

1 An act relating to the Headwaters Water Control District (“HWCD”), Indian River
2 County; creating the Headwaters Water Control District in Indian River County as a
3 public corporation; creating the district’s charter; providing the district’s status and
4 boundaries; providing minimum charter requirements; providing applicability of
5 specified laws to the district; providing severability; providing an effective date.

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

7 Section 1. The charter for the Headwaters Water Control District is created to read:

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

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15 [Legal Description to be inserted]

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17 Section 2. Minimum charter requirements.—In accordance with s. 189.031(3),
18 Florida Statutes, the following are the minimum requirements for the charter of the
19 Headwaters Water Control District:

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

22 (2) The district’s charter may be amended only by special act of the Legislature.

23 (3) In accordance with chapter 189, Florida Statutes, this act, and ss. 298.11 and
24 298.12, Florida Statutes, the governing board of the district shall be designated the “Board
25 of Supervisors of the Headwaters Water Control District” and shall be composed of five
26 persons, who shall be qualified to hold such office if they are officers of landowners or
27 landowners within the district, residents of the state, and citizens of the United States,
28 elected on a 1-acre, one-vote basis by the landowners in the district; however, landowners
29 owning less than 1 acre in the aggregate shall be entitled to one vote. Landowners with

30 more than 1 acre shall be entitled to one additional vote for any fraction of an acre greater
31 than 1/2 acre owned when a landowner's acreage has been aggregated for purposes of
32 voting. The membership and organization of the governing board shall be as set forth in this
33 charter and chapter 298, Florida Statutes, provided this charter controls with respect to
34 any inconsistency.

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

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

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

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

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

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

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

56 (11) The district's planning requirements shall be as set forth in chapters 189 and
57 298, Florida Statutes.

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

59 (13) Maintenance and Use of the Lateral “U” Canal, Park Lateral Canal and Main
60 Canal.

61 a. Lateral “U” Canal-- The HWCD shall be solely responsible for all
62 maintenance and aquatic vegetation management of the entire Lateral “U” Canal. The
63 canal shall be maintained to the designed level of service.

64
65 Notwithstanding the foregoing, the Fellsmere Water Control District shall retain the right to
66 utilize the full extent of the Lateral “U” Canal located within the FWCD Boundary for all
67 purposes permitted under applicable water control laws and regulations.

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69 b. Main Canal – The HWCD shall be solely responsible for all maintenance and
70 aquatic vegetation management of the Main Canal located within the Fellsmere Water
71 Control District, from the centerline of the Lateral “U” Canal eastward for one mile, without
72 recourse to the Fellsmere Water Control District. The canal shall be maintained to the
73 designed level of service. The HWCD shall have the right to utilize the full length of the Main
74 Canal for all purposes permitted under applicable water control laws and regulations.

75
76 The Fellsmere Water Control District shall retain responsibility for the maintenance
77 and aquatic vegetation management of the remaining portion of the Main Canal and shall
78 have no recourse to HWCD for such responsibilities. The canal shall be maintained to the
79 designed level of service.

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81 c. Park Lateral Canal – The Fellsmere Water Control District shall be solely
82 responsible for the maintenance dredging and aquatic vegetation management of the Park
83 Lateral Canal located within the FWCD Boundary without recourse to the HWCD. The
84 HWCD shall retain the historic drainage rights through the Park Lateral Canal to the Main
85 Canal.

87 Unless otherwise noted all facilities lying within each District boundary are the
88 responsibility of that particular District. Each District indemnifies and holds harmless the
89 other for any obstruction, interference, or other activity by each District or its landowners
90 that adversely impacts the flow and drainage of water in the Lateral Canals or the Main
91 Canal. To the extent either District fails to maintain the Lateral Canals or the Main Canal as
92 set forth herein, the other District shall have the right but not the obligation to perform such
93 necessary corrective action to bring a canal up to its design level of service and seek
94 reimbursement of costs, including attorneys fees, from the non-complying District. In the
95 event that one District intends to undertake repairs or corrective actions due to another
96 District's non-compliance, the initiating District shall provide the non-complying District
97 with no less than thirty (30) days' written notice of its intent to perform such corrective
98 action. The non-complying District shall have the opportunity to cure the non-compliance
99 within this notice period. If the non-complying District commences and diligently pursues
100 the necessary corrective actions within the thirty (30) day period, it shall not be held liable
101 under this section.

102 (14) All properties within the District remain subject to, and must comply with, the
103 relevant comprehensive plan and land-development regulations of the local municipal and
104 county jurisdiction within which it is located, as required by Florida Statute §163.3161 et.
105 seq., the "Community Planning Act".

106 (15) If the district intends to seek future legislation to add additional powers to this
107 charter, it shall provide written notice to the City of Fellsmere at least thirty (30) days prior
108 to any meeting of the Indian River Legislative Delegation at which the matter will be
109 considered.

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111 Section 3. Provisions of chapter 298, Florida Statutes, made applicable. The
112 Headwaters Water Control District hereby created shall be an independent water control
113 district and a public corporation of this state. The provisions of state law applicable to
114 water control districts or subdistricts which are embodied in chapter 298, Florida Statutes,
115 so far as not inconsistent with this act, are hereby declared to be applicable to the

Headwaters Water Control District. The Headwaters Water Control District shall have all of the powers and authorities conferred in this act and chapter 298, Florida Statutes.

Section 4. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 2. This act shall take effect October 1, 2026, but only if House Bill ____ (2026) becomes law.