

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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**BILL #:** [CS/HB 4093](#)

**TITLE:** Fellsmere Water Control District, Indian River County

**SPONSOR(S):** Brackett

**COMPANION BILL:** None

**LINKED BILLS:** [CS/HB 4095](#) Brackett

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 109 Y's 0 N's

**GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

The bill revises the charter of the Fellsmere Water Control District (District), an independent special district in Indian River County, to reduce the size of the District from 34,441 acres to 14,090 acres and makes the remaining District a dependent district of the county.

### Fiscal or Economic Impact:

The Economic Impact Statement submitted for the bill states that District revenue will decrease by \$412,548 due to the reduction in the acreage served by the District.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill revises the charter of the [Fellsmere Water Control District](#) (District), an independent [special district](#) providing [water control](#) services in Indian River County (County), to reduce the size of the District from 34,441 acres to 14,090 acres. The bill makes the remaining District a dependent special district of the County. The bill removes the District's current board structure and provides that the Board of County Commissioners will be the governing body of the District. (Section [1](#))

The bill provides specific canal maintenance and management duties between the District and the proposed Headwaters Water Control District, which is adjacent to and west of the District. The bill requires the District to collaborate with the Headwaters Water Control District to create a water management plan by October 1, 2027, to define canal usage in emergency situations. The bill requires the District to maintain its canals to the level of service contained in the District's 2017 water control plan and to collaborate with the Headwaters Water Control District on any future amendments to the 2017 plan. The bill also provides a dispute resolution process and corrective action process with the Headwaters Water Control District. (Section [1](#))

The bill is linked to the passage of HB 4095, which creates the Headwaters Water Control District as an independent special district within the territory removed from the District's boundaries by this bill. Subject to the Governor's veto powers, the effective date of this bill is October 1, 2026, if HB 4095 or similar legislation becomes law. (Section [2](#))

### **FISCAL OR ECONOMIC IMPACT:**

#### LOCAL GOVERNMENT:

The Economic Impact Statement submitted for the bill states the District revenue will decrease by \$412,548 due to the reduction in the acreage served by the District.

**STORAGE NAME:** h4093z.IAS

**DATE:** 3/26/2026

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Special Districts](#)

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria, or is located in more than one county unless the district lies entirely within the boundaries of a single municipality.<sup>6</sup>

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).<sup>7</sup> The USDAA centralizes provisions governing special districts and applies to the formation,<sup>8</sup> governance,<sup>9</sup> administration,<sup>10</sup> supervision,<sup>11</sup> merger,<sup>12</sup> and dissolution<sup>13</sup> of special districts, unless otherwise expressly provided in law.<sup>14</sup> The USDAA requires notice and publication of tentative budgets and final budgets.<sup>15</sup> Certain budget amendments are allowed up to 60 days following the end of the fiscal year.<sup>16</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for

<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547-548 (Fla. 2019).

<sup>2</sup> See ss. [189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally [s. 189.012\(6\)](#), F.S.

<sup>3</sup> Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 56 (last visited Jan. 27, 2026).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. [189.02\(4\)\(g\)](#) and [189.031\(3\)\(k\)](#), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., [ch. 2023-335, s. 1\(6\), Laws of Fla.](#) (East River Ranch Stewardship District) and [ch. 2004-397, s. 3\(27\), Laws of Fla.](#) (South Broward Hospital District). See also, e.g., ss. 190.021 (community development districts), [191.009](#) (independent special fire control districts), [197.3631](#) (non-ad valorem assessments), [298.305](#) (water control districts), and [388.221](#), F.S. (mosquito control districts).

<sup>5</sup> [S. 189.012\(2\)](#), F.S.

<sup>6</sup> [S. 189.012\(3\)](#), F.S.

<sup>7</sup> [S. 189.01](#), F.S., but see ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

<sup>8</sup> See ss. [189.02](#) (creation of dependent special districts) and [189.031](#), F.S. (creation of independent special districts).

<sup>9</sup> See [s. 189.0311](#), F.S. (charter requirements for independent special districts).

<sup>10</sup> See [s. 189.019](#), F.S. (requiring codification of charters incorporating all special acts for the district).

<sup>11</sup> See [s. 189.0651](#), F.S. (oversight for special districts created by special act of the Legislature).

<sup>12</sup> Ss. [189.071](#) (merger of dependent special districts) and [189.074](#), F.S. (merger of independent special districts).

<sup>13</sup> Ss. [189.071](#) (dissolution of dependent special districts) and [189.072](#), F.S. (dissolution of independent special districts).

<sup>14</sup> See, e.g., [s. 190.004](#), F.S. (ch. 190, F.S., as “sole authorization” for creation of community development districts).

<sup>15</sup> [S. 189.016\(4\)](#), F.S.

<sup>16</sup> [S. 189.016\(6\)](#), F.S.

funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>17</sup>

### [Water Control Districts](#)

Chapter 298, F.S., governs the creation and operation of water control districts (WCD). A WCD has authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>18</sup> A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment.<sup>19</sup>

Most WCDs are governed by a three-member board composed of landowners within the district who are also residents of the county where the district is located.<sup>20</sup> A landowner meeting to elect the initial board must be noticed within 20 days after the effective date of the special act creating the district. The notice must be published at least once a week for two consecutive weeks in a newspaper of general circulation in each county in which the district is located and the last publication must be no less than 10 and no more than 15 days before the date of the meeting.

Landowners vote for the governing board of the district on a one-acre/one-vote basis, with the three people receiving the highest number of votes elected in the initial election.<sup>21</sup> Landowners may vote in person or by a signed proxy that complies with the requirements of [s. 607.0722, F.S.](#)<sup>22</sup> The landowners at the initial election determine the length of the term of office for the initial board, selecting one member to serve a one-, two-, or three-year term, respectively. All members subsequently elected serve a three-year term, with one member of the board elected by the landowners each year.<sup>23</sup>

WCDs are generally financed by special assessments.<sup>24</sup> The assessment represents the parcel's pro-rata share of the cost of executing the water control plan, as well as the costs of administering and maintaining the district.<sup>25</sup> WCDs are also authorized to levy a "maintenance tax" which is assessed based on the net benefits provided to the property by the improvements constructed by the district.<sup>26</sup>

A WCD may not be given additional authority, powers, rights, or privileges by special act or a general law of local application unless such act is approved by a three-fifths vote of the membership of the Legislature.<sup>27</sup>

### [Fellsmere Water Control District](#)

The Fellsmere Water Control District (District) was established by a circuit court decree in 1919 to reclaim the lands within its boundaries and to make those lands available, acceptable, and habitable for settlement and

<sup>17</sup> See, e.g., [ch. 2006-354, Laws of Fla.](#) (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>18</sup> [S. 298.22, F.S.](#)

<sup>19</sup> [S. 298.22\(3\), F.S.](#)

<sup>20</sup> [S. 298.11\(1\), F.S.](#)

<sup>21</sup> [S. 298.11\(2\), F.S.](#) Landowners who own less than one acre receive one vote, while landowners who own more than one acre are entitled to additional votes for any fraction of an acre greater than one-half owned in addition to votes equal to the number of whole acres owned.

<sup>22</sup> Section [607.0722, F.S.](#), pertains to proxy voting.

<sup>23</sup> [S. 298.12\(1\), F.S.](#)

<sup>24</sup> [Ss. 298.36\(1\)](#) and [298.54, F.S.](#)

<sup>25</sup> See, e.g., Pal Mar Water Control District, [WCD FAQ's](#) (last visited Jan. 27, 2026).

<sup>26</sup> [S. 298.54, F.S.](#)

<sup>27</sup> [S. 298.76\(1\), F.S.](#) and [Art. III, s. 11\(a\)\(21\), Fla. Const.](#) (providing that no special law or general law of local application pertaining to any subject when prohibited by general law passed by a three-fifths vote of the membership of each house unless such law is amended or repealed by like vote).

agriculture.<sup>28</sup> The District's charter was recodified in 2017 due to a 99-year term limitation of the District originally provided by the court decree.<sup>29</sup> The District is organized under ch. 298, Florida Statutes, and the District charter may be amended only by a special act of the Legislature.<sup>30</sup> All provisions of state law applicable to WCDs apply to the District.<sup>31</sup>

The District is governed by the three-member Board of Supervisors (Board) who are landowners within the District, residents of the state, and citizens of the United States.<sup>32</sup> Board members serve three-year terms and are elected on a one-acre, one-vote basis by the landowners in the District.<sup>33</sup>

### Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>34</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>35</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>36</sup> The bill was noticed in [Treasure Coast Newspapers on December 9, 2025](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>37</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

<sup>28</sup> [In re: Fellsmere Drainage District](#), Decree of Circuit Court of the 15th Judicial District in and for St. Lucie County, FL (no docket no., April 8, 1919) (last visited Jan. 27, 2026).

<sup>29</sup> [Ch. 2017-203, Laws of Fla.](#)

<sup>30</sup> [Ch. 2017-203, s. 3\(2\)\(2\), Laws of Fla.](#)

<sup>31</sup> [Ch. 2017-203, s. 3\(3\), Laws of Fla.](#)

<sup>32</sup> [Ch. 2017-203, s. 3\(2\)\(3\), Laws of Fla.](#)

<sup>33</sup> [Ch. 2017-203, s. 3\(2\)\(3\), Laws of Fla.](#) See also Fellsmere Water Control District, [Understanding Water Control Districts](#) (last visited Feb. 10, 2026).

<sup>34</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>35</sup> [S. 50.0311\(2\), F.S.](#)

<sup>36</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>37</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Jan. 27, 2026).