

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 4095 (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WITHDRAWN (Y/N)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 (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Status and boundaries of Headwaters Water**

8 **Control District.— The Headwaters Water Control District is**
9 **hereby declared to be an independent water control district and**
10 **a public corporation of the state pursuant to chapters 189 and**
11 **298, Florida Statutes, and the lands lying within the area**
12 **described as follows in Indian River County shall hereby**
13 **constitute the Headwaters Water Control District:**

15 **ALL THAT PART OF THE LANDS SITUATED AND BEING IN PART**

16 **OF THE UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST;**

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17 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST;
18 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST; AND
19 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST; INDIAN
20 RIVER COUNTY, FLORIDA, EMBRACED WITHIN THE FOLLOWING
21 BOUNDARY LINES:
22 BEGIN AT THE NORTHEAST CORNER OF TRACT 123 OF THE
23 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
24 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST, IN ST.
25 LUCIE COUNTY, STATE OF FLORIDA" AS RECORDED IN PLAT
26 BOOK 2, PAGE 8 OF THE PUBLIC RECORDS OF ST. LUCIE
27 COUNTY, NOW INDIAN RIVER COUNTY, FLORIDA; SAID CORNER
28 ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF DITCH AND
29 ROAD 24 AS SHOWN ON SAID "PLAT OF FELLSMERE FARMS
30 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,
31 RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"
32 AND ON THE "PLAT OF FELLSMERE FARMS COMPANY'S
33 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE
34 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA" AS
35 RECORDED IN PLAT BOOK 2, PAGES 1 AND 2 OF THE PUBLIC
36 RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,
37 FLORIDA;
38 THENCE RUN SOUTHERLY ALONG SAID EAST LINE OF
39 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST,
40 APPROXIMATELY 2.56 MILES TO THE INTERSECTION WITH A
41 LINE BEING 200 FEET SOUTH OF, NORMAL TO AND PARALLEL

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42 WITH THE NORTH LINE OF TRACT 1123 OF SAID "PLAT OF
43 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED
44 TOWNSHIP 32 SOUTH, RANGE 37 EAST, IN ST. LUCIE COUNTY,
45 STATE OF FLORIDA" AS RECORDED IN PLAT BOOK 2, PAGE 8
46 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, NOW INDIAN
47 RIVER COUNTY, FLORIDA;
48 THENCE RUN WESTERLY ALONG SAID 200 FOOT PARALLEL LINE
49 APPROXIMATELY 0.26 MILES, ACROSS SAID TRACT 1123, TO
50 THE EAST LINE OF TRACT 1122 OF SAID "PLAT OF FELLSMERE
51 FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32
52 SOUTH, RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF
53 FLORIDA";
54 THENCE RUN SOUTHERLY ALONG SAID EAST LINE OF SAID
55 TRACT 1122 APPROXIMATELY 0.20 MILES TO THE SOUTH LINE
56 OF SAID TRACT 1122 OF "PLAT OF FELLSMERE FARMS
57 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,
58 RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";
59 THENCE RUN WESTERLY APPROXIMATELY 2.06 MILES, ALONG
60 THE SOUTH LINES OF TRACTS 1122, 1121, 1120, ACROSS A
61 30 FEET WIDE ROAD RIGHT OF WAY, AND ALONG THE SOUTH
62 LINES OF TRACTS 1119, 1118, 1117, 1116, AND ACROSS A
63 60 FEET WIDE ROAD RIGHT OF WAY, AND ALONG THE SOUTH
64 LINE OF TRACT 1115 OF SAID "PLAT OF FELLSMERE FARMS
65 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,

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66 RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"
67 TO THE WEST LINE OF SAID TRACT 1115;
68 THENCE RUN NORTHERLY, ALONG SAID WEST LINE OF TRACT
69 1115, APPROXIMATELY 0.20 MILES TO THE INTERSECTION
70 WITH A LINE BEING 200 FEET SOUTH OF, NORMAL TO AND
71 PARALLEL WITH THE NORTH LINES OF TRACTS 1114, 1113,
72 1112, 1111, 1110, 1109, 1108, 1107, 1106, 1105, 1104,
73 1103, 1102, 1101, 1100 OF SAID "PLAT OF FELLSMERE
74 F FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32
75 SOUTH, RANGE 37 EAST";
76 THENCE RUN WESTERLY, ALONG SAID 200 FOOT PARALLEL
77 LINE, APPROXIMATELY 3.68 MILES, ACROSS PARK LATERAL
78 CANAL (92.25 FOOT WIDE RIGHT OF WAY), TRACTS 1114,
79 1113, 1112, A 30 FEET WIDE ROAD RIGHT OF WAY, TRACTS
80 1111, 1110, 1109, 1108, LATERAL "U" CANAL (156 FOOT
81 WIDE RIGHT OF WAY), TRACTS 1107, 1106, 1105, 1104, A
82 30 FEET WIDE ROAD RIGHT OF WAY, TRACTS 1103, 1102,
83 1101, 1100 AND A PORTION OF LATERAL "S" CANAL (225
84 FOOT WIDE RIGHT OF WAY) OF SAID "PLAT OF FELLSMERE
85 F FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32
86 SOUTH, RANGE 37 EAST", TO THE WESTERLY LIMITS OF SAID
87 PLAT;
88 THENCE CONTINUE WESTERLY ALONG A LINE BEING 200 FEET
89 SOUTH OF, NORMAL TO AND PARALLEL WITH THE NORTH LINE
90 OF TRACT 1122 OF THE "PLAT OF FELLSMERE FARMS

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91 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,
92 RANGE 36 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"
93 AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC
94 RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,
95 FLORIDA, APPROXIMATELY 0.06 MILES, ACROSS REMAINING
96 SAID LATERAL "S" CANAL (225 FOOT WIDE RIGHT OF WAY)
97 AND ACROSS SAID TRACT 1122, TO THE INTERSECTION WITH A
98 LINE BEING 210 FEET WEST OF, NORMAL TO, AND PARALLEL
99 WITH THE EAST LINE OF SAID TRACT 1122, AND TRACTS
100 1022, AND 922 OF SAID "PLAT OF FELLSMERE FARMS
101 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,
102 RANGE 36 EAST";
103 THENCE RUN NORTHERLY ALONG SAID 210 FOOT PARALLEL
104 LINE, APPROXIMATELY 0.55 MILES, ACROSS TRACT 1122,
105 "DITCH AND ROAD 34", TRACT 1022, "DITCH AND ROAD 33",
106 TRACT 922, AND "DITCH AND ROAD 32" OF SAID "PLAT OF
107 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED
108 TOWNSHIP 32 SOUTH, RANGE 36 EAST" TO THE NORTH RIGHT
109 OF WAY LINE OF SAID "DITCH AND ROAD 32";
110 THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE
111 OF SAID "DITCH AND ROAD 32", APPROXIMATELY 0.04 MILES,
112 TO THE INTERSECTION WITH A LINE BEING 430 FEET WEST
113 OF, NORMAL TO, AND PARALLEL WITH THE EAST LINE OF
114 TRACTS 822, AND 722 OF SAID "PLAT OF FELLSMERE FARMS

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115 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,
116 RANGE 36 EAST";
117 THENCE RUN NORTHERLY ALONG SAID 430 FOOT PARALLEL
118 LINE, APPROXIMATELY 0.50 MILES, ACROSS SAID TRACT 822,
119 "DITCH AND ROAD 31", SAID TRACT 722, AND "DITCH AND
120 ROAD 30" OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
121 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
122 EAST" TO THE NORTH RIGHT OF WAY LINE OF SAID "DITCH
123 AND ROAD 30";
124 THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE
125 OF SAID "DITCH AND ROAD 30", APPROXIMATELY 0.12 MILES,
126 TO THE INTERSECTION WITH A LINE BEING 1040 FEET WEST
127 OF, NORMAL TO, AND PARALLEL WITH THE EAST LINE OF
128 TRACT 622 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
129 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
130 EAST";
131 THENCE RUN NORTHERLY ALONG SAID 1040 FOOT PARALLEL
132 LINE, APPROXIMATELY 0.21 MILES, ACROSS SAID TRACT 622
133 TO THE INTERSECTION WITH A LINE BEING 150 FEET SOUTH
134 OF, NORMAL TO, AND PARALLEL WITH THE NORTH LINE OF
135 SAID TRACT 622 AND THE NORTH LINE OF TRACTS 621 AND
136 620 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
137 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
138 EAST";

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139 THENCE RUN WESTERLY ALONG SAID 150 FOOT PARALLEL LINE,
140 APPROXIMATELY 0.44 MILES, ACROSS SAID TRACTS 622, 621
141 AND 620 TO THE INTERSECTION WITH A LINE BEING 640 FEET
142 WEST OF, NORMAL TO, AND PARALLEL WITH THE EAST LINE OF
143 SAID TRACT 620 AND THE EAST LINE OF TRACT 520 OF SAID
144 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
145 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST";
146 THENCE RUN NORTHERLY ALONG SAID 640 FOOT PARALLEL
147 LINE, APPROXIMATELY 0.25 MILES, ACROSS SAID TRACT 620,
148 "DITCH AND ROAD 29", AND TRACT 520 OF SAID "PLAT OF
149 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED
150 TOWNSHIP 32 SOUTH, RANGE 36 EAST" TO THE INTERSECTION
151 WITH A LINE BEING 135 FEET SOUTH OF, NORMAL TO, AND
152 PARALLEL WITH THE NORTH LINE OF SAID TRACT 520 AND
153 TRACT 519 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
154 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
155 EAST";
156 THENCE RUN WESTERLY ALONG SAID 135 FOOT PARALLEL LINE,
157 APPROXIMATELY 0.40 MILES, ACROSS SAID TRACT 520 AND
158 TRACT 519 AND ALSO ACROSS A 50 FEET WIDE ROAD RIGHT OF
159 WAY OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
160 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
161 EAST" TO THE WEST LINE OF SAID 50 FEET WIDE ROAD RIGHT
162 OF WAY;

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163 THENCE RUN NORTHERLY ALONG SAID WEST LINE OF A 50 FEET
164 WIDE ROAD RIGHT OF WAY, APPROXIMATELY 0.04 MILES TO
165 THE NORTH LINE OF "DITCH AND ROAD 28" OF SAID "PLAT OF
166 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED
167 TOWNSHIP 32 SOUTH, RANGE 36 EAST";
168 THENCE RUN WESTERLY ALONG SAID NORTH LINE OF "DITCH
169 AND ROAD 28", APPROXIMATELY 0.12 MILES, TO THE
170 INTERSECTION WITH A LINE BEING 635 FEET WEST OF,
171 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF TRACTS
172 418 AND 318 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
173 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
174 EAST";
175 THENCE RUN NORTHERLY ALONG SAID 635 FOOT PARALLEL
176 LINE, APPROXIMATELY 0.49 MILES, ACROSS SAID TRACT 418,
177 AND ALSO ACROSS "DITCH AND ROAD 27" AND TRACT 318 OF
178 SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
179 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST" TO THE
180 SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD 26" OF SAID
181 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
182 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST";
183 THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF "DITCH
184 AND ROAD 26", APPROXIMATELY 0.22 MILES TO THE
185 INTERSECTION WITH A LINE BEING 435 FEET WEST OF,
186 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF TRACT
187 217 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S

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188 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
189 EAST";
190 THENCE RUN NORTHERLY ALONG SAID 435 FOOT PARALLEL
191 LINE, APPROXIMATELY 0.25 MILES, ACROSS SAID "DITCH AND
192 ROAD 26" AND TRACT 217 TO THE SOUTH RIGHT OF WAY LINE
193 OF "DITCH AND ROAD 25" OF SAID "PLAT OF FELLSMERE
194 F FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32
195 SOUTH, RANGE 36 EAST";
196 THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF "DITCH
197 AND ROAD 25", APPROXIMATELY 0.05 MILES TO THE
198 INTERSECTION WITH A LINE BEING 695 FEET WEST OF,
199 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF TRACT
200 117 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
201 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36
202 EAST";
203 THENCE RUN NORTHERLY ALONG SAID 695 FOOT PARALLEL
204 LINE, APPROXIMATELY 0.26 MILES, ACROSS SAID TRACT 117
205 AND ALSO ACROSS THE SOUTH ONE-HALF OF THE RIGHT OF WAY
206 OF "DITCH AND ROAD 24" (60 FOOT WIDE RIGHT OF WAY) TO
207 THE NORTHERLY LIMITS OF THE "PLAT OF FELLSMERE FARMS
208 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,
209 RANGE 36 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"
210 AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC
211 RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,
212 FLORIDA, SAID NORTHERLY LIMITS ALSO BEING THE

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213 SOUTHERLY LIMITS OF THE "PLAT OF FELLSMERE FARMS
214 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 31 SOUTH,
215 RANGE 36 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"
216 AS RECORDED IN PLAT BOOK 2, PAGE 9 OF THE PUBLIC
217 RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,
218 FLORIDA;
219 THENCE CONTINUE NORTHERLY ALONG SAID 695 FOOT PARALLEL
220 LINE; SAID 695 FOOT PARALLEL LINE ALSO BEING 695 FEET
221 WEST OF, NORMAL TO, AND PARALLEL WITH THE EAST LINES
222 OF TRACTS 2417, 2317, 2217, 2117, AND 2017 OF SAID
223 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
224 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST.
225 LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 1.16
226 MILES, ACROSS THE NORTH ONE-HALF RIGHT OF WAY OF
227 "DITCH AND ROAD 24" (60 FOOT WIDE RIGHT OF WAY), TRACT
228 2417, "DITCH AND ROAD 23", TRACT 2317, "DITCH AND ROAD
229 22", TRACT 2217, "DITCH AND ROAD 21", TRACT 2117,
230 "DITCH AND ROAD 20", AND TRACT 2017 OF SAID "PLAT OF
231 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED
232 TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST. LUCIE COUNTY,
233 STATE OF FLORIDA" TO THE INTERSECTION WITH A LINE
234 BEING 1,000 FEET NORTH OF, NORMAL TO, AND PARALLEL
235 WITH THE SOUTH LINE OF SAID TRACT 2017 AND TRACT 2018
236 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION
237 OF UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST";

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238 THENCE RUN EASTERLY ALONG SAID 1,000 FOOT PARALLEL
239 LINE, APPROXIMATELY 0.29 MILES, ACROSS SAID TRACTS
240 2017 AND 2018 TO THE INTERSECTION WITH A LINE BEING
241 530 FEET WEST OF, NORMAL TO, AND PARALLEL WITH THE
242 EAST LINE OF SAID TRACT 2018;
243 THENCE RUN NORTHERLY ALONG SAID 530 FOOT PARALLEL
244 LINE, APPROXIMATELY 0.05 MILES, ACROSS SAID TRACT 2018
245 TO THE SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD 19"
246 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION
247 OF UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST.
248 LUCIE COUNTY, STATE OF FLORIDA";
249 THENCE RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE
250 OF "DITCH AND ROAD 19", APPROXIMATELY 0.02 MILES TO
251 THE INTERSECTION WITH A LINE BEING 425 FEET WEST OF,
252 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF SAID
253 TRACT 2018 AND ALSO TRACTS 1918, 1818, 1718, AND 1618
254 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION
255 OF UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST.
256 LUCIE COUNTY, STATE OF FLORIDA";
257 THENCE RUN NORTHERLY ALONG SAID 425 FOOT PARALLEL
258 LINE, APPROXIMATELY 0.83 MILES, ACROSS "DITCH AND ROAD
259 19", TRACT 1918, "DITCH AND ROAD 18", TRACT 1818,
260 "DITCH AND ROAD 17", TRACT 1718, "DITCH AND ROAD 16",
261 AND TRACT 1618, OF SAID "PLAT OF FELLSMERE FARMS
262 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 31 SOUTH,

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263 RANGE 36 EAST" TO THE INTERSECTION WITH A LINE BEING
264 315 FEET NORTH OF, NORMAL TO AND PARALLEL WITH THE
265 SOUTH LINE OF SAID TRACT 1618 AND TRACTS 1619, 1620,
266 1621 AND 1622 OF SAID "PLAT OF FELLSMERE FARMS
267 COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 31 SOUTH,
268 RANGE 36 EAST", SAID LINE ALSO BEING 215 FEET NORTH
269 OF, NORMAL TO AND PARALLEL WITH THE SOUTH LINE OF
270 TRACTS 1600, 1692, 1691, 1690, 1689, 1688 AND 1687 OF
271 THE "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
272 ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN
273 ST. LUCIE COUNTY, STATE OF FLORIDA" AS RECORDED IN
274 PLAT BOOK 2, PAGES 1 AND 2 OF THE PUBLIC RECORDS OF
275 ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY, FLORIDA;
276 THENCE RUN EASTERLY ALONG SAID 315 AND 215 FOOT
277 PARALLEL LINE, APPROXIMATELY 1.96 MILES, ACROSS SAID
278 TRACT 1618, A 50 FEET WIDE ROAD RIGHT OF WAY, SAID
279 TRACT 1619, 1620, 1621, 1622, AND LATERAL "S" CANAL
280 (225 FOOT WIDE RIGHT OF WAY) OF SAID "PLAT OF
281 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED
282 TOWNSHIP 31 SOUTH, RANGE 36 EAST" AND ALSO ACROSS
283 TRACTS 1600, 1692, 1691, 1690, 1689, 1688 AND 1687 OF
284 THE "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
285 ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN
286 ST. LUCIE COUNTY, STATE OF FLORIDA" TO THE
287 INTERSECTION WITH A LINE BEING 105 FEET WEST OF,

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288 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF SAID
289 TRACT 1687;
290 THENCE RUN NORTHERLY ALONG SAID 105 FOOT PARALLEL
291 LINE, APPROXIMATELY 0.08 MILES, ACROSS SAID TRACT 1687
292 TO THE NORTH LINE OF SAID TRACT 1687;
293 THENCE RUN EASTERLY ALONG SAID NORTH LINE OF TRACT
294 1687 AND THE NORTH LINE OF TRACT 1686 OF SAID "PLAT OF
295 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
296 UNSURVEYED TOWNSHIP 31 SOUTH", RANGE 37 EAST, IN ST.
297 LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 0.04
298 MILES, TO THE INTERSECTION WITH A LINE BEING 550 FEET
299 WEST OF, NORMAL TO AND PARALLEL WITH THE EAST LINES OF
300 TRACTS 1607, 1586, 1507, 1486, 1407, 1386, 1307, 1286,
301 1207, 1186, 1107, 1086, 1007, 986, 907, 886, 807, 786,
302 707, 686, 607, 586, 507, 486 AND 407 OF SAID "PLAT OF
303 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
304 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
305 LUCIE COUNTY, STATE OF FLORIDA";
306 THENCE RUN NORTHERLY ALONG SAID 550 FOOT PARALLEL
307 LINE, APPROXIMATELY 3.12 MILES, ACROSS TRACT 1607,
308 "DITCH AND ROAD 15", TRACTS 1586 AND 1507, "DITCH AND
309 ROAD 14", TRACTS 1486 AND 1407, SOUTH "DITCH AND ROAD
310 13", FELLSMERE RAILROAD (100 FOOT WIDE RIGHT OF WAY),
311 NORTH "DITCH AND ROAD 13", TRACTS 1386 AND 1307,
312 "DITCH AND ROAD 12", TRACTS 1286 AND 1207, "DITCH AND

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313 ROAD 11", TRACTS 1186 AND 1107, "DITCH AND ROAD 10",
314 TRACTS 1086 AND 1007, "DITCH AND ROAD 9", TRACTS 986
315 AND 907, "DITCH AND ROAD 8", TRACTS 886 AND 807,
316 "DITCH AND ROAD 7", TRACTS 786 AND 707, "DITCH AND
317 ROAD 6", TRACTS 686 AND 607, "DITCH AND ROAD 5",
318 TRACTS 586 AND 507, "DITCH AND ROAD 4", TRACTS 486 AND
319 407 TO THE SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD
320 3" OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
321 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH",
322 RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";
323 THENCE RUN WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE
324 OF "DITCH AND ROAD 3", APPROXIMATELY 0.06 MILES TO THE
325 INTERSECTION WITH A LINE BEING 165 FEET WEST OF,
326 NORMAL TO AND PARALLEL WITH THE EAST LINE OF TRACT 384
327 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION
328 OF ALL UNSURVEYED TOWNSHIP 31 SOUTH", RANGE 37 EAST,
329 IN ST. LUCIE COUNTY, STATE OF FLORIDA";
330 THENCE RUN NORtherLY ALONG SAID 165 FOOT PARALLEL
331 LINE, APPROXIMATELY 0.13 MILES TO THE NORTH LINE OF
332 SAID TRACT 384;
333 THENCE RUN WESTERLY ALONG SAID NORTH LINE OF TRACT
334 384, APPROXIMATELY 0.10 MILES TO THE NORTHWEST CORNER
335 OF SAID TRACT 384, ALSO BEING THE SOUTHWEST CORNER OF
336 TRACT 306 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S

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337 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE
338 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";
339 THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID TRACT
340 306, APPROXIMATELY 0.07 MILES TO THE INTERSECTION WITH
341 A LINE BEING 270 FEET SOUTH OF, NORMAL TO AND PARALLEL
342 WITH THE NORTH LINE OF TRACT 305 OF SAID "PLAT OF
343 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
344 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
345 LUCIE COUNTY, STATE OF FLORIDA"
346 THENCE RUN WESTERLY ALONG SAID 270 FOOT PARALLEL LINE,
347 APPROXIMATELY 0.13 MILES TO THE WEST LINE OF SAID
348 TRACT 305;
349 THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID TRACT
350 305, APPROXIMATELY 0.02 MILES TO THE INTERSECTION WITH
351 A LINE BEING 190 FEET SOUTH OF, NORMAL TO AND PARALLEL
352 WITH THE NORTH LINES OF TRACTS 304, 303, 302, 301, AND
353 300 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S
354 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE
355 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";
356 THENCE RUN WESTERLY ALONG SAID 190 FOOT PARALLEL LINE
357 AND THE WESTERLY EXTENSION THEREOF, APPROXIMATELY 0.58
358 MILES, ACROSS SAID TRACTS 304, 303, 302, 301, 300 AND
359 A PORTION OF THE LATERAL "S" CANAL (225 FOOT WIDE
360 RIGHT OF WAY) TO THE WESTERLY LIMITS OF SAID "PLAT OF
361 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL

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362 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
363 LUCIE COUNTY, STATE OF FLORIDA";
364 THENCE RUN NORTHERLY ALONG SAID WESTERLY LIMITS OF
365 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
366 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
367 LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 0.50
368 MILES TO THE NORTHERLY LIMITS OF SAID "PLAT OF
369 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
370 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
371 LUCIE COUNTY, STATE OF FLORIDA", SAID NORTHERLY LIMITS
372 ALSO BEING THE COMMON TOWNSHIP LINE OF TOWNSHIP 30 AND
373 31 SOUTH AND THE NORTH LIMITS OF INDIAN RIVER COUNTY,
374 FLORIDA;
375 THENCE RUN EASTERLY ALONG SAID COMMON TOWNSHIP LINE OF
376 TOWNSHIP 30 AND 31 SOUTH AND NORTH COUNTY LINE,
377 APPROXIMATELY 2.00 MILES, TO THE INTERSECTION WITH THE
378 NORTHERLY EXTENSION OF THE CENTERLINE OF LATERAL "U"
379 CANAL AS LAID OUT AND IN USE; SAID CANAL CENTERLINE
380 ALSO BEING THE APPROXIMATE CENTERLINE OF THE LATERAL
381 "U" RIGHT OF WAY OF SAID "PLAT OF FELLSMERE FARMS
382 COMPANY'S SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31
383 SOUTH, RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF
384 FLORIDA";
385 THENCE RUN SOUTHERLY ALONG SAID CENTERLINE OF LATERAL
386 "U", APPROXIMATELY 4.98 MILES TO THE SOUTH RIGHT OF

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387 WAY LINE OF DITCH AND ROAD 20 OF SAID "PLAT OF
388 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
389 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
390 LUCIE COUNTY, STATE OF FLORIDA";
391 THENCE RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE
392 OF DITCH AND ROAD 20, APPROXIMATELY 1.16 MILES, TO THE
393 NORTHWEST CORNER OF TRACT 2125 OF SAID "PLAT OF
394 FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
395 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
396 LUCIE COUNTY, STATE OF FLORIDA";
397 THENCE RUN SOUTHERLY ALONG THE WEST LINE OF SAID TRACT
398 2125, APPROXIMATELY 0.12 MILES, TO THE SOUTH LINE OF
399 SAID TRACT 2125 OF "PLAT OF FELLSMERE FARMS COMPANY'S
400 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE
401 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";
402 THENCE RUN EASTERLY ALONG THE SOUTH LINE OF SAID TRACT
403 2125, AND ALSO TRACTS 2126, 2127, AND 2128 OF SAID
404 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL
405 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.
406 LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 0.46
407 MILES, TO THE EAST LINE OF THE WEST 405.5 FEET OF SAID
408 TRACT 2128;
409 THENCE RUN NORTHERLY ALONG SAID EAST LINE OF THE WEST
410 405.5 FEET OF TRACT 2128, APPROXIMATELY 0.12 MILES, TO
411 THE NORTH LINE OF SAID TRACT 2128, ALSO BEING SAID

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412 SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD 20" AS
413 SHOWN ON "PLAT OF FELLSMERE FARMS COMPANY'S
414 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE
415 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";
416 THENCE RUN EASTERLY ALONG SAID NORTH LINE OF TRACT
417 2128, APPROXIMATELY 0.03 MILES, TO THE WEST RIGHT OF
418 WAY LINE OF PARK LATERAL CANAL, A 125-FOOT-WIDE RIGHT
419 OF WAY AS RECORDED IN DEED BOOK 10, PAGE 15, INDIAN
420 RIVER COUNTY, FLORIDA PUBLIC RECORDS;
421 THENCE RUN SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE
422 OF PARK LATERAL CANAL, APPROXIMATELY 0.99 MILES, TO
423 THE NORTH RIGHT OF WAY LINE OF "DITCH AND ROAD 24" OF
424 THE "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF
425 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST, IN ST.
426 LUCIE COUNTY, STATE OF FLORIDA";
427 THENCE RUN EASTERLY ALONG SAID NORTH RIGHT OF WAY LINE
428 OF DITCH AND ROAD 24, APPROXIMATELY 0.02 MILES TO THE
429 EAST RIGHT OF WAY LINE OF SAID PARK LATERAL CANAL;
430 THENCE RUN SOUTHERLY, ALONG SAID EAST RIGHT OF WAY
431 LINE OF PARK LATERAL CANAL, APPROXIMATELY 0.01 MILES
432 TO THE SOUTH RIGHT OF WAY LINE OF SAID DITCH AND ROAD
433 24;
434 THENCE RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE
435 OF DITCH AND ROAD 24, APPROXIMATELY 2.32 MILES TO THE
436 POINT OF BEGINNING.

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437 SAID DESCRIBED DISTRICT LIMITS CONTAINING 19,691 ACRES
438 MORE OR LESS.

439 THE SURVEYOR NOTES THAT THE DITCH AND ROAD NUMBERS
440 UTILIZED ABOVE ARE DEPICTED ON THE FELLSMERE DRAINAGE
441 DISTRICT PLAN OF RECLAMATION DATED JANUARY 28TH, 1920
442 AND ON AN UNNAMED PAGE RECORDED TOGETHER WITH "ESPY'S
443 SUBDIVISION" IN PLAT BOOK 2, PAGE 36, OF THE PUBLIC
444 RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,
445 FLORIDA, BUT ARE NOT DEPICTED ON AFORESAID PLATS
446 RECITED IN THE DESCRIPTION.

447
448
449 **Section 2. Minimum charter requirements.**—In accordance
450 with s. 189.031(3), Florida Statutes, the following are the
451 minimum requirements for the charter of the Headwaters Water
452 Control District:

453 (1) The district is organized and exists for all purposes
454 set forth in this act and chapter 298, Florida Statutes.

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

457 (3) In accordance with chapter 189, Florida Statutes, this
458 act, and ss. 298.11 and 298.12, Florida Statutes, the governing
459 board of the district shall be designated the "Board of
460 Supervisors of the Headwaters Water Control District" and shall
461 be composed of five persons, who shall be qualified to hold such

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462 office if they are officers of landowners or landowners within
463 the district, residents of the state, and citizens of the United
464 States, elected on a 1-acre, one-vote basis by the landowners in
465 the district; however, landowners owning less than 1 acre in the
466 aggregate shall be entitled to one vote. Landowners with more
467 than 1 acre shall be entitled to one additional vote for any
468 fraction of an acre greater than 1/2 acre owned when a
469 landowner's acreage has been aggregated for purposes of voting.
470 The membership and organization of the governing board shall be
471 as set forth in this charter and chapter 298, Florida Statutes,
472 provided this charter controls with respect to any
473 inconsistency.

474 (4) The compensation of the governing board members shall
475 be governed by this act and chapter 298, Florida Statutes.

476 (5) The administrative duties of the governing board shall
477 be as set forth in this act and chapters 189 and 298, Florida
478 Statutes.

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

484 (7) The procedures and requirements governing the issuance
485 of bonds, notes, and other evidence of indebtedness by the

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486 district shall be as set forth in chapters 189 and 298, Florida
487 Statutes, and applicable general laws.

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

494 (9) The district may be financed by any method established
495 in this act, chapter 298, Florida Statutes, and other applicable
496 general laws of the state.

497 (10) The methods for collecting non-ad valorem
498 assessments, fees, or service charges shall be as set forth in
499 chapters 197 and 298, Florida Statutes, and other applicable
500 general laws of the state.

501 (11) The district's planning requirements shall be as set
502 forth in chapters 189 and 298, Florida Statutes.

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

505 (13) All properties within the district remain subject to,
506 and must comply with, the relevant comprehensive plan and land
507 development regulations of the City of Fellsmere and Indian
508 River County, as required by the Community Planning Act in Ch.
509 163.

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510 **Section 3. Maintenance and use of the Lateral "U" Canal,**
511 **Park Lateral Canal, and Main Canal.-**

512 **(1) Lateral "U" Canal.-The Headwaters Water Control**
513 **District shall assume full responsibility for all maintenance,**
514 **including dredging and aquatic vegetation management, of the**
515 **entire Lateral "U" Canal. The canal shall be maintained to the**
516 **designed level of service as described in the 2017 Fellsmere**
517 **Water Control District Water Control Plan, as may be amended**
518 **from time to time.**

519
520 **Notwithstanding the foregoing, the Fellsmere Water Control**
521 **District shall retain the right to use the full extent of the**
522 **Lateral "U" Canal located within the Fellsmere Water Control**
523 **District Boundary for all purposes permitted under applicable**
524 **water control laws and regulations.**

525 **(2) Main Canal.-**

526 **(a) The Headwaters Water Control District shall assume**
527 **full responsibility for all maintenance, including dredging and**
528 **aquatic vegetation management, of the Main Canal located within**
529 **the Fellsmere Water Control District, from the centerline of the**
530 **Lateral "U" Canal eastward for one mile. The Fellsmere Water**
531 **Control District shall bear no further responsibility or**
532 **liability for such maintenance activities. The canal shall be**
533 **maintained to the designed level of service as described in the**
534 **2017 Fellsmere Water Control District Water Control Plan, as may**

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535 be amended from time to time. The Headwaters Water Control
536 District shall have the right to use the full length of the Main
537 Canal for all purposes permitted under applicable water control
538 laws and regulations.

539 (b) The Fellsmere Water Control District shall retain full
540 responsibility for all maintenance, including and aquatic
541 vegetation management, of the remaining portion of the Main
542 Canal. The Headwaters Water Control District shall bear no
543 further responsibility or liability for such maintenance
544 activities. The canal shall be maintained to the designed level
545 of service as described in the 2017 Fellsmere Water Control
546 District Water Control Plan, as may be amended from time to
547 time.

548 (3) Park Lateral Canal.--The Fellsmere Water Control
549 District shall retain full responsibility for all maintenance,
550 including dredging and aquatic vegetation management, of the
551 Park Lateral Canal located within the Fellsmere Water Control
552 District Boundary. The Headwaters Water Control District shall
553 bear no further responsibility or liability for such maintenance
554 activities. The Headwaters Water Control District shall retain
555 the historic drainage rights through the Park Lateral Canal to
556 the Main Canal. The districts shall collaborate on a water
557 management plan to define usage of the canals during emergency
558 situations and other situations consistent with the original,
559 permitted design of the system. The plan shall be adopted no

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560 later than October 1, 2027. If either district opposes any part
561 of a proposed Water Control Plan amendment by the other
562 district, the disputed language will be submitted to the
563 Division of Administrative Hearings Alternative Dispute
564 Resolution program. Should the districts fail to reach agreement
565 through this process, either district may request a formal
566 hearing before the Division of Administrative Hearings. The
567 districts will share equally all costs charged by the Division
568 of Administrative Hearings, while each district will pay its own
569 legal fees and expenses regardless of the outcome.

570
571 Each district shall have the right to access, travel over, and
572 cross the other district's property at the point of intersection
573 at the Lateral "U" Canal and the Park Lateral Canal as may be
574 reasonably necessary to fulfill the maintenance and management
575 duties outlined in this section, as well as any emergency
576 repairs.

577
578 Future amendments to the 2017 Fellsmere Water Control Plan
579 relating to the Lateral "U" Canal, Main Canal, or Park Lateral
580 Canal, shall be made in collaboration with the Headwaters Water
581 Control District.

582
583 Unless otherwise noted, all facilities lying within each
584 district boundary are the responsibility of that particular

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585 district. Each District shall be responsible for any
586 obstruction, interference, or other activity by each District or
587 its landowners that adversely impacts the flow and drainage of
588 water in the Lateral Canals or the Main Canal. To the extent
589 either district fails to maintain the Lateral Canals or the Main
590 Canal as set forth herein, the other district shall have the
591 right but not the obligation to perform such necessary
592 corrective action to bring a canal up to its design level of
593 service and seek reimbursement of costs, including attorneys
594 fees, from the non-complying district. In the event that one
595 district intends to undertake repairs or corrective actions due
596 to another district's non-compliance, the initiating district
597 shall provide the non-complying district with no less than 30
598 days' written notice of its intent to perform such corrective
599 action. The non-complying district shall have the opportunity to
600 cure the non-compliance within this notice period. If the non-
601 complying district commences and diligently pursues the
602 necessary corrective actions within the 30-day period, it shall
603 not be held liable under this section. The non-complying
604 district shall be granted necessary and reasonable extensions of
605 time to take corrective action except in an emergency situation
606 requiring immediate action. In the event of an emergency, the
607 other district shall give the non-complying district notice via
608 telephone and email before commencing corrective action.

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609 **Section 4.** Charter amendments.—If the district intends to
610 seek future legislation to add additional powers to this
611 charter, it shall provide written notice to Indian River County
612 and the City of Fellsmere at least 60 days prior to any meeting
613 of the Indian River Legislative Delegation at which the matter
614 will be considered.

615 **Section 5.** Provisions of chapter 298, Florida Statutes,
616 made applicable.—The Headwaters Water Control District hereby
617 created shall be an independent water control district and a
618 public corporation of this state. The provisions of state law
619 applicable to water control districts or subdistricts which are
620 embodied in chapter 298, Florida Statutes, so far as not
621 inconsistent with this act, are hereby declared to be applicable
622 to the Headwaters Water Control District. The Headwaters Water
623 Control District shall have all of the powers and authorities
624 conferred in this act and chapter 298, Florida Statutes.

625 **Section 6.** Severability.—If any provision of this act or
626 the application thereof to any person or circumstance is held
627 invalid, the invalidity shall not affect other provisions or
628 applications of the act which can be given effect without the
629 invalid provision or application, and to this end the provisions
630 of this act are declared severable.

631 **Section 7.** This act shall take effect on the same date
632 that HB 4093 or similar legislation takes effect, if such

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633 legislation is adopted in the same legislative session or an
634 extension thereof and becomes a law.

635

636

637 -----

638 **T I T L E A M E N D M E N T**

639 Remove everything before the enacting clause and insert:

640 An act relating to the Headwaters Water Control

641 District, Indian River County; creating the Headwaters

642 Water Control District as a public corporation;

643 providing the district's charter; providing status and
644 boundaries; providing minimum charter requirements;

645 providing for maintenance and use of certain canals;
646 providing requirements for charter amendments;

647 providing applicability of specified laws to the
648 district; providing severability; providing a
649 contingent effective date.

650