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A bill to be entitled  
An act relating to the St. Johns Water Control District,  
Indian River County; codifying, amending, and reenacting  
special acts relating to the district; fixing and  
prescribing boundaries of said district; making the  
provisions of chapter 298, F.S., applicable thereto;  
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 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 county 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; providing that the  
approval of the board of drainage commissioners is not  
required to issue bonds; providing for floating  
indebtedness of the district; providing that payment of  
taxes in advance is not authorized; providing that use of  
bonds and interest coupons in payment of taxes is not  
authorized; providing that the board may enter into  
certain covenants and agreements with holders of bonds;  
providing that water is a common enemy; providing for  
compensation of the board of supervisors; providing



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27 additional powers of the board; providing for severability  
28 of the provisions of the act; repealing chapters 65-812  
29 and 69-1162, Laws of Florida, relating to the district;  
30 providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Intent.--Pursuant to section 189.429, Florida  
35 Statutes, this act constitutes the codification of all special  
36 acts relating to the St. Johns Water Control District (the  
37 "district"), together with the decree creating and incorporating  
38 the district. It is the intent of the Legislature in enacting  
39 this law to provide a single, comprehensive special act charter  
40 for the district, including all current legislative authority  
41 granted to the district by its several legislative enactments,  
42 any additional authority granted by this act, and authority  
43 granted by applicable general law.

44 Section 2. Chapters 65-812 and 69-1162, Laws of Florida,  
45 are codified, reenacted, amended, and repealed as provided in  
46 this act.

47 Section 3. The St. Johns Water Control District is re-  
48 created, and the charter for such district is re-created and  
49 reenacted to read:

50 Section 1. The decree of the Circuit Court in and for the  
51 Ninth Judicial Circuit, Indian River County, Florida, entered in  
52 Case No. 5736 on May 14, 1962, creating and incorporating the St.



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53 Johns Water Control District, an independent special district,  
54 under chapter 298, Florida Statutes, and the decree of said court  
55 revising and correcting the boundaries of the district entered on  
56 October 25, 1963, and an order correcting a clerical error in the  
57 decree revising and correcting the boundaries of the district on  
58 December 27, 1963, and all subsequent proceedings taken in said  
59 circuit court concerning said district are hereby ratified,  
60 confirmed, and approved, including its territorial boundaries as  
61 follows:

62  
63 From the center of Section 5, township 33 South, Range  
64 38 East, run West along the centerline of Highway 60  
65 through Sections 5 and 6, and in Township 33 South,  
66 Range 37 East continue west along the centerline of  
67 State Highway 60 through Sections 1, 2, 3, 4, 5 and 6  
68 to the West boundary of Section 6; thence South along  
69 the West boundary of Sections 6, 7, 18 and 19 to the  
70 Southwest corner of Section 19; thence East along the  
71 south boundary of Section 19 to the Southeast corner of  
72 said Section 19; thence South along the West boundary  
73 of Sections 29 and 32 to the Southwest corner of  
74 Section 32; thence Easterly along the South boundary of  
75 Sections 32, 33, 34, 35 and 36 to the Southeast corner  
76 of Section 36, all lying in Township 33 South, Range 37  
77 East; thence in Township 33 South, Range 38 East, run  
78 Easterly along the South boundary of Sections 31 and 32

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79 to the Southeast corner of Section 32; thence run North  
80 to the Northeast corner of Section 29, Township 33  
81 South, Range 38 East; thence run Easterly to the  
82 Southeast corner of Section 21, Township 33 South,  
83 Range 38 East; thence Northerly along the East  
84 boundaries of Sections 21 and 16 to the Northeast  
85 corner of the Southeast one-quarter (SE 1/4) of Section  
86 16, Township 33 South, Range 38 East; thence Westerly  
87 to the center of Section 16; thence Northerly to the  
88 Northeast corner of the Northwest one-quarter (NW 1/4)  
89 of Section 16; thence Westerly to the Southeast corner  
90 of Section 8; thence North to the Northeast corner of  
91 Section 8; thence Westerly to the Southeast corner of  
92 the Southwest one-quarter (SW 1/4) of Section 5; thence  
93 North to the center of Section 5 and the point of  
94 beginning. Including 27,743.40 acres.

95  
96 Section 2. The provisions of the general drainage laws of  
97 Florida applicable to drainage districts or subdrainage districts  
98 which are embodied in chapter 298, Florida Statutes, and all of  
99 the laws amendatory thereof, now existing or hereafter enacted,  
100 so far as not inconsistent with this act, are hereby declared to  
101 be applicable to said St. Johns Water Control District.

102 Section 3. Taxes shall be levied and apportioned as  
103 provided for in the general drainage laws of Florida (chapter  
104 298, Florida Statutes, and amendments thereto), except as



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105 otherwise provided herein. The board of supervisors shall  
106 determine, order, and levy the amount of the annual installments  
107 of the total taxes levied under sections 298.50 and 298.54,  
108 Florida Statutes, which shall become due and be collected during  
109 each year at the same time that county taxes are due and  
110 collected, which said annual installment and levy shall be  
111 evidenced to and certified by the said board not later than  
112 August 1 of each year, to Indian River County. Said tax shall be  
113 extended by the county on the county tax roll and shall be  
114 collected by the tax collector in the same manner and time as  
115 county taxes, and the proceeds thereof paid to said district.  
116 Said tax shall be a lien until paid on the property against which  
117 assessed, and enforceable in like manner as county taxes.

118 Section 4. Maintenance taxes as provided for under section  
119 298.54, Florida Statutes, shall be apportioned upon the basis of  
120 the net assessments of benefits assessed as accruing for original  
121 construction, and shall be evidenced to and certified by the  
122 board of supervisors not later than August 31 of each year, to  
123 Indian River County, and shall be extended by the county on the  
124 county tax roll and shall be collected by the tax collector in  
125 the same manner and time as county taxes and the proceeds  
126 therefrom paid to said district. Said tax shall be a lien until  
127 paid on the property against which assessed and enforceable in  
128 like manner as county taxes.

129 Section 5. The collection and enforcement of all taxes  
130 levied by said district shall be at the same time and in like



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131 manner as county taxes, and the provisions of the Florida  
132 Statutes relating to the sale of lands for unpaid and delinquent  
133 county taxes, the issuance, sale, and delivery of tax  
134 certificates for such unpaid and delinquent county taxes, the  
135 redemption thereof, the issuance to individuals of tax deeds  
136 based thereon, and all other procedures in connection therewith,  
137 shall be applicable to said district and the delinquent and  
138 unpaid taxes of said district to the same extent as if said  
139 statutory provisions were expressly set forth in this act. All  
140 taxes shall be subject to the same discounts as county taxes.  
141 All discounts allowed shall be a charge against the maintenance  
142 tax only.

143 Section 6. All taxes levied by the district shall be and  
144 become delinquent and bear penalties on the amount of said taxes  
145 in the same manner as county taxes.

146 Section 7. (1) Indian River County shall be paid annually  
147 an amount equal to 1 percent of the total taxes of the district  
148 and the Tax Collector of Indian River County shall be paid  
149 annually an amount equal to 1 percent of the total taxes of the  
150 district collected, for their respective services to the St.  
151 Johns Water Control District in said county for respectively  
152 assessing and collecting said drainage district taxes, provided,  
153 however, that the total amount to be paid to said county and said  
154 tax collector in any one year shall not exceed the sum of \$1,500  
155 to each. All compensation paid the property appraiser and the tax  
156 collector shall be paid from the proceeds of the maintenance tax.

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157       (2) The services of said county and said county tax  
158 collector in assessing and collecting said drainage district  
159 taxes are hereby declared to be special services performed  
160 directly for said district and the amounts paid therefor shall  
161 not be considered a part of the general income of their  
162 respective offices, nor shall it come under the provisions of  
163 sections 116.03, 145.10, and 145.11, Florida Statutes. The  
164 personnel required to do said special work shall be paid for such  
165 special services by the county or the tax collector, as the case  
166 may be, from the receipts provided for such purpose.

167       Section 8. All drainage taxes levied by the district,  
168 together with all penalties for default in payment of the same  
169 and all costs in collecting the same, shall constitute a lien of  
170 equal dignity with the liens for county taxes, and other taxes of  
171 equal dignity with county taxes, upon all the lands against which  
172 said taxes shall be levied. A sale of any of the lands within the  
173 district for county or other taxes shall not operate to relieve  
174 or release the lands so sold from the lien for subsequent  
175 installments of district taxes, which lien may be enforced  
176 against such lands as though no such sale thereof had been made.

177       Section 9. The board of supervisors may issue bonds under  
178 the provisions of chapter 298, Florida Statutes, without the  
179 approval of the Board of Drainage Commissioners of the State of  
180 Florida, as provided for in section 298.47, Florida Statutes.

181       Section 10. (1) After the levy of maintenance taxes for  
182 any year, the board of supervisors may from time to time issue

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183 warrants or negotiable notes or other evidences of indebtedness  
184 of the district, which shall be payable solely from such  
185 maintenance taxes and shall not be issued in an amount greater  
186 than the amount of such maintenance taxes then unpaid less the  
187 amount of any of such notes then outstanding. All such notes  
188 shall mature not later than 1 year from the date of issuance  
189 thereof, shall bear interest at a rate or rates not exceeding 6  
190 percent per annum, and shall have such other details as shall be  
191 provided in the resolution or resolutions of the board of  
192 supervisors authorizing the issuance thereof.

193 (2) After the authorization of any bonds under the  
194 provisions of chapter 298, Florida Statutes, the board of  
195 supervisors may from time to time issue bond anticipation notes  
196 in anticipation of the issuance of such bonds, and the amount  
197 thereof shall not exceed the amount of bonds authorized and not  
198 issued. Such notes shall all mature not later than 1 year after  
199 the date thereof and may be renewed for a further period not  
200 exceeding 1 year, but all of such notes, including the renewals  
201 thereof, shall mature not later than 2 years from the date  
202 thereof. Such bond anticipation notes shall be paid from the  
203 proceeds of such bonds when issued, or from any taxes levied for  
204 the payment of such bonds which have been authorized, but in such  
205 case a like amount of the bonds authorized shall not be issued.  
206 The proceeds of any bond anticipation notes shall be used solely  
207 for the purposes provided in the resolution which authorized the  
208 issuance of the bonds in anticipation of which bond anticipation





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209 notes are issued.

210 Section 11. The provisions of section 298.73, Florida  
211 Statutes, and amendments and successors thereof, relating to the  
212 use of bonds and obligations in payment of drainage taxes, shall  
213 not be applicable to said district and its bonds, obligations,  
214 and taxes.

215 Section 12. The board of supervisors of the district shall  
216 have the power, in the resolution or other proceedings  
217 authorizing the issuance of any bonds, to enter into valid and  
218 legally binding covenants and agreements with the holders of such  
219 bonds as to the custody and security of the proceeds of said  
220 bonds, or of any bond anticipation notes issued in anticipation  
221 thereof, the custody and security of any debt service funds,  
222 including reserves, and the appointment of banks or trust  
223 companies as trustee to hold such construction funds and debt  
224 service and reserve funds, the rank or priority as between the  
225 bonds originally issued by the district, and any bonds thereafter  
226 issued and terms and conditions under which any bonds can be  
227 issued by the district after the original bonds or notes have  
228 been issued to finance the cost of the drainage improvements or  
229 works, and such other covenants and conditions as shall be deemed  
230 necessary and advisable by the board of supervisors in accordance  
231 with bond market practices and in order to better secure the  
232 payment of such bonds and the marketability thereof. All such  
233 covenants and agreements shall be and constitute valid and  
234 legally binding obligations of the district and the state does



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235 hereby covenant that it will not by any legislation hereafter in  
236 any manner repeal, modify, or impair the rights, remedies, and  
237 security of the holders of any bonds or other obligations issued  
238 by the district.

239 Section 13. The district shall also have power to covenant  
240 and agree with the holders of such bonds that all of the fees and  
241 expenses for the levy and collection of taxes in said district  
242 and of any trustees or other custodians of the bond proceeds or  
243 of the construction funds or debt service funds or reserves  
244 therefor, or the cost of the expenses of any annual audits or of  
245 any other annually recurring services or costs shall be paid from  
246 the maintenance taxes to be collected in each year with said  
247 district and not from the proceeds of any bonds or other  
248 obligations issued by said district.

249 Section 14. It is hereby declared that, in said district,  
250 surface waters, which shall include rainfall and the overflow of  
251 rivers and streams, are a common enemy, and the said district and  
252 any individual or agency holding a permit to do so from said  
253 district shall have the right to dike, dam, and construct levees  
254 to protect the said district or any part thereof, or the property  
255 of said individual or agency against the same, and thereby divert  
256 the course and flow of such surface water and or pump the water  
257 from within such dikes and levees.

258 Section 15. Each supervisor shall be paid for his or her  
259 services a per diem of \$25 for each day actually engaged in work  
260 pertaining to the said district; but the said supervisors shall

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261 not in any one month be paid more than \$100 each, except that in  
262 addition to the said per diem, they shall be paid 10 cents per  
263 mile for each mile actually traveled in going to and from their  
264 place of residence to the place of meeting.

265 Section 16. It shall be unlawful for any person, firm, or  
266 corporation to connect or to maintain a connection of any farm  
267 ditch with any of the canals, ditches, laterals, or waterways  
268 constructed, controlled, or maintained by St. Johns Water Control  
269 District in Indian River County, except in accordance with plans  
270 and specifications showing the method of such connection as  
271 prescribed by the board of supervisors of said district. Any  
272 violation of this act shall be punished as prescribed by the  
273 general law for punishment of misdemeanors. The board of  
274 supervisors shall also have the right and power to cause any such  
275 connection constructed or maintained in violation of this act to  
276 be blocked or stopped up.

277 Section 17. The Board of Supervisors of St. Johns Water  
278 Control District in Indian River County, in order to effect the  
279 drainage, reclamation, and protection of lands in said district,  
280 is hereby authorized to construct, install, and maintain locks,  
281 dams, and other works and facilities in the canals, ditches, and  
282 drains in said district and elsewhere.

283 Section 18. The St. Johns Water Control District is hereby  
284 authorized to grant such permits as it shall deem proper in  
285 allowing any access over, under, or across its lands.

286 Section 19. In case any one or more of the sections or



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287 provisions of this act or the application of such sections or  
288 provisions to any situation, circumstance, or person shall for  
289 any reason be held to be unconstitutional, such  
290 unconstitutionality shall not affect any other sections or  
291 provisions to any other situation, circumstance, or person, and  
292 it is intended that this law shall be construed and applied as if  
293 such section or provision had not been included herein for any  
294 unconstitutional application.

295 Section 4. Chapters 65-812 and 69-1162, Laws of Florida,  
296 are repealed.

297 Section 5. This act shall take effect upon becoming a law.

298