

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WITHDRAWN _____ (Y/N)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

Committee/Subcommittee hearing bill: Intergovernmental Affairs
Subcommittee

Representative Brackett offered the following:

Amendment

Remove lines 646-839 and insert:

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

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

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

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Published On: 2/11/2026 4:10:14 PM

Amendment No.

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~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4093 (2026)

Amendment No.

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

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

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

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

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

Amendment No.

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

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

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

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

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

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

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

Amendment No.

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

When the Headwaters Water Control District is duly established to the west of and adjacent to the Fellsmere Water Control District, such newly established Headwaters Water Control District shall assume full responsibility for all maintenance, including dredging and aquatic vegetation management, within the entire Lateral "U" Canal, not including the eastern bank. 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. The newly established Headwaters Water Control District shall have the

Amendment No.

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

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

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

Amendment No.

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

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

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

Amendment No.

aquatic vegetation management, of the remaining portion of the Main Canal. The Headwaters 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.

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

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

Amendment No.

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

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

Amendment No.

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.