

House Bill No. 1421

An act relating to Orange County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Ranger Drainage District, a special tax district in Orange County; providing legislative intent; codifying and reenacting chapter 97-355, Laws of Florida; providing district status and boundaries; ratifying, restating and approving district formation; providing additional powers; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters; providing an effective date.

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

Section 1. Intent.—Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Ranger Drainage District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Codification.—Chapter 81-445, Laws of Florida, and chapter 97-355, Laws of Florida, relating to the Ranger Drainage District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. District formation ratified, restated and approved.—The District was created by decree of the circuit court in and for the Ninth Judicial Circuit, Orange County, Florida, entered on April 9, 1970, by final judgment entered in In re: Ranger Drainage District, case number 69-2558, with respect to RANGER DRAINAGE DISTRICT, a public corporation of the state and all subsequent proceedings taken in said circuit court concerning said district including the provisions setting the boundaries of said drainage district are ratified, confirmed, and approved.

Section 4. Status and boundaries of ranger drainage district.—The Ranger Drainage District is hereby declared to be an independent water control district and a public corporation of the State of Florida pursuant to chapter 298, Florida Statutes, as it may be amended from time to time, and the lands lying within the area described as follows in Orange County, Florida, shall hereby constitute the Ranger Drainage District:

The South one-half of Sections 1 and 2, the easterly three-eighths of Section 10, all of Sections, 11, 12, 13, 14, 19, 23, 24, 25, 26, 27, 28, 29, 30, and 31 in Township 23 South, Range 32 East in Orange County, Florida, the boundary of which is more particularly described as follows:

Commence at the Southeast corner of Section 25, run northerly along the easterly lines of Sections 25, 24, 13, 12, and 1 to the westerly right-of-way of State Road 520; thence proceed northwesterly along said westerly

right-of-way of State Road 520 to the intersection of State Road 520 and the north line of the South one-half of Section 1; thence westerly along the North line of the South one-half of Sections 1 and 2 to the westerly quarter corner of Section 2; thence southerly along the West line of Section 2 to the Southwest corner of Section 2; thence westerly along the North line of Section 10 to the Northwest corner of the easterly three-eighths of Section 10; thence southerly along the west line of the easterly three-eighths of Section 10 to the Southwest corner of the easterly three-eighths of Section 10; thence easterly along the south line of Section 10 to the Southeast corner of Section 10; thence southerly along the west line of Section 14 and 23 to the Southwest corner of Section 23; thence westerly along the North line of Sections 27, 28, and 29 to the Northwest corner of Section 29; thence northerly along the east line of Section 19 to the Northeast corner of Section 19; thence westerly along the North line of Section 19 to the Northwest corner of Section 19; thence southerly along the west line of Sections 19, 30, and 31 to the Southwest corner of Section 31; thence easterly along the south line of Section 31 to the Southeast corner of Section 31; thence northerly along the east line of Section 31 to the Northeast corner of Section 31; thence easterly along the south lines of Sections 29, 28, 27, 26, and 25 to the point of beginning.

Section 5. Additional district powers.—

(1) Services and projects may be provided by the Ranger Drainage District on lands within or adjoining the district by agreement with the owners of said lands.

(2) The Ranger Drainage District is authorized to sponsor one or more events each calendar year intended to foster community spirit, including, but not limited to, a fishing tournament for the children of the community, so long as the only involvement of the district is the provision of its employees to assist in administering and holding the event.

(3) The Ranger Drainage District is authorized to allow fishing within canals which are works of the district and which lie within rights-of-way or easements owned by the district, subject to such policies as may be adopted by the district from time to time.

Section 6. Limitation on liability with respect to district lands and works used by the public for recreation.—The provisions of chapter 298, Florida Statutes, and applicable local laws to the contrary notwithstanding, the following provisions control with respect to liability of the Ranger Drainage District to persons using district rights-of-way, works, or easements for outdoor recreational purposes:

(1) Except as provided in subsection (2), when a water management district, individually or jointly with another agency of government, has acquired land adjacent to drainage rights-of-way or works owned by the Ranger Drainage District, or over which the Ranger Drainage District has a legally established easement right, which land is made available by the water management district for outdoor recreational purposes, thereby allowing access to such rights-of-way, works, or easements of the Ranger

Drainage District, and which otherwise qualifies for the limitation on liability afforded to the water management district when there is no charge made or usually made for entering or using the land and on which no commercial or other activity from which profit is derived from the patronage of the public is conducted on the land, the Ranger Drainage District shall enjoy the same limitation on liability for its rights-of-way, works, and easements as is enjoyed by the water management district for its lands when those same circumstances exist, when access is gained to Ranger Drainage District rights-of-way, works, or easements from the water management district lands.

(2) This section does not relieve the Ranger Drainage District of any liability that would otherwise exist for gross negligence or a deliberate, willful, or malicious injury to a person or property. This section does not create or increase the liability of the Ranger Drainage District or any person beyond that which is authorized by s. 768.28, Florida Statutes.

(3) The term “outdoor recreational purposes,” as used in this section, includes activities such as, but not limited to, horseback riding, hunting, fishing, bicycling, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, motorcycling, and visiting historical, archaeological, scenic, or scientific sites.

Section 7. Minimum charter requirements.—In accordance with s. 189.404(3), Florida Statutes, the following subsections shall constitute the charter of the Ranger Drainage District:

(1) The district is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(2) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 170, 189, 197, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The district was created by judicial decree by the Circuit Court of Orange County, Florida, in In re: Ranger Drainage District, Civil Case Number 69-2558 in accordance with chapter 298, Florida Statutes.

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

(5) In accordance with chapter 189, Florida Statutes, this act, and s. 298.11, Florida Statutes, the district is governed by a three-member board, elected on a one-acre, one-vote basis by the landowners in the district; however, landowners owning less than one acre shall be entitled to one vote. Landowners with more than one acre shall be entitled to one additional vote for any fraction of an acre greater than ½ acre owned, when all of the

landowner's acreage has been aggregated for purposes of voting. The membership and organization of the board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The compensation of board members shall be governed by this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(7) The administrative duties of the board of supervisors shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes and other evidence of indebtedness by the district shall be as set forth in chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, as they may be amended from time to time; however, a quorum for purposes of holding the annual meeting or any special meeting shall consist of those landowners present in person or represented by proxy at said meeting.

(11) The district may be financed by any method established in this act, chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(12) The methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 170, 197, and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

(13) The district's planning requirements shall be as set forth in chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(14) The district's geographic boundary limitations shall be as set forth in section 4 of this act.

(15) The district shall have all powers provided to it by this act, chapters 189 and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

Section 8. Liberal construction.—It is intended that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for by this act, and where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act, and a liberal construction would permit or assist in the accomplishment of any part of the work authorized by this act, the liberal construction shall be chosen.

Section 9. Invalidation.—If any section, subsection, sentence, clause, or phrase of this act is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of the act, the Legislature hereby declaring that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of any other separate section, subsection, sentence, clause, or phrase thereof, and irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases thereof may be declared unconstitutional.

Section 10. Repeal of prior special acts.—Chapter 81-445, Laws of Florida, and chapter 97-355, Laws of Florida, relating to the Ranger Drainage District shall be repealed 10 days after the effective date of this act.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.