

HB 4095

2026

A bill to be entitled  
An act relating to the Headwaters Water Control  
District, Indian River County; creating the Headwaters  
Water Control District as a public corporation;  
providing the district's charter; providing status and  
boundaries; providing minimum charter requirements;  
providing for maintenance and use of certain canals;  
providing requirements for charter amendments;  
providing applicability of specified laws to the  
district; providing severability; providing a  
contingent effective date.

Be It Enacted by the Legislature of the State of Florida:

**Section 1. Status and boundaries of Headwaters Water Control District.**—The Headwaters Water Control District is hereby declared to be an independent water control district and a public corporation of the state pursuant to chapters 189 and 298, Florida Statutes, and the lands lying within the area described as follows in Indian River County shall hereby constitute the Headwaters Water Control District:

ALL THAT PART OF THE LANDS SITUATED AND BEING IN PART  
OF THE UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST;  
UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST;

26        UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST; AND  
27        UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST; INDIAN  
28        RIVER COUNTY, FLORIDA, EMBRACED WITHIN THE FOLLOWING  
29        BOUNDARY LINES:  
30        BEGIN AT THE NORTHEAST CORNER OF TRACT 123 OF THE  
31        "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
32        UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST, IN ST.  
33        LUCIE COUNTY, STATE OF FLORIDA" AS RECORDED IN PLAT  
34        BOOK 2, PAGE 8 OF THE PUBLIC RECORDS OF ST. LUCIE  
35        COUNTY, NOW INDIAN RIVER COUNTY, FLORIDA; SAID CORNER  
36        ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF DITCH AND  
37        ROAD 24 AS SHOWN ON SAID "PLAT OF FELLSMERE FARMS  
38        COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,  
39        RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"  
40        AND ON THE "PLAT OF FELLSMERE FARMS COMPANY'S  
41        SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE  
42        37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA" AS  
43        RECORDED IN PLAT BOOK 2, PAGES 1 AND 2 OF THE PUBLIC  
44        RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,  
45        FLORIDA;  
46        THENCE RUN SOUTHERLY ALONG SAID EAST LINE OF  
47        UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST,  
48        APPROXIMATELY 2.56 MILES TO THE INTERSECTION WITH A  
49        LINE BEING 200 FEET SOUTH OF, NORMAL TO AND PARALLEL  
50        WITH THE NORTH LINE OF TRACT 1123 OF SAID "PLAT OF

51       FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED  
52       TOWNSHIP 32 SOUTH, RANGE 37 EAST, IN ST. LUCIE COUNTY,  
53       STATE OF FLORIDA" AS RECORDED IN PLAT BOOK 2, PAGE 8  
54       OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, NOW INDIAN  
55       RIVER COUNTY, FLORIDA;  
56       THENCE RUN WESTERLY ALONG SAID 200 FOOT PARALLEL LINE  
57       APPROXIMATELY 0.26 MILES, ACROSS SAID TRACT 1123, TO  
58       THE EAST LINE OF TRACT 1122 OF SAID "PLAT OF FELLSMERE  
59       FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32  
60       SOUTH, RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF  
61       FLORIDA";  
62       THENCE RUN SOUTHERLY ALONG SAID EAST LINE OF SAID  
63       TRACT 1122 APPROXIMATELY 0.20 MILES TO THE SOUTH LINE  
64       OF SAID TRACT 1122 OF "PLAT OF FELLSMERE FARMS  
65       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,  
66       RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";  
67       THENCE RUN WESTERLY APPROXIMATELY 2.06 MILES, ALONG  
68       THE SOUTH LINES OF TRACTS 1122, 1121, 1120, ACROSS A  
69       30 FEET WIDE ROAD RIGHT OF WAY, AND ALONG THE SOUTH  
70       LINES OF TRACTS 1119, 1118, 1117, 1116, AND ACROSS A  
71       60 FEET WIDE ROAD RIGHT OF WAY, AND ALONG THE SOUTH  
72       LINE OF TRACT 1115 OF SAID "PLAT OF FELLSMERE FARMS  
73       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,  
74       RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"  
75       TO THE WEST LINE OF SAID TRACT 1115;

76       THENCE RUN NORTHERLY, ALONG SAID WEST LINE OF TRACT  
77       1115, APPROXIMATELY 0.20 MILES TO THE INTERSECTION  
78       WITH A LINE BEING 200 FEET SOUTH OF, NORMAL TO AND  
79       PARALLEL WITH THE NORTH LINES OF TRACTS 1114, 1113,  
80       1112, 1111, 1110, 1109, 1108, 1107, 1106, 1105, 1104,  
81       1103, 1102, 1101, 1100 OF SAID "PLAT OF FELLSMERE  
82       F FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32  
83       SOUTH, RANGE 37 EAST";  
84       THENCE RUN WESTERLY, ALONG SAID 200 FOOT PARALLEL  
85       LINE, APPROXIMATELY 3.68 MILES, ACROSS PARK LATERAL  
86       CANAL (92.25 FOOT WIDE RIGHT OF WAY), TRACTS 1114,  
87       1113, 1112, A 30 FEET WIDE ROAD RIGHT OF WAY, TRACTS  
88       1111, 1110, 1109, 1108, LATERAL "U" CANAL (156 FOOT  
89       WIDE RIGHT OF WAY), TRACTS 1107, 1106, 1105, 1104, A  
90       30 FEET WIDE ROAD RIGHT OF WAY, TRACTS 1103, 1102,  
91       1101, 1100 AND A PORTION OF LATERAL "S" CANAL (225  
92       FOOT WIDE RIGHT OF WAY) OF SAID "PLAT OF FELLSMERE  
93       F FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32  
94       SOUTH, RANGE 37 EAST", TO THE WESTERLY LIMITS OF SAID  
95       PLAT;  
96       THENCE CONTINUE WESTERLY ALONG A LINE BEING 200 FEET  
97       SOUTH OF, NORMAL TO AND PARALLEL WITH THE NORTH LINE  
98       OF TRACT 1122 OF THE "PLAT OF FELLSMERE FARMS  
99       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,  
100       RANGE 36 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"

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

125       THENCE RUN NORTHERLY ALONG SAID 430 FOOT PARALLEL  
126       LINE, APPROXIMATELY 0.50 MILES, ACROSS SAID TRACT 822,  
127       "DITCH AND ROAD 31", SAID TRACT 722, AND "DITCH AND  
128       ROAD 30" OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
129       SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
130       EAST" TO THE NORTH RIGHT OF WAY LINE OF SAID "DITCH  
131       AND ROAD 30";  
132       THENCE RUN WESTERLY ALONG SAID NORTH RIGHT OF WAY LINE  
133       OF SAID "DITCH AND ROAD 30", APPROXIMATELY 0.12 MILES,  
134       TO THE INTERSECTION WITH A LINE BEING 1040 FEET WEST  
135       OF, NORMAL TO, AND PARALLEL WITH THE EAST LINE OF  
136       TRACT 622 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
137       SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
138       EAST";  
139       THENCE RUN NORTHERLY ALONG SAID 1040 FOOT PARALLEL  
140       LINE, APPROXIMATELY 0.21 MILES, ACROSS SAID TRACT 622  
141       TO THE INTERSECTION WITH A LINE BEING 150 FEET SOUTH  
142       OF, NORMAL TO, AND PARALLEL WITH THE NORTH LINE OF  
143       SAID TRACT 622 AND THE NORTH LINE OF TRACTS 621 AND  
144       620 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
145       SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
146       EAST";  
147       THENCE RUN WESTERLY ALONG SAID 150 FOOT PARALLEL LINE,  
148       APPROXIMATELY 0.44 MILES, ACROSS SAID TRACTS 622, 621  
149       AND 620 TO THE INTERSECTION WITH A LINE BEING 640 FEET

150 WEST OF, NORMAL TO, AND PARALLEL WITH THE EAST LINE OF  
151 SAID TRACT 620 AND THE EAST LINE OF TRACT 520 OF SAID  
152 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
153 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST";  
154 THENCE RUN NORTHERLY ALONG SAID 640 FOOT PARALLEL  
155 LINE, APPROXIMATELY 0.25 MILES, ACROSS SAID TRACT 620,  
156 "DITCH AND ROAD 29", AND TRACT 520 OF SAID "PLAT OF  
157 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED  
158 TOWNSHIP 32 SOUTH, RANGE 36 EAST" TO THE INTERSECTION  
159 WITH A LINE BEING 135 FEET SOUTH OF, NORMAL TO, AND  
160 PARALLEL WITH THE NORTH LINE OF SAID TRACT 520 AND  
161 TRACT 519 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
162 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
163 EAST";  
164 THENCE RUN WESTERLY ALONG SAID 135 FOOT PARALLEL LINE,  
165 APPROXIMATELY 0.40 MILES, ACROSS SAID TRACT 520 AND  
166 TRACT 519 AND ALSO ACROSS A 50 FEET WIDE ROAD RIGHT OF  
167 WAY OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
168 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
169 EAST" TO THE WEST LINE OF SAID 50 FEET WIDE ROAD RIGHT  
170 OF WAY;  
171 THENCE RUN NORTHERLY ALONG SAID WEST LINE OF A 50 FEET  
172 WIDE ROAD RIGHT OF WAY, APPROXIMATELY 0.04 MILES TO  
173 THE NORTH LINE OF "DITCH AND ROAD 28" OF SAID "PLAT OF

174 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED  
175 TOWNSHIP 32 SOUTH, RANGE 36 EAST";  
176 THENCE RUN WESTERLY ALONG SAID NORTH LINE OF "DITCH  
177 AND ROAD 28", APPROXIMATELY 0.12 MILES, TO THE  
178 INTERSECTION WITH A LINE BEING 635 FEET WEST OF,  
179 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF TRACTS  
180 418 AND 318 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
181 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
182 EAST";  
183 THENCE RUN NORTHERLY ALONG SAID 635 FOOT PARALLEL  
184 LINE, APPROXIMATELY 0.49 MILES, ACROSS SAID TRACT 418,  
185 AND ALSO ACROSS "DITCH AND ROAD 27" AND TRACT 318 OF  
186 SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
187 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST" TO THE  
188 SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD 26" OF SAID  
189 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
190 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36 EAST";  
191 THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF "DITCH  
192 AND ROAD 26", APPROXIMATELY 0.22 MILES TO THE  
193 INTERSECTION WITH A LINE BEING 435 FEET WEST OF,  
194 NORMAL TO, AND PARALLEL WITH THE EAST LINE OF TRACT  
195 217 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
196 SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
197 EAST";

198       THENCE RUN NORTHERLY ALONG SAID 435 FOOT PARALLEL  
199       LINE, APPROXIMATELY 0.25 MILES, ACROSS SAID "DITCH AND  
200       ROAD 26" AND TRACT 217 TO THE SOUTH RIGHT OF WAY LINE  
201       OF "DITCH AND ROAD 25" OF SAID "PLAT OF FELLSMERE  
202       F FARMS COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32  
203       SOUTH, RANGE 36 EAST";  
204       THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF "DITCH  
205       AND ROAD 25", APPROXIMATELY 0.05 MILES TO THE  
206       INTERSECTION WITH A LINE BEING 695 FEET WEST OF,  
207       NORMAL TO, AND PARALLEL WITH THE EAST LINE OF TRACT  
208       117 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
209       SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 36  
210       EAST";  
211       THENCE RUN NORTHERLY ALONG SAID 695 FOOT PARALLEL  
212       LINE, APPROXIMATELY 0.26 MILES, ACROSS SAID TRACT 117  
213       AND ALSO ACROSS THE SOUTH ONE-HALF OF THE RIGHT OF WAY  
214       OF "DITCH AND ROAD 24" (60 FOOT WIDE RIGHT OF WAY) TO  
215       THE NORTHERLY LIMITS OF THE "PLAT OF FELLSMERE FARMS  
216       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 32 SOUTH,  
217       RANGE 36 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"  
218       AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC  
219       RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,  
220       FLORIDA, SAID NORTHERLY LIMITS ALSO BEING THE  
221       SOUTHERLY LIMITS OF THE "PLAT OF FELLSMERE FARMS  
222       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 31 SOUTH,

223 RANGE 36 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA"  
224 AS RECORDED IN PLAT BOOK 2, PAGE 9 OF THE PUBLIC  
225 RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,  
226 FLORIDA;  
227 THENCE CONTINUE NORTHERLY ALONG SAID 695 FOOT PARALLEL  
228 LINE; SAID 695 FOOT PARALLEL LINE ALSO BEING 695 FEET  
229 WEST OF, NORMAL TO, AND PARALLEL WITH THE EAST LINES  
230 OF TRACTS 2417, 2317, 2217, 2117, AND 2017 OF SAID  
231 "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
232 UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST.  
233 LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 1.16  
234 MILES, ACROSS THE NORTH ONE-HALF RIGHT OF WAY OF  
235 "DITCH AND ROAD 24" (60 FOOT WIDE RIGHT OF WAY), TRACT  
236 2417, "DITCH AND ROAD 23", TRACT 2317, "DITCH AND ROAD  
237 22", TRACT 2217, "DITCH AND ROAD 21", TRACT 2117,  
238 "DITCH AND ROAD 20", AND TRACT 2017 OF SAID "PLAT OF  
239 FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED  
240 TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST. LUCIE COUNTY,  
241 STATE OF FLORIDA" TO THE INTERSECTION WITH A LINE  
242 BEING 1,000 FEET NORTH OF, NORMAL TO, AND PARALLEL  
243 WITH THE SOUTH LINE OF SAID TRACT 2017 AND TRACT 2018  
244 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION  
245 OF UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST";  
246 THENCE RUN EASTERLY ALONG SAID 1,000 FOOT PARALLEL  
247 LINE, APPROXIMATELY 0.29 MILES, ACROSS SAID TRACTS

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248       2017 AND 2018 TO THE INTERSECTION WITH A LINE BEING  
249       530 FEET WEST OF, NORMAL TO, AND PARALLEL WITH THE  
250       EAST LINE OF SAID TRACT 2018;  
251       THENCE RUN NORTHERLY ALONG SAID 530 FOOT PARALLEL  
252       LINE, APPROXIMATELY 0.05 MILES, ACROSS SAID TRACT 2018  
253       TO THE SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD 19"  
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 EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE  
258       OF "DITCH AND ROAD 19", APPROXIMATELY 0.02 MILES TO  
259       THE INTERSECTION WITH A LINE BEING 425 FEET WEST OF,  
260       NORMAL TO, AND PARALLEL WITH THE EAST LINE OF SAID  
261       TRACT 2018 AND ALSO TRACTS 1918, 1818, 1718, AND 1618  
262       OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION  
263       OF UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 36 EAST, IN ST.  
264       LUCIE COUNTY, STATE OF FLORIDA";  
265       THENCE RUN NORTHERLY ALONG SAID 425 FOOT PARALLEL  
266       LINE, APPROXIMATELY 0.83 MILES, ACROSS "DITCH AND ROAD  
267       19", TRACT 1918, "DITCH AND ROAD 18", TRACT 1818,  
268       "DITCH AND ROAD 17", TRACT 1718, "DITCH AND ROAD 16",  
269       AND TRACT 1618, OF SAID "PLAT OF FELLSMERE FARMS  
270       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 31 SOUTH,  
271       RANGE 36 EAST" TO THE INTERSECTION WITH A LINE BEING  
272       315 FEET NORTH OF, NORMAL TO AND PARALLEL WITH THE

273       SOUTH LINE OF SAID TRACT 1618 AND TRACTS 1619, 1620,  
274       1621 AND 1622 OF SAID "PLAT OF FELLSMERE FARMS  
275       COMPANY'S SUBDIVISION OF UNSURVEYED TOWNSHIP 31 SOUTH,  
276       RANGE 36 EAST", SAID LINE ALSO BEING 215 FEET NORTH  
277       OF, NORMAL TO AND PARALLEL WITH THE SOUTH LINE OF  
278       TRACTS 1600, 1692, 1691, 1690, 1689, 1688 AND 1687 OF  
279       THE "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
280       ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN  
281       ST. LUCIE COUNTY, STATE OF FLORIDA" AS RECORDED IN  
282       PLAT BOOK 2, PAGES 1 AND 2 OF THE PUBLIC RECORDS OF  
283       ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY, FLORIDA;  
284       THENCE RUN EASTERLY ALONG SAID 315 AND 215 FOOT  
285       PARALLEL LINE, APPROXIMATELY 1.96 MILES, ACROSS SAID  
286       TRACT 1618, A 50 FEET WIDE ROAD RIGHT OF WAY, SAID  
287       TRACT 1619, 1620, 1621, 1622, AND LATERAL "S" CANAL  
288       (225 FOOT WIDE RIGHT OF WAY) OF SAID "PLAT OF  
289       FELLSMERE FARMS COMPANY'S SUBDIVISION OF UNSURVEYED  
290       TOWNSHIP 31 SOUTH, RANGE 36 EAST" AND ALSO ACROSS  
291       TRACTS 1600, 1692, 1691, 1690, 1689, 1688 AND 1687 OF  
292       THE "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
293       ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN  
294       ST. LUCIE COUNTY, STATE OF FLORIDA" TO THE  
295       INTERSECTION WITH A LINE BEING 105 FEET WEST OF,  
296       NORMAL TO, AND PARALLEL WITH THE EAST LINE OF SAID  
297       TRACT 1687;

298       THENCE RUN NORTHERLY ALONG SAID 105 FOOT PARALLEL  
299       LINE, APPROXIMATELY 0.08 MILES, ACROSS SAID TRACT 1687  
300       TO THE NORTH LINE OF SAID TRACT 1687;  
301       THENCE RUN EASTERLY ALONG SAID NORTH LINE OF TRACT  
302       1687 AND THE NORTH LINE OF TRACT 1686 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", APPROXIMATELY 0.04  
306       MILES, TO THE INTERSECTION WITH A LINE BEING 550 FEET  
307       WEST OF, NORMAL TO AND PARALLEL WITH THE EAST LINES OF  
308       TRACTS 1607, 1586, 1507, 1486, 1407, 1386, 1307, 1286,  
309       1207, 1186, 1107, 1086, 1007, 986, 907, 886, 807, 786,  
310       707, 686, 607, 586, 507, 486 AND 407 OF SAID "PLAT OF  
311       FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL  
312       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
313       LUCIE COUNTY, STATE OF FLORIDA";  
314       THENCE RUN NORTHERLY ALONG SAID 550 FOOT PARALLEL  
315       LINE, APPROXIMATELY 3.12 MILES, ACROSS TRACT 1607,  
316       "DITCH AND ROAD 15", TRACTS 1586 AND 1507, "DITCH AND  
317       ROAD 14", TRACTS 1486 AND 1407, SOUTH "DITCH AND ROAD  
318       13", FELLSMERE RAILROAD (100 FOOT WIDE RIGHT OF WAY),  
319       NORTH "DITCH AND ROAD 13", TRACTS 1386 AND 1307,  
320       "DITCH AND ROAD 12", TRACTS 1286 AND 1207, "DITCH AND  
321       ROAD 11", TRACTS 1186 AND 1107, "DITCH AND ROAD 10",  
322       TRACTS 1086 AND 1007, "DITCH AND ROAD 9", TRACTS 986

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323 AND 907, "DITCH AND ROAD 8", TRACTS 886 AND 807,  
324 "DITCH AND ROAD 7", TRACTS 786 AND 707, "DITCH AND  
325 ROAD 6", TRACTS 686 AND 607, "DITCH AND ROAD 5",  
326 TRACTS 586 AND 507, "DITCH AND ROAD 4", TRACTS 486 AND  
327 407 TO THE SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD  
328 3" OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
329 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH",  
330 RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";  
331 THENCE RUN WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE  
332 OF "DITCH AND ROAD 3", APPROXIMATELY 0.06 MILES TO THE  
333 INTERSECTION WITH A LINE BEING 165 FEET WEST OF,  
334 NORMAL TO AND PARALLEL WITH THE EAST LINE OF TRACT 384  
335 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION  
336 OF ALL UNSURVEYED TOWNSHIP 31 SOUTH", RANGE 37 EAST,  
337 IN ST. LUCIE COUNTY, STATE OF FLORIDA";  
338 THENCE RUN NORTHERLY ALONG SAID 165 FOOT PARALLEL  
339 LINE, APPROXIMATELY 0.13 MILES TO THE NORTH LINE OF  
340 SAID TRACT 384;  
341 THENCE RUN WESTERLY ALONG SAID NORTH LINE OF TRACT  
342 384, APPROXIMATELY 0.10 MILES TO THE NORTHWEST CORNER  
343 OF SAID TRACT 384, ALSO BEING THE SOUTHWEST CORNER OF  
344 TRACT 306 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
345 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE  
346 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";

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347       THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID TRACT  
348       306, APPROXIMATELY 0.07 MILES TO THE INTERSECTION WITH  
349       A LINE BEING 270 FEET SOUTH OF, NORMAL TO AND PARALLEL  
350       WITH THE NORTH LINE OF TRACT 305 OF SAID "PLAT OF  
351       FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL  
352       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
353       LUCIE COUNTY, STATE OF FLORIDA"  
354       THENCE RUN WESTERLY ALONG SAID 270 FOOT PARALLEL LINE,  
355       APPROXIMATELY 0.13 MILES TO THE WEST LINE OF SAID  
356       TRACT 305;  
357       THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID TRACT  
358       305, APPROXIMATELY 0.02 MILES TO THE INTERSECTION WITH  
359       A LINE BEING 190 FEET SOUTH OF, NORMAL TO AND PARALLEL  
360       WITH THE NORTH LINES OF TRACTS 304, 303, 302, 301, AND  
361       300 OF SAID "PLAT OF FELLSMERE FARMS COMPANY'S  
362       SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE  
363       37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";  
364       THENCE RUN WESTERLY ALONG SAID 190 FOOT PARALLEL LINE  
365       AND THE WESTERLY EXTENSION THEREOF, APPROXIMATELY 0.58  
366       MILES, ACROSS SAID TRACTS 305, 304, 303, 302, 301, 300  
367       AND A PORTION OF THE LATERAL "S" CANAL (225 FOOT WIDE  
368       RIGHT OF WAY) TO THE WESTERLY 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";

372       THENCE RUN NORTHERLY ALONG SAID WESTERLY LIMITS OF  
373       "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL  
374       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
375       LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 0.50  
376       MILES TO THE NORTHERLY LIMITS OF SAID "PLAT OF  
377       FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL  
378       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
379       LUCIE COUNTY, STATE OF FLORIDA", SAID NORTHERLY LIMITS  
380       ALSO BEING THE COMMON TOWNSHIP LINE OF TOWNSHIP 30 AND  
381       31 SOUTH AND THE NORTH LIMITS OF INDIAN RIVER COUNTY,  
382       FLORIDA;  
383       THENCE RUN EASTERLY ALONG SAID COMMON TOWNSHIP LINE OF  
384       TOWNSHIP 30 AND 31 SOUTH AND NORTH COUNTY LINE,  
385       APPROXIMATELY 2.00 MILES, TO THE INTERSECTION WITH THE  
386       NORTHERLY EXTENSION OF THE CENTERLINE OF LATERAL "U"  
387       CANAL AS LAID OUT AND IN USE; SAID CANAL CENTERLINE  
388       ALSO BEING THE APPROXIMATE CENTERLINE OF THE LATERAL  
389       "U" RIGHT OF WAY OF SAID "PLAT OF FELLSMERE FARMS  
390       COMPANY'S SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31  
391       SOUTH, RANGE 37 EAST, IN ST. LUCIE COUNTY, STATE OF  
392       FLORIDA";  
393       THENCE RUN SOUTHERLY ALONG SAID CENTERLINE OF LATERAL  
394       "U", APPROXIMATELY 4.98 MILES TO THE SOUTH RIGHT OF  
395       WAY LINE OF DITCH AND ROAD 20 OF SAID "PLAT OF  
396       FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL

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397       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
398       LUCIE COUNTY, STATE OF FLORIDA";  
399       THENCE RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE  
400       OF DITCH AND ROAD 20, APPROXIMATELY 1.16 MILES, TO THE  
401       NORTHWEST CORNER OF TRACT 2125 OF SAID "PLAT OF  
402       FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL  
403       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
404       LUCIE COUNTY, STATE OF FLORIDA";  
405       THENCE RUN SOUTHERLY ALONG THE WEST LINE OF SAID TRACT  
406       2125, APPROXIMATELY 0.12 MILES, TO THE SOUTH LINE OF  
407       SAID TRACT 2125 OF "PLAT OF FELLSMERE FARMS COMPANY'S  
408       SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE  
409       37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";  
410       THENCE RUN EASTERLY ALONG THE SOUTH LINE OF SAID TRACT  
411       2125, AND ALSO TRACTS 2126, 2127, AND 2128 OF SAID  
412       "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF ALL  
413       UNSURVEYED TOWNSHIP 31 SOUTH, RANGE 37 EAST, IN ST.  
414       LUCIE COUNTY, STATE OF FLORIDA", APPROXIMATELY 0.46  
415       MILES, TO THE EAST LINE OF THE WEST 405.5 FEET OF SAID  
416       TRACT 2128;  
417       THENCE RUN NORTHERLY ALONG SAID EAST LINE OF THE WEST  
418       405.5 FEET OF TRACT 2128, APPROXIMATELY 0.12 MILES, TO  
419       THE NORTH LINE OF SAID TRACT 2128, ALSO BEING SAID  
420       SOUTH RIGHT OF WAY LINE OF "DITCH AND ROAD 20" AS  
421       SHOWN ON "PLAT OF FELLSMERE FARMS COMPANY'S

422 SUBDIVISION OF ALL UNSURVEYED TOWNSHIP 31 SOUTH, RANGE  
423 37 EAST, IN ST. LUCIE COUNTY, STATE OF FLORIDA";  
424 THENCE RUN EASTERLY ALONG SAID NORTH LINE OF TRACT  
425 2128, APPROXIMATELY 0.03 MILES, TO THE WEST RIGHT OF  
426 WAY LINE OF PARK LATERAL CANAL, A 125-FOOT-WIDE RIGHT  
427 OF WAY AS RECORDED IN DEED BOOK 10, PAGE 15, INDIAN  
428 RIVER COUNTY, FLORIDA PUBLIC RECORDS;  
429 THENCE RUN SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE  
430 OF PARK LATERAL CANAL, APPROXIMATELY 0.99 MILES, TO  
431 THE NORTH RIGHT OF WAY LINE OF "DITCH AND ROAD 24" OF  
432 THE "PLAT OF FELLSMERE FARMS COMPANY'S SUBDIVISION OF  
433 UNSURVEYED TOWNSHIP 32 SOUTH, RANGE 37 EAST, IN ST.  
434 LUCIE COUNTY, STATE OF FLORIDA";  
435 THENCE RUN EASTERLY ALONG SAID NORTH RIGHT OF WAY LINE  
436 OF DITCH AND ROAD 24, APPROXIMATELY 0.02 MILES TO THE  
437 EAST RIGHT OF WAY LINE OF SAID PARK LATERAL CANAL;  
438 THENCE RUN SOUTHERLY, ALONG SAID EAST RIGHT OF WAY  
439 LINE OF PARK LATERAL CANAL, APPROXIMATELY 0.01 MILES  
440 TO THE SOUTH RIGHT OF WAY LINE OF SAID DITCH AND ROAD  
441 24;  
442 THENCE RUN EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE  
443 OF DITCH AND ROAD 24, APPROXIMATELY 2.32 MILES TO THE  
444 POINT OF BEGINNING.  
445 SAID DESCRIBED DISTRICT LIMITS CONTAINING 19,691 ACRES  
446 MORE OR LESS.

447        THE SURVEYOR NOTES THAT THE DITCH AND ROAD NUMBERS  
448        UTILIZED ABOVE ARE DEPICTED ON THE FELLSMERE DRAINAGE  
449        DISTRICT PLAN OF RECLAMATION DATED JANUARY 28TH, 1920  
450        AND ON AN UNNAMED PAGE RECORDED TOGETHER WITH "ESPY'S  
451        SUBDIVISION" IN PLAT BOOK 2, PAGE 36, OF THE PUBLIC  
452        RECORDS OF ST. LUCIE COUNTY, NOW INDIAN RIVER COUNTY,  
453        FLORIDA, BUT ARE NOT DEPICTED ON AFORESAID PLATS  
454        RECITED IN THE DESCRIPTION.

455

456

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

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

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

465        (3) In accordance with chapter 189, Florida Statutes, this  
466        act, and ss. 298.11 and 298.12, Florida Statutes, the governing  
467        board of the district shall be designated the "Board of  
468        Supervisors of the Headwaters Water Control District" and shall  
469        be composed of five persons, who shall be qualified to hold such  
470        office if they are officers of landowners or landowners within  
471        the district, residents of the state, and citizens of the United

472     States, elected on a 1-acre, one-vote basis by the landowners in  
473     the district; however, landowners owning less than 1 acre in the  
474     aggregate shall be entitled to one vote. Landowners with more  
475     than 1 acre shall be entitled to one additional vote for any  
476     fraction of an acre greater than 1/2 acre owned when a  
477     landowner's acreage has been aggregated for purposes of voting.  
478     The membership and organization of the governing board shall be  
479     as set forth in this charter and chapter 298, Florida Statutes,  
480     provided this charter controls with respect to any  
481     inconsistency.

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

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

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

492         (7)     The procedures and requirements governing the issuance  
493     of bonds, notes, and other evidence of indebtedness by the  
494     district shall be as set forth in chapters 189 and 298, Florida  
495     Statutes, and applicable general laws.

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

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

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

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

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

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

515        (1) Lateral "U" Canal.-The Headwaters Water Control  
516        District shall be solely responsible for all maintenance and  
517        aquatic vegetation management of the entire Lateral "U" Canal.  
518        The canal shall be maintained to the designed level of service.

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 be solely  
527 responsible for all maintenance and aquatic vegetation  
528 management of the Main Canal located within the Fellsmere Water  
529 Control District, from the centerline of the Lateral "U" Canal  
530 eastward for one mile, without recourse to the Fellsmere Water  
531 Control District. The canal shall be maintained to the designed  
532 level of service. The Headwaters Water Control District shall  
533 have the right to use the full length of the Main Canal for all  
534 purposes permitted under applicable water control laws and  
535 regulations.

536 (b) The Fellsmere Water Control District shall retain  
537 responsibility for the maintenance and aquatic vegetation  
538 management of the remaining portion of the Main Canal and shall  
539 have no recourse to Headwaters Water Control District for such  
540 responsibilities. The canal shall be maintained to the designed  
541 level of service.

542 (3) Park Lateral Canal.--The Fellsmere Water Control  
543 District shall be solely responsible for the maintenance  
544 dredging and aquatic vegetation management of the Park Lateral

545 Canal located within the Fellsmere Water Control District  
546 Boundary without recourse to the Headwaters Water Control  
547 District. The Headwaters Water Control District shall retain the  
548 historic drainage rights through the Park Lateral Canal to the  
549 Main Canal.

550  
551 Unless otherwise noted, all facilities lying within each  
552 district boundary are the responsibility of that particular  
553 district. Each District indemnifies and holds harmless the other  
554 for any obstruction, interference, or other activity by each  
555 District or its landowners that adversely impacts the flow and  
556 drainage of water in the Lateral Canals or the Main Canal. To  
557 the extent either district fails to maintain the Lateral Canals  
558 or the Main Canal as set forth herein, the other district shall  
559 have the right but not the obligation to perform such necessary  
560 corrective action to bring a canal up to its design level of  
561 service and seek reimbursement of costs, including attorneys  
562 fees, from the non-complying district. In the event that one  
563 district intends to undertake repairs or corrective actions due  
564 to another district's non-compliance, the initiating district  
565 shall provide the non-complying district with no less than 30  
566 days' written notice of its intent to perform such corrective  
567 action. The non-complying district shall have the opportunity to  
568 cure the non-compliance within this notice period. If the non-  
569 complying district commences and diligently pursues the

570 necessary corrective actions within the 30-day period, it shall  
571 not be held liable under this section.

572 **Section 4.** Charter amendments.-If the district intends to  
573 seek future legislation to add additional powers to this  
574 charter, it shall provide written notice to the City of  
575 Fellsmere at least 30 days prior to any meeting of the Indian  
576 River Legislative Delegation at which the matter will be  
577 considered.

578 **Section 5.** Provisions of chapter 298, Florida Statutes,  
579 made applicable.-The Headwaters Water Control District hereby  
580 created shall be an independent water control district and a  
581 public corporation of this state. The provisions of state law  
582 applicable to water control districts or subdistricts which are  
583 embodied in chapter 298, Florida Statutes, so far as not  
584 inconsistent with this act, are hereby declared to be applicable  
585 to the Headwaters Water Control District. The Headwaters Water  
586 Control District shall have all of the powers and authorities  
587 conferred in this act and chapter 298, Florida Statutes.

588 **Section 6.** Severability.-If any provision of this act or  
589 the application thereof to any person or circumstance is held  
590 invalid, the invalidity shall not affect other provisions or  
591 applications of the act which can be given effect without the  
592 invalid provision or application, and to this end the provisions  
593 of this act are declared severable.

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594       **Section 7.** This act shall take effect on the same date  
595 that HB 4093 or similar legislation takes effect, if such  
596 legislation is adopted in the same legislative session or an  
597 extension thereof and becomes a law.