cultural, and educational uses.

435 (i) To acquire, construct, finance, fund, plan, establish,
436 equip, operate, and maintain water plants and systems to
437 produce, purify, and distribute water for consumption.

438 (j) To acquire, construct, finance, fund, establish, plan,
439 equip, operate, and maintain sewer systems for the collection,

440 disposal, and reuse of waste and wastewater and to prevent water
 441 pollution in the district.

442 (k) To levy non-ad valorem assessments; to prescribe, fix,
 443 establish, and collect rates, fees, rentals, or other charges;
 444 and to revise the same from time to time for the facilities and
 445 services furnished or to be furnished by the district and to
 446 recover the cost of making connection to any district facility
 447 or system. The district shall not have the authority to levy ad
 448 valorem taxes.

449 (l) To provide for the discontinuance of service and
 450 reasonable penalties, including attorney fees, against any user
 451 or property for any such rates, fees, rentals, or other charges
 452 that become delinquent and require collection. However, no
 453 charges or fees shall be established until after a public
 454 hearing of the board of supervisors of the district at which all
 455 affected persons shall be given an opportunity to be heard.

456 (m) To enter into agreements with any person, firm, or
 457 corporation for the furnishing by such person, firm, or
 458 corporation of any facilities and services of the type provided
 459 for in this act.

460 (n) To enter into impact fee credit agreements with local
 461 general purpose governments. In the event the district enters
 462 into an impact fee credit agreement with a local general purpose
 463 government where the district constructs or makes contributions
 464 for public facilities for which impact fee credits would be
 465 available, the agreement may provide that such impact fee

466 credits shall inure to the landowners within the district in
467 proportion to their relative assessments, and the district
468 shall, from time to time, execute such instruments, such as
469 assignments of impact fee credits, as may be necessary or
470 desirable to accomplish or confirm the foregoing.

471 (o) To finance, fund, plan, establish, acquire, construct
472 or reconstruct, enlarge or extend, equip, operate, and maintain
473 additional systems and facilities for conservation areas,
474 mitigation areas, and wildlife habitat, including the
475 maintenance of any plant or animal species, and any related
476 interest in real or personal property.

477 (p) To borrow money and issue negotiable or other bonds of
478 said district as provided in chapter 190, Florida Statutes, as
479 may be amended from time to time.

480 (q) To provide public safety, including, but not limited
481 to, security, guardhouses, fences and gates, electronic
482 intrusion detection systems, and patrol cars, when authorized by
483 proper governmental agencies, except that the district may not
484 exercise any police power but may contract with the appropriate
485 local general purpose government agencies for an increased level
486 of such service within the district boundaries.

487 (r) To finance, fund, plan, establish, acquire, construct
488 or reconstruct, enlarge or extend, equip, operate, and maintain
489 additional systems and facilities for school buildings and
490 related structures, which may be leased, sold, or donated to the

491 school district for use in the educational system when
492 authorized by the district school board.

493 (s) To establish and create such departments, committees,
494 boards, or other agencies, including a public relations
495 committee, as from time to time the board of supervisors may
496 deem necessary or desirable in the performance of the acts or
497 other things necessary to the exercise of the powers provided in
498 this act, and to delegate to such departments, committees,
499 boards, or other agencies such administrative duties and other
500 powers as the board of supervisors may deem necessary or
501 desirable.

502 (t) To exercise all other powers necessary, convenient, or
503 proper in connection with any of the powers or duties of the
504 Fellsmere Improvement District. The powers and duties of the
505 Fellsmere Improvement District shall be exercised by and through
506 the board of supervisors of the district, which board of
507 supervisors shall have the authority to employ engineers,
508 attorneys, agents, employees, and representatives as the board
509 of supervisors may, from time to time, determine and to fix
510 their compensation and duties. In addition thereto, said
511 district shall have all of the powers provided for in chapter
512 298, Florida Statutes, except that the board of supervisors
513 shall not be entitled to receive compensation for their service
514 pursuant to s. 298.14, Florida Statutes. All powers and
515 authority of the district shall extend and apply to the district

516 as a whole and to each unit of development as, from time to
517 time, may be designated by the board of supervisors.

518 (2) Notwithstanding any authority contained within this
519 section, the development, operation, or maintenance of any
520 district facilities or services within Indian River County or
521 the City of Fellsmere shall comply with the respective adopted
522 comprehensive plan and any adopted land development regulations
523 adopted thereunder that apply within the geographic boundaries
524 of the district.

525 Section 5. Non-ad valorem assessments.—

526 (1) NON-AD VALOREM ASSESSMENTS.—Non-ad valorem assessments
527 for the construction, operation, or maintenance of district
528 facilities, services, and operations shall be assessed, levied,
529 and collected pursuant to chapter 170, Florida Statutes, chapter
530 197, Florida Statutes, or chapter 298, Florida Statutes.

531 (2) ASSESSMENTS AND COSTS; LIEN ON ASSESSED LAND.—All
532 assessments provided for in this act, together with all
533 penalties for default in payment of the same, and all costs in
534 collecting the same, shall, from the date of assessment thereof
535 until paid, constitute a lien of equal dignity with the liens
536 for county taxes, and other taxes of equal dignity with county
537 taxes, upon all the lands against which such assessments shall
538 be levied as provided in this act.

539 (3) LEVIES OF NON-AD VALOREM ASSESSMENTS.—In levying and
540 assessing all assessments, each tract or parcel of land less
541 than 1 acre in area shall be assessed as a full acre, and each

542 tract or parcel of land more than 1 acre in area that contains a
543 fraction of an acre shall be assessed at the nearest whole
544 number of acres, a fraction of one-half or more to be assessed
545 as a full acre.

546 Section 6. Unpaid assessments; penalty.—All assessments
547 provided for in this act shall be and become delinquent and bear
548 penalties on the amount of said assessments in the same manner
549 as county taxes.

550 Section 7. Enforcement of assessments.—The collection and
551 enforcement of all assessments levied by said district shall be
552 at the same time and in like manner as county taxes, and the
553 provisions of general law relating to the sale of lands for
554 unpaid and delinquent county taxes; the issuance, sale, and
555 delivery of tax certificates for such unpaid and delinquent
556 county taxes; the redemption thereof; the issuance to
557 individuals of tax deeds based thereon; and all other procedures
558 in connection therewith shall be applicable to said district and
559 the delinquent and unpaid assessments of said district to the
560 same extent as if said statutory provisions were expressly set
561 forth in this act. All assessments shall be subject to the same
562 discounts as county taxes.

563 Section 4. Ratification of prior acts and circuit court
564 decrees; inconsistent acts and court decrees inapplicable.—All
565 of the acts and circuit court decrees taken by, for, and on
566 behalf of the district since its creation, and all of the acts
567 and proceedings of the board of supervisors, commissioners, and

568 all other officers and agents of the district acting for and on
569 behalf of the district, and any and all tax levies and
570 assessments that have been made by the governing board for and
571 on behalf of the district, are each and every one of them, and
572 each and every part thereof, hereby ratified, validated, and
573 confirmed; however, in the event of a conflict of the provisions
574 of this act with the provisions of any other act or circuit
575 court decree, the provisions of this act shall control to the
576 extent of such conflict.

577 Section 5. Chapters 8877 (1921), 11555 (1925), 12023
578 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and
579 69-1161, Laws of Florida, are repealed.

580 Section 6. In case any one or more of the sections or
581 provisions of this act or the application of such sections or
582 provisions to any situations, circumstances, or person shall for
583 any reason be held to be unconstitutional, such
584 unconstitutionality shall not affect any other sections or
585 provisions of this act or the application of such sections or
586 provisions to any other situation, circumstance, or person; and
587 it is intended that this law shall be construed and applied as
588 if such section or provision had not been included herein for
589 any unconstitutional application.

590 Section 7. The Fellsmere Improvement District shall
591 conduct a referendum of landowners voting on a one-acre/one-vote
592 basis on the question of granting the district the additional
593 powers provided in section 4 of section 3.

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594 Section 8. This act shall take effect only upon its
595 approval by a majority vote of those landowners voting in a
596 referendum conducted in accordance with the provisions of law
597 relating to elections currently in force, except that this
598 section and section 7 shall take effect upon becoming a law.