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Electors

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ida, in and for Putnam County, Florida, bearing date the 23d day of May, A. D. 1921, incorporating said District, which said decree was duly recorded in the office of the Clerk of the Circuit Court of Putnam County, Florida, in minutes Circuit Court, Chancery Orders, Book 7, page 246 *et seq.*, is hereby ratified and confirmed, and the East Palatka Drainage District is hereby declared to have been legally incorporated, and that said Drainage District may and can legally exercise and perform each and every power, right and authority granted and given to Drainage Districts created and organized under the provisions of said law hereinbefore mentioned and the amendments thereto.

Sec. 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the approval of the Governor.

CHAPTER 8877—(No. 482).

AN ACT to Ratify, Approve, Validate and Confirm All of the Proceedings Taken for the Creation, Establishment and Organization of Fellsmere Drainage District in St. Lucie County, Florida, and to Ratify, Approve, Validate and Confirm All of the Acts and Proceedings Taken by, for and on Behalf of said District Since the Creation Thereof, and all of the Acts and Proceedings of the Circuit Court, the Board of Supervisors, the Commissioners, and All Other Officers and Agents of said Fellsmere Drainage District, Acting for and on

Behalf of said District in Carrying Out the Affairs of said District; and to Ratify, Approve, Validate and Confirm Any and All Tax Levise and Assessments Which Have Been Made by the Board of Supervisors of said Fellsmere Drainage District for and on Behalf of said District Upon the Taxable Property Located Within said District; and to Authorize the Issuance of Negotiable Notes or Certificates of Indebtedness of said Drainage District in an Amount Not Exceeding \$50,000.00, Bearing Interest at Not Exceeding Eight Per Cent. Per Annum, for the Purpose of Paying Any Indebtedness and of Paying Current Expenses of Operation and Administration of said Drainage District.

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

Validation
Fellsmere
Drainage
District.

Section 1. That all of the proceedings taken for the creation, establishment and organization of Fellsmere Drainage District in St. Lucie County, Florida, and all of the acts, proceedings and decrees of the Circuit Court taken by, for and on behalf of said District since the creation thereof, and all of the acts and proceedings of the Board of Supervisors, the Commissioners and all other officers and agents of said Fellsmere Drainage District, acting for and on behalf of said District in carrying out the affairs of said District; and any and all tax levies and assessments which have been made by the Board of Supervisors of said Fellsmere Drainage District for and on behalf of said District upon the taxable property located within said District, be and they are each and every one of them, and each and every part thereof, hereby ratified, approved, validated and confirmed.

Negotiable
notes.

Sec. 2. That the Board of Supervisors of said Fellsmere Drainage District be and are hereby authorized to issue, as and when the needs of said District may require, the negotiable notes or certificates of indebtedness of said District, which shall be payable not later than two years from the date thereof and bear interest at not to exceed eight per cent. per annum, payable semi-annually, and which negotiable notes or certificates of indebtedness

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with interest thereon shall be paid out of taxes and assessments collected by and for said District or out of proceeds of bonds issued by said District, or out of funds of said District; provided, that the maximum amount of said negotiable notes or certificates of indebtedness outstanding at any one time shall not exceed the sum of \$50,000.00. The proceeds of said negotiable notes or certificates of indebtedness shall be used only for the purpose of meeting and paying off any indebtedness of said Drainage District, of whatever description, and of meeting and paying off current expenses of administration and operation of said Drainage District, as and when said indebtedness or said current expenses may be due and payable. The authority to issue said negotiable notes or certificates of indebtedness shall be construed as additional powers granted to the Board of Supervisors of said Drainage District and not as in any way restricting the authority of said Drainage District and of said Board of Supervisors of said Drainage District to issue bonds or incur indebtedness as heretofore provided by law.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the approval of the Governor.

CHAPTER 8878—(No. 483).

AN ACT Granting to the Florida Farms & Industries Company, its Successors and Assigns, the Right to Construct and Operate as a Private Carrier, but Not as a Common Carrier, a Railroad, Without Becoming Subject to the Laws, Rules or Regulations Governing Railroads and Common Carriers.

Whereas, Practically the entire acreage and territory in Clay County, Florida, lying west of Green Cove Springs, and extending to the western boundary of said

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Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon becoming a law without such approval.

Chap. 11555.
1926

Approved November 23, 1925.

CHAPTER 11555—(No. 220).

AN ACT Validating all the Acts and Proceedings of the Board of Supervisors, and all Officers and Agents of Fellsmere Drainage District in Indian River County, Florida, and Validating the Bonds of Said District, and all Tax Levies and Assessments Made for and on Behalf of Said Drainage District.

Whereas, notice of the intention to apply to the Legislature of the State of Florida for the passage of this Law has been duly published as prescribed by the Constitution and Laws of the State of Florida, said notice stating the substance and object of this Law, by publishing said notice once each week for at least sixty days prior to the introduction of this Law in the Legislature, in the Vero Beach Press, a newspaper published at Vero Beach, in Indian River County, Florida; and evidence of such publication has been established in the Legislature by the affidavit of the publisher of said newspaper appended to a copy of said notice that the same has been published the time aforesaid. Therefore,

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

Section 1. That all of the Acts and proceedings of the Board of Supervisors and all officers and agents of Fellsmere Drainage District in Indian River County, Florida, acting for and on behalf of said District, in carrying out the affairs of said District; and the bonds of said District of the par value of \$700,000.00, bearing date of July 1, 1925, bearing interest at the rate of six per cent. per annum payable semi-annually, heretofore issued and sold, and any and all tax levies and assessments which have been made by the Board of Supervisors of said Fellsmere Drainage District for and on behalf of said District upon the taxable property located within said District be, and they are each

Chap. 11566.
1925

and every one of them, and each and every part thereof, hereby ratified, approved, validated and confirmed.

Sec. 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved November 30, 1925.

CHAPTER 11566—(No. 221).

AN ACT to Authorize the City of Jasper, in Hamilton County, to Pave and Hardsurface Certain Portions of Certain Streets in said City and to Authorize the Assessing of the Costs of such Paving Against the Abutting Property and to Authorize the said City to Build Curb and Gutters along said Streets and to Authorize the Assessing of the Costs of such Curb and Gutter Against the Abutting Property and to Authorize the Assessing of the Costs of Certain Curb and Gutter Already Built Along Certain Streets in said City against the Abutting Property and Authorizing said City to Contract for the said Paving and the Building of said Curb and Gutter and Granting Certain Powers in Connection Therewith.

Whereas, State Road Number Two passes through the City of Jasper in Hamilton County, and passes along and coincides with Sybil Street, Hately Street, Sycamore Street and Mulberry Street, and,

Whereas, Said State Road Number Two, when hardsurfaced by the State Road Department, the said hard surface and paving that will be done by said State Road Department will not be as wide as said streets but will leave a width of approximately six feet on each side of said paving, and,

Whereas, The said City of Jasper has already built certain curbs and gutters along Hately Street the cost of which was paid by said City out of its funds raised by general taxation, and,

Whereas, It will be necessary to build curb and gutter along the edges of the street when paved, and,

Whereas, The said State Road Department has signified its intention of paving and hard surfacing said Road Number Two through said City of Jasper at an early date, and,

1927
fined in prison or otherwise to be brought before it and shall inform him of the allegations contained in such information and of his right to be tried as to the truth thereof, according to law, and shall require such offender to say whether he is the same person as charged in such information or not. If he says he is not the same person or refuses to answer or remains silent, his plea, or the fact of his silence, shall be entered of record and a jury shall be empanelled to inquire whether the offender is the same person mentioned in the several records as set forth in such information. If the jury finds that he is the same person or if he acknowledges or confesses in open court after being duly cautioned as to his rights that he is the same person the Court shall sentence him to the punishment prescribed in said Section 1 and Section 2, as the case may be, and shall vacate the previous sentence, deducting from the new sentence all time actually served on the sentence so vacated. Whenever it shall become known to any warden, prison, probation, parole or police officer or other peace officer, that any person charged with or convicted of a felony has been previously convicted within the meaning of said Section 1 or Section 2, it shall become his duty forthwith to report the facts to the Prosecuting Attorney of the County.

Sec. 4. This Act shall take effect immediately upon its becoming a law.

Approved June 3, 1927.

CHAPTER 12023—(NO. 218).

AN ACT to Authorize the Board of Supervisors of Fellsmere Drainage District, in Indian River County, Florida, to Levy a Uniform Maintenance Tax Upon the Taxable Lands of Said District.

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

max. Section 1. The Board of Supervisors of Fellsmere Drainage District, in Indian River County, Florida, to maintain and preserve the ditches, drains and other improvements of said Drainage District, and to repair and restore the same when needed, and for the purpose of de-

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1927

fraying the current expenses of the District; including any sum which may be required to pay State and County taxes which may have been purchased and which are held by the District under the provisions of Article I, Chapter 3, Title 7, First Division of the Revised General Statutes of Florida, may or or before the first day of November, 1927, and on or before the first day of November of each succeeding year thereafter, levy a tax upon each tract or parcel of land in said District upon which benefits have been assessed, to be known as a "Maintenance Tax". Said Maintenance Tax shall be equal and uniform in amount upon each acre of land assessed and shall not exceed One Dollar and Fifty Cents (\$1.50) per acre in any one year, and shall be certified to the Tax Collector of Indian River County in the same book and in like manner and at the same time as the annual installment of tax is certified, but in a separate column under the heading "Maintenance Tax". Said Collector shall demand and collect the Maintenance Tax and make return thereof, and shall receive the same compensation therefor, and be liable for the same penalties for failure or neglect so to do as is provided by law for the annual installment of tax.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Approved April 23, 1927.

connected with the employment of
or action, including the employment of
ment of fees for the services thereof.

Section 2. All laws or parts of laws in conflict herewith
are hereby repealed.

Section 3. This Act shall take effect upon becoming a law.

Approved June 4, 1931.

1931

CHAPTER 14719—(No. 81).

AN ACT Remitting Penalties on Delinquent Drainage Taxes
of Fellsmere Drainage District in Indian River County,
Florida, for the Year 1929 and Prior Years; Providing That
Delinquent Drainage Taxes for said District for 1930 and
Succeeding Years Shall Bear Penalty at Rate of Twelve
Per Cent. Per Annum for the First Year and at Rate of
Eight Per Cent. Per Annum Each Year Thereafter; Author-
izing Sale or Redemption of Drainage Tax Certificates
Owned by Said District at Less than Face Value; and
Authorizing the Board of Supervisors of Said District to
Accept Bonds and Interest Coupons Thereof Issued by Said
District in Payment of Drainage Taxes.

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

Section 1. All penalties on delinquent drainage taxes for
Fellsmere Drainage District in Indian River County, Florida,
for the year 1929 and prior years are hereby remitted, and
the Tax Collector is hereby authorized to accept payment of
the principal amount of said drainage taxes in full settlement
thereof. This section shall not apply to drainage taxes which
have been foreclosed and upon which Tax Certificates have
been issued.

Section 2. Drainage taxes assessed for said Fellsmere
Drainage District for the year 1930 and all succeeding years,
if not paid before becoming delinquent, shall bear penalty

Penalties on
delinquent
taxes in
Fellsmere
district
remitted.

Penalty for
failure to
pay 1930
taxes.

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from date of delinquency at rate of twelve per cent. per annum for the first year of such delinquency and at the rate of eight per cent. per annum for each year thereafter until paid.

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Section 3. The Board of Supervisors of Fellsmere Drainage District is hereby authorized at any time to sell and assign or to authorize redemption of any drainage tax certificates owned by said District at such discounts from the face value thereof as the Board in its discretion may determine to be for the best interest of the District.

Redemptio
tax cer-
tificates.

Section 4. The Board of Supervisors of Fellsmere Drainage District are hereby authorized in its discretion to accept from time to time at par in payment of the drainage taxes of said District, whether current or delinquent, any unpaid bonds or unpaid interest coupons on bonds heretofore or hereafter issued by said District, regardless of the maturity thereof. The Tax Collector shall accept said bonds and coupons in payment of drainage taxes only upon the written order of the Board of Supervisors.

Payment
taxes in
bonds
authorize

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. This act shall become a law immediately upon its passage and approval by the Governor, or upon becoming a law without such approval.

Approved June 4, 1931.

CHAPTER 14720—(No. 82).

AN ACT to Amend Section 5817, Revised General Statutes of Florida For 1920, Relating to Setting Seines, Gill Nets or Other Nets Within One Mile of Any Pass or Inlet From the Atlantic Ocean to Any Inland Waters of This State.
Be It Enacted by the Legislature of the State of Florida:

...early written report to the Governor 1935
...the administration of the Commission's accounts.

Section 4. That any and all unexpended moneys of this appropriation for the purposes herein set forth shall revert to the General Fund of the State June 30, 1937. Unexpended moneys.

Section 5. This Act shall take effect July 1, 1935.

Approved June 7, 1935.

Filed in Office Secretary of State June 7, 1935.

CHAPTER 16998—(No. 227)

HOUSE BILL NO. 883

AN ACT Authorizing the Board of Supervisors of Fellsmere Drainage District in Indian River County, in its Discretion to Provide for Acceptance of Cash or Said District's Bonds and Past Due Coupons At Par in Payment in Advance of Total Taxes (Debt Service Taxes) Levied Against Lands in Said District, and Validating All Actions of Said Board and the Officers of Said District in Heretofore Accepting the District's Bonds and Coupons in Payment of Total Taxes in Advance and in Payment of Past Due and Current Drainage Taxes.

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

Section 1. The Board of Supervisors of Fellsmere Drainage District, in Indian River County, Florida, is hereby authorized to provide by resolution for payment in advance of all total taxes (debt service taxes) heretofore assessed against any one or more tracts of land in said Drainage District, and said Board is authorized to give receipts in full for such taxes so paid, and to release the lien of said total taxes against said lands. The Board in its discretion may provide that such total taxes may be paid in cash or with bonds of any maturity issued by said District or with past due coupons thereof, at the par value thereof. Authorization of Board of Supervisors.

Section 2. All actions of the Board of Supervisors and the officers of said Fellsmere Drainage District in heretofore accepting cash or the District's bonds or coupons in payment of total taxes in advance, and in accepting the District's bonds or past due coupons, shall be valid. Accepting cash on bonds and coupon

Chap. 16999
1935

Act grants
powers.

pons in payment of current or past due drainage taxes, are hereby validated, approved and confirmed.

Section 3. This Act shall be construed as granting additional powers to said Board of Supervisors, and not as in any way restricting any powers heretofore possessed by said Board.

Section 4. This act shall become a law immediately upon its passage and approval by the Governor, or upon becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 20, 1935.

CHAPTER 16999—(No. 228).

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 130

AN ACT to amend Sections 2407, 178, 5712, 5711, Revised General Statutes of the State of Florida, 1920, being also published respectively, as Sections 3816, 214, 7935, 7934, Compiled General Laws of Florida, 1927; and further to amend Section 2401, Revised General Statutes of the State of Florida, 1920, as amended by Section 1, Chapter 10128, Acts 1925, being also published as Section 3810, Compiled General Laws of Florida, 1927; and further to amend Section 2405, Revised General Statutes of the State of Florida, 1920, as amended by Section 1, Chapter 9128, Acts 1923; and as further amended by Section 3, Chapter 10128, Acts 1925, being also published as Section 3814, Compiled General Laws of Florida, 1927; and further to amend Section 2406, Revised General Statutes of the State of Florida, 1920, as amended by Section 4, Chapter 10128, Acts 1925, being also published as Section 3815, Compiled General Laws of Florida, 1927; and further to amend Sections 2416, 2417, 2418, 2419, Revised General Statutes of the State of Florida, 1920, being also published respectively, as Sections 3826, 3827, 3828, and 3829, Compiled General Laws of Florida, 1927; and further to amend Section 2398, Revised General

Sections 240
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and 7933, C
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Be It Enacted

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Statutes, 1951, and the Legislature hereby declares that said notice and affidavit are sufficient in form and in substance and that said Section 21 of Article III of the Constitution and that said Chapter 11.02 and 11.03 have been complied with in every respect.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Section 5. This act shall take effect and be in full force from and after this passage and approval by the Governor, or upon becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 14, 1953.

CHAPTER 28418

HOUSE BILL No. 692

AN ACT authorizing the Secretary of Fellsmere Drainage District, a Drainage District organized and existing in Indian River County, Florida, to consolidate all drainage back tax books representing delinquent taxes due to said District for all years to and including the year 1952 in one Book to be known as Fellsmere Drainage District Back Tax Book and to make up and certify a Back Tax Book for said District each year, which said Back Tax Book shall include in one book the list of lands within said District upon which taxes are delinquent for all years and providing that such Back Tax Book shall be the official Back

Tax Book of said District and that the same shall be prima facie evidence in all courts of all matters therein contained.

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

Section 1. The Secretary of Fellsmere Drainage District, a drainage district organized and existing in Indian River County, Florida, is herewith authorized to consolidate all drainage back tax books representing drainage taxes due to said Fellsmere Drainage District for all years prior to and including the year 1952 in one book, which book shall be known as Fellsmere Drainage District Back Tax Book. Said back tax book as so prepared and representing a consolidation of all drainage back tax books of said district for all years prior to and including the year 1952 shall be the official drainage back tax book of said district for all years to and including the year 1952 and the same shall be prima facie evidence in all courts of all matters therein contained.

Section 2. For taxes of said district assessed for the year 1953 and each subsequent year thereafter, the Secretary of Fellsmere Drainage District is authorized to make up and certify a drainage back tax book in the manner provided by law excepting only that said book so prepared each year shall contain all delinquent taxes due to said district for such year as well as for all prior years and the same shall be the official drainage back tax book of said district and shall be prima facie evidence in all courts of all matters therein contained.

Section 3. It is the intent of this Act to provide that the drainage back tax book prepared each year for Fellsmere Drainage District shall include in one book a statement of all delinquent taxes due to said district for all years and that said book as prepared and certified each year shall be in lieu of the drainage back tax books for all prior years.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

Section 5. This Act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 14, 1953.

chapter 30524, 1955, chapter 30084, 1955, chapter 30035, 1955,
chapter 30236, 1955, chapter 30257, 1955, chapter 30231, 1955,
chapter 30259, 1955, chapter 30349, 1955, chapter 30549, 1955,
57-1053, chapter 57-1015, chapter 57-1052, chapter 57-1016, chapter
57-927, chapter 57-728, chapter 57-496, chapter 57-686, chapter
57-933, chapter 25028, 1949, chapter 23062, 1945, chapter 26664,
1951, chapter 26665, 1951, chapter 26678, 1951, chapter 27090,
1951, chapter 28446, 1953, chapter 26532, 1951, chapter 27079, 1951,
and chapter 27103, 1951, Laws of Florida, are repealed insofar as
they may relate to Palm Beach county.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1961.

CHAPTER 61-1414

HOUSE BILL NO. 717

AN ACT authorizing and empowering the Fellsmere Drainage District in Indian River County, Florida, to control, conserve and manage the waters within and without the said district, both in Indian River and in Brevard Counties, Florida, as may be necessary to effectuate drainage, management and conservation of waters for the benefit of said district; to adopt a work plan in lieu of a plan of reclamation; to levy assessment of special benefits of taxes upon the lands in the district; to borrow money and issue certificates of indebtedness, notes or bonds; to contract with the landowners outside the District in carrying out the lawful powers of the District; vesting its Board of Supervisors with the power and authority to carry out the powers and duties vested in said District; authorizing the levy and assessment and collection of taxes; making this Act cumulative and providing effective date.

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

Section 1. It is hereby determined and declared that in addition to the powers now provided by law for drainage and reclamation of the lands in the Fellsmere Drainage District, that it is essential to and in the public interest and said District is hereby vested with full power and lawful authority to manage, conserve and control

the waters passing through said drainage system and flowing therefrom and to construct and install such works of improvement as may be necessary to accomplish the same and that all of the same is for the special benefit of the lands within the District.

Section 2. Said District shall have the power to acquire lands, easements or rights of way in, adjoining or near the lands of said District, or adjoining or near the Sebastian River, either in Indian River County or in Brevard County, Florida, for the purpose of providing a continuously adequate facility for outfall drainage from the works of improvements of said District. In the event that any other drains from land outside the boundaries of the District are connected to the drains of said District or empty into the Sebastian River at any point above the lower terminus of any works of improvement of said District on the Sebastian River, its channels, banks or flood plains, said District is authorized to enter into an agreement or agreements with the owners of said other drains for sharing the cost of said outfall drain improvements and for the operation and maintenance thereof.

Section 3. In order to accomplish the objectives of Section 1 of this Act, said District may modify or supplement any existing plan of reclamation, plan of improvement, and any existing facilities of said District. The Board of Supervisors may submit any such modified or supplemental plan for works of improvement to the owners of the land in said District at any regular or special meeting of said landowners. The proposal of the Board of Supervisors shall include the approximate location, the general design, the estimated costs, the plan of financing, proposals for special benefit assessments to pay the cost of such modified or supplemental works of improvement and a report on the expected benefits therefrom. If, at any such meeting, the majority in number of the owners of land in the District (the majority in number of the owners of land and the owners of the majority of the acreage of land in the District) vote, in person or proxy, in favor of the construction of the proposed modified or supplemental works of improvement, the proposed plan of financing and plan of special benefit assessments, and if the Board of Supervisors thereafter determine that such plan for works of improvement can be accomplished at a cost not exceeding the benefit, and the financing and payment can be accomplished as approved at said landowners' meeting, such modification or supplemental works of improvement

may be undertaken, operated and maintained and assessments levied without the petition, appraisal of benefit, report of commissioners, judgment and decree of the court required by Title 20, Section 298.27 of the Florida Statutes.

Section 4. Said District may finance the cost to the District of any such modified or supplemental works of improvement by levying special benefit assessments or by borrowing money, issuing notes, bonds, or certificates of indebtedness and may pledge such assessments. Any such costs or indebtedness shall be paid solely from the proceeds of the tax revenue derived from special benefit assessments which the Board of Supervisors shall levy against all land in the District before such indebtedness is created or such costs are incurred; *provided, however*, that the preliminary cost of the Board of Supervisors in preparing and submitting such modified or supplemental works of improvement and in levying special benefit assessments may be paid from any other funds or revenues available to the District and the fund from which such expenditures are made may be reimbursed out of money borrowed or the proceeds of any certificate of indebtedness or bond issue, and such expenses shall be added a part of the construction costs.

Section 5. The Board of Supervisors shall apportion the cost of the modified or supplemental works of improvement, in the manner approved by the landowners in the District, either by a uniform special benefit assessment against each acre of land within the District, or by classifying all land in the District as to use and benefit to each class of land by virtue of the modified or supplemental works of improvement, and levying a uniform special benefit assessment upon each acre of land within each class of land in the District. The total special benefit assessments shall be in an amount equal to the costs to the District of such modified or supplemental works of improvement plus ten (10) per cent for emergencies and delinquencies, together with interest on any debt incurred or certificates of indebtedness or bonds issued by the District for such costs. The total special benefit assessments, when so assessed, shall become a lien upon the lands in the District as assessed, to become due and payable in the manner hereinafter provided. The special benefit assessments may be divided into annual installments of such number not exceeding thirty (30) and in such annual amounts as may be necessary to pay the current costs to the district of such modified or supplemental works

of improvement or in such amounts as may be necessary in any year to meet the installment payments of principal and interest on any indebtedness created or certificates of indebtedness or bonds issued, as the interest and principal thereon mature. The Board of Supervisors shall levy a special benefit tax each year which shall become a lien upon the land against which it is assessed from the date of such assessment. The proceeds of such special benefit assessment tax shall be placed in a construction fund or if construction of the modified or supplemental works of improvement has been completed, in a sinking fund for the repayment of any bonds, certificate of indebtedness or any other evidence of indebtedness issued by the District to finance said works of improvement, and said funds shall be used for said purposes and for no other purpose until such construction costs or such indebtedness, together with interest, shall have been fully paid.

Section 6. The bonds, certificates of indebtedness, notes or other evidence of indebtedness issued by the District may be upon such terms and at such rates of interest as the District may deem advisable. Said obligations shall be in such denominations, shall bear interest at a rate to be fixed by said District, payable as determined by said District, may be payable to the bearer or to any person designated at such periods of time and dates not exceeding thirty (30) years as the District shall determine and upon such other terms and conditions as the District shall determine, including the right to issue such obligations with or without interest coupons and evidenced by separate obligations or one obligation with installment payments and with such other terms and conditions as the District shall determine and all such obligations may be issued without the approval of the Board of Drainage Commissioners of the State of Florida. The obligations shall be signed by the President of the District and attested by the Secretary under the seal of the District and the same shall be in such form as shall be determined by the District, including the specific pledge of the total special benefit assessments and the annual special benefit taxes herebefore or thereafter levied by said District for said purposes. Said obligations may be sold by the District at public or private sale at such times and in such amounts and at such prices as the District shall determine from time to time and they shall be all the qualities of negotiable paper. Any holder of any of said obligations may, either at law or in equity, by suit, action or man-

damus, enforce and compel the performance of the duties of any of the officers of said District in relation to said obligations or to the collection, enforcement and application of the taxes of said District for the payment thereof. Any obligations issued by said District shall be eligible as investments by the State or any subdivision thereof or any other public funds.

Section 7. Each landowner, in the District shall be notified in writing by mail addressed to each landowner at his address as shown upon the then current year tax assessment roll of said District by the Board of Supervisors of any classification of any land owned by him in the District and of any special benefit assessment levied thereon, and unless within thirty (30) days of the mailing of such notice, the landowner requests the Board of Supervisors to reclassify the land or modify the special benefits assessed against any of his land, the classification of land and the special benefit assessment made by the Board of Supervisors shall be final and shall not thereafter be contested. The final decision of the Board of Supervisors on the request of the landowner for classification or change of any special benefit assessment may be reviewed judicially upon a petition filed within thirty (30) days of the date the landowner is notified by mail of final action by the Board of Supervisors, but said classification or assessment shall not be changed or voided unless the court finds that it was arbitrary, unreasonable or capricious classification or the special benefit assessment against the land was not consistent with the special benefit assessment against other lands similarly classified or similarly benefited.

Section 8. Taxes levied on the basis of special benefit assessments authorized by this Act shall be collected and the lien thereof enforced as other taxes levied under the provisions of Title 20 of the Florida Statutes or any other general or special act relating to the collection of special benefit assessments and taxes by said District.

Section 9. To provide for the operation and maintenance of any of the facilities of the said District, the Board of Supervisors is authorized to levy not less frequently than annually such assessments against the land in the District as may be necessary for operation and maintenance of the facilities of said District. Said assessment may be a uniform assessment for each acre of land in the District or upon approval of the majority of the landowners in

LAWS OF FLORIDA

CHAPTER 61-1414

the District at a regular or special meeting of said landowners, the District may classify the land of the District in accordance with the use and benefit arising by virtue of the facilities of the District and may levy an operation and maintenance assessment against each acre of land in each class at a uniform rate but at different rates for each class of land.

Section 10. The Board of Supervisors of said District is hereby authorized to assess and levy a minimum drainage tax, which said minimum drainage tax shall be at a rate not less than the one (1) acre tax rate as established by the District from time to time. Said minimum drainage tax shall apply to any one parcel separately assessed on the tax rolls of said District.

Section 11. Any and all acts of the landowners or of the Board of Supervisors of said District in carrying out the powers, duties and functions granted in this Act, either prior or subsequent to this Act, are hereby validated. No special benefit assessment shall be levied and no taxes shall be levied on the basis of special benefit assessments and no tax levied and no operation and maintenance tax or assessment shall be made by the district pursuant to the authority granted by this Act upon any lands located in Brevard County, Florida.

Section 12. The authority contained in this Act is alternative to, and in supplement of the authority of said District under the general drainage laws of the State of Florida and any special act pertaining to said District.

Section 13. Should any part of this Act be declared invalid, then the same shall be eliminated from this Act and the remainder shall be and remain in full force and effect.

Section 14. The notice for the passage of this Act has been published as required by the Constitution and proof of such publication, together with a true copy of the notice, was duly attached to this Act when introduced and accompanied this Act throughout the Legislature as required by law.

Section 15. The provisions of this Act shall be deemed cumulative.

CHAPTER 61-1416

LAWS OF FLORIDA

Section 16. This Act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1961.

CHAPTER 61-1415

HOUSE BILL NO. 835

AN ACT amending chapter 59-666, Laws of Florida, 1959, adding section 1-A to change the population classification from twenty-eight thousand through twenty-nine thousand (28,000-29,000) to seventy-five thousand through eighty thousand (75,000-80,000), providing an effective date.

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

Section 1. Chapter 59-666, Laws of Florida, 1959, is amended by adding section 1-A to read:

Section 1-A. Wherever the population classification of twenty-eight thousand through twenty-nine thousand (28,000-29,000) appears in this chapter, substitute in lieu thereof the population classification of seventy-five thousand through eighty thousand (75,000-80,000).

Section 2. This Act shall take effect July 1, 1961.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1961.

CHAPTER 61-1416

HOUSE BILL NO. 938

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City. A copy of the resolution shall be published at least once a week for two (2) consecutive weeks in a newspaper published in Brevard County, Florida, and having a general circulation in the City, and said resolution shall become effective ten (10) days after the last publication thereof.

Section 6. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 9, 1969.

CHAPTER 69-1161

Senate Bill No. 1048

AN ACT relating to Indian River County, Fellsmere drainage district; providing for the levy, collection and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county tax assessor on the county tax roll, and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the tax assessor and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; enacting other provisions relating to this subject; providing an effective date.

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

Section 1. Taxes shall be levied and apportioned for the Fellsmere drainage district, Indian River County, as provided for in the general drainage laws of Florida (chapter 298, Florida Statutes, and amendments thereto), and chapter 61-1414, Laws of Florida, except that the provisions of sections 298.37, 298.38, 298.39, 298.40, and 298.41, Florida Statutes, and amendments thereto, shall not be applicable to said drainage district. In lieu thereof, the following provisions shall apply to the said district: The board of supervisors shall determine, order

and levy the amount of the annual installments of the total taxes levied under section 298.36, Florida Statutes, which shall become due and be collected during each year at the same time that county taxes are due and collected, which said annual installment and levy shall be evidenced to and certified by the board, not later than August 1 of each year, to the tax assessor of Indian River County. Said tax shall be extended and assessed by the county tax assessor on the county tax roll and shall be certified to and collected by the tax collector in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

Section 2. Maintenance taxes as provided for under section 298.54, Florida Statutes, shall be apportioned upon the basis of the net assessments of benefits assessed as accruing for original construction, and shall be evidenced to and certified by the board of supervisors not later than August 1 of each year, to the tax assessor of Indian River County, and shall be extended and assessed by the county tax assessor on the county tax roll and shall be certified to and collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to said district. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

Section 3. The provisions of sections 298.45 and 298.46, Florida Statutes, and amendments thereto, shall not be applicable to said district. In lieu thereof, the following shall apply to said district: The collection and enforcement of all taxes levied by said district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said district and the delinquent and unpaid taxes of said district to the same extent as if said statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes. All discounts allowed shall be a charge against the maintenance tax only.

Section 4. All taxes levied by the district shall be and become delinquent and bear penalties on the amount of said taxes at the same time and in the same amounts as county taxes.

Section 5. The county tax assessor's office of Indian River County shall be paid annually an amount equal to two percent (2%) of the total taxes of the district extended on the tax roll and the tax collector's office of Indian River County shall be paid annually an amount equal to two percent (2%) or one thousand five hundred dollars (\$1,500.00) or whichever is the lesser figure of the total taxes of the district collected, for their respective services to the Fellsmere drainage district in said county for respectively assessing and collecting said drainage district taxes. All compensation paid the tax assessor's office and the tax collector's office which is over the actual cost of providing this service shall be turned over to the general revenue fund of the county. The personnel required to do said special work shall be paid for such special services by the assessor or the collector, as the case may be, from the receipts provided for such purpose.

Section 6. All drainage taxes levied by the district, together with all penalties for default in payment of the same, all costs in collecting the same, shall constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which said taxes shall be levied. A sale of any of the lands within the district for county or other taxes shall not operate to relieve or release the lands so sold from the lien for subsequent installments of district taxes, which lien may be enforced against such lands as though no such sale thereof had been made.

Section 7. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 8. In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 9. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 5, 1969.