

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4093 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Intergovernmental Affairs
2 Subcommittee

3 Representative Brackett offered the following:

5 **Amendment**

6 Remove lines 646-839 and insert:

7 ~~SAID DESCRIBED DISTRICT LIMITS CONTAINING 34,441 ACRES MORE~~
8 ~~OR LESS.~~

9
10 Section 2. Minimum charter requirements.—In accordance
11 with s. 189.031(3), Florida Statutes, the following are the
12 minimum requirements for the charter of the Fellsmere Water
13 Control District:

14 (1) The district is organized and exists for all purposes
15 set forth in this act and chapter 298, Florida Statutes, as may
16 be amended from time to time.

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17 (2) The district's charter may be amended only by special
18 act of the Legislature.

19 (3) The governing body of the Fellsmere Water Control
20 District shall be the members of the Board of County
21 Commissioners of Indian River County. As soon as practicable
22 after the County Commissioners of Indian River County have
23 assumed office, the commissioners shall meet to organize as the
24 governing board of the Fellsmere Water Control District. The
25 Clerk of the Circuit Court of Indian River County shall act as
26 secretary and treasurer without right to vote as a member of the
27 board or hold other office thereon without additional
28 compensation for his or her services, exercising all powers and
29 performing all duties as provided by this act. At this meeting,
30 the board shall elect a chair from among their members and
31 consider establishing a citizens advisory committee. In
32 accordance with chapter 189, Florida Statutes, this act, and ss.
33 298.11 and 298.12, Florida Statutes, as may be amended from time
34 to time, the governing board of the district shall be designated
35 the "Board of Supervisors of the Fellsmere Water Control
36 District" and shall be composed of three persons, who shall be
37 qualified to hold such office if they are landowners within the
38 district, residents of the state, and citizens of the United
39 States, elected on a 1 acre, one vote basis by the landowners in
40 the district; however, landowners owning less than 1 acre in the
41 aggregate shall be entitled to one vote. Landowners with more

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than 1 acre shall be entitled to one additional vote for any fraction of an acre greater than 1/2 acre owned when a landowner's acreage has been aggregated for purposes of voting. The membership and organization of the governing board shall be as set forth in this charter and chapter 298, Florida Statutes, as may be amended from time to time, provided this charter controls with respect to any inconsistency.

(4) The compensation of the governing board members shall be governed by this act and chapter 298, Florida Statutes, as may be amended from time to time.

(5) The administrative duties of the governing board shall be as set forth in this act and chapters 189 and 298, Florida Statutes, as may be amended from time to time.

(6) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for district officers and employees shall be as set forth in chapters 112, 189, 190, 286, and 298, Florida Statutes, and all other applicable general laws of the state, as may be amended from time to time.

(7) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as may be amended from time to time.

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66 ~~(8) The procedures for conducting district elections or~~
67 ~~referenda and for qualification of electors shall be pursuant to~~
68 ~~chapters 189 and 298, Florida Statutes, as may be amended from~~
69 ~~time to time; however, a quorum for purposes of holding the~~
70 ~~annual meeting or any special meetings shall consist of those~~
71 ~~landowners present in person or represented by proxy at said~~
72 ~~meeting.~~

73 ~~(4)(9) The district may be financed by any method~~
74 established in this act, chapter 298, Florida Statutes, and
75 other applicable general laws of the state, as may be amended
76 from time to time.

77 ~~(5)(10) The methods for collecting non-ad valorem~~
78 assessments, fees, or service charges shall be as set forth in
79 chapters 197 and 298, Florida Statutes, and other applicable
80 general laws of the state, as may be amended from time to time.

81 ~~(6)(11) The district's planning requirements shall be as~~
82 set forth in chapters 189 and 298, Florida Statutes, as may be
83 amended from time to time.

84 ~~(7)(12) The district's geographic boundary shall be as set~~
85 forth in this act.

86 Section 3. Maintenance and use of the Lateral "U" Canal,
87 Park Lateral Canal, and Main Canal.

88 ~~(1) Lateral "U" Canal.—As described in section 1, the~~
89 ~~western boundary of the Fellsmere Water Control District is the~~
90 ~~centerline of the Lateral "U" Canal. The Fellsmere Water Control~~

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91 District shall be responsible for the maintenance of the eastern
92 bank of the Lateral "U" Canal for the portion within the
93 district boundary and shall retain the right to utilize the full
94 width of said canal for all purposes permitted under applicable
95 water control laws and regulations. The district shall share
96 responsibility for the maintenance and aquatic vegetation of the
97 canal with the landowners bordering the west of the Lateral "U"
98 Canal until such time as a new water control district,
99 Headwaters Water Control District, is established west of and
100 adjacent to the Fellsmere Water Control District, at which time
101 the maintenance and aquatic vegetation management will transfer
102 to the Headwaters Water Control District as described below.

103
104 When the Headwaters Water Control District is duly established
105 to the west of and adjacent to the Fellsmere Water Control
106 District, such newly established Headwaters Water Control
107 District shall assume full responsibility for all maintenance,
108 including dredging and aquatic vegetation management, within the
109 entire Lateral "U" Canal, not including the eastern bank. The
110 Fellsmere Water Control District shall bear no further
111 responsibility or liability for such maintenance activities. The
112 canal shall be maintained to the designed level of service, as
113 described in the 2017 Fellsmere Water Control District Water
114 Control Plan, as may be amended from time to time. The newly
115 established Headwaters Water Control District shall have the

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right to utilize the full width of the Lateral "U" Canal for all purposes permitted under applicable water control laws and regulations.

(2) Main Canal.—Upon the establishment of the Headwaters Water Control District to the west of and adjacent to the Fellsmere Water Control District, the Headwaters Water Control District shall assume full responsibility for all maintenance, including dredging and aquatic vegetation management, of the Main Canal, from the centerline of the Lateral "U" Canal eastward for a distance of one mile. The Fellsmere Water Control District shall bear no further responsibility or liability for such maintenance activities. The canal shall be maintained to the designed level of service as described in the 2017 Fellsmere Water Control District Water Control Plan, as may be amended from time to time.

(3) Park Lateral Canal.—The Fellsmere Water Control District shall retain full responsibility for all maintenance, including dredging and aquatic vegetation management of the Park Lateral Canal located within the Fellsmere Water Control District boundary. The Headwaters Water Control District shall bear no further responsibility or liability for such maintenance activities. The Headwaters Water Control District shall retain the historic drainage rights through the Park Lateral Canal to the Main Canal. The districts shall collaborate on a water management plan to define usage of the canal during emergency

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141 situations and other situations consistent with the original,
142 permitted design of the system. The plan shall be adopted no
143 later than October 1, 2027. If either district opposes any part
144 of a proposed Water Control Plan amendment by the other
145 district, the disputed language will be submitted to the
146 Division of Administrative Hearings Alternative Dispute
147 Resolution program. Should the districts fail to reach agreement
148 through this process, either district may request a formal
149 hearing before the Division of Administrative Hearings. The
150 districts will share equally all costs charged by the Division
151 of Administrative Hearings, while each district will pay its own
152 legal fees and expenses regardless of the outcome.

153
154 Each district shall have the right to access, travel over, and
155 cross the other district's property at the point of intersection
156 at the Lateral "U" Canal and the Park Lateral Canal as may be
157 reasonably necessary to fulfill the maintenance and management
158 duties outlined in this section, as well as any emergency
159 repairs. Additionally, the Headwaters Water Control District
160 shall have the right to utilize the full length of the Main
161 Canal for all purposes permitted under applicable water control
162 laws and regulations.

163
164 The Fellsmere Water Control District shall retain full
165 responsibility for all maintenance, including dredging and

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166 aquatic vegetation management, of the remaining portion of the
167 Main Canal. The Headwaters Water Control District shall bear no
168 further responsibility or liability for such maintenance
169 activities. The canal shall be maintained to the designed level
170 of service as described in the 2017 Fellsmere Water Control
171 District Water Control Plan, as may be amended from time to
172 time.

173

174 Future amendments to the 2017 Fellsmere Water Control Plan
175 relating to the Lateral "U" Canal, Main Canal, or Park Lateral
176 Canal, shall be made in collaboration with the Headwaters Water
177 Control District.

178

179 Unless otherwise noted, all facilities lying within each
180 district boundary are the responsibility of that particular
181 district. Each district shall be responsible for any
182 obstruction, interference, or other activity by each district or
183 its landowners that adversely impacts the flow and drainage of
184 water in the Lateral Canals or the Main Canal. To the extent
185 either district fails to maintain the Lateral Canals or the Main
186 Canal as set forth herein, the other district shall have the
187 right but not the obligation to perform such necessary
188 corrective action and seek reimbursement of costs, including
189 attorneys fees, from the non-complying district. In the event
190 that one district intends to undertake repairs or corrective

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191 actions due to another district's non-compliance, the initiating
192 district shall provide the non-complying district with no less
193 than 30 days' written notice of its intent to perform such
194 corrective action. The non-complying district shall have the
195 opportunity to cure the non-compliance within this notice
196 period. If the non-complying district commences and diligently
197 pursues the necessary corrective actions within the 30-day
198 period, it shall not be held liable under this section. The non-
199 complying district shall be granted necessary and reasonable
200 extensions of time to take corrective action except in an
201 emergency situation requiring immediate action. In the event of
202 an emergency, the other district shall give the non-complying
203 district notice via telephone and email before commencing
204 corrective action.

205 Section 4.3. Provisions of chapter 298, Florida Statutes,
206 made applicable.—The Fellsmere Water Control District is a
207 dependent ~~an independent~~ water control district and a public
208 corporation of this state. The provisions of state law
209 applicable to water control districts or subdistricts which are
210 embodied in chapter 298, Florida Statutes, as may be amended
211 from time to time, so far as not inconsistent with this act, are
212 declared to be applicable to the Fellsmere Water Control
213 District. The Fellsmere Water Control District shall have all of
214 the powers and authority conferred in this act and chapter 298,
215 Florida Statutes, as may be amended from time to time.

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216 Section 5.4. Severability.—If any provision of this act or
217 the application thereof to any person or circumstance is held
218 invalid, the invalidity shall not affect other provisions or
219 applications of the act which can be given effect without the
220 invalid provision or application, and to this end the provisions
221 of this act are declared severable.

222 Section 6.5. Construction.—This act shall be construed as
223 a remedial act and shall be liberally construed to promote the
224 purpose for which it is intended.

225 **Section 2.** This act shall take effect October 1, 2026
226 provided HB 4095 or similar legislation is adopted in the same
227 legislative session or an extension thereof and becomes a law.