

## House Bill No. 1511

An act relating to Joshua Water Control District, a special tax district in DeSoto County, Florida; providing for codification of special acts relating to Joshua Water Control District; providing legislative intent, and codifying and reenacting provisions of chapter 69-1010, Laws of Florida; chapter 79-448, Laws of Florida; chapter 82-287, Laws of Florida; and chapter 90-497, Laws of Florida; providing for applicability of chapter 298, Florida Statutes, and other general laws; providing a district charter; providing for repeal of prior special acts related to the Joshua Water Control District; providing for an effective date

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

Section 1. Intent—Pursuant to Section 189.429, Florida Statutes (1997), this act constitutes the codification of all special acts relating to the Joshua Water Control 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 69-1010, Laws of Florida; Chapter 79-448, Laws of Florida; Chapter 82-287, Laws of Florida; and Chapter 90-497, Laws of Florida; relating to the Joshua Water Control District, are codified, reenacted, amended and repealed as herein provided.

Section 3. (1) For the purpose of comprehensive water management and control pursuant to Chapter 298, Florida Statutes, as it may be amended from time to time, a water control district is hereby established to be known as “Joshua Water Control District”, the territorial boundaries of which shall be as follows:

Sections 1, 12, 13, 24, 25, and 36 together with drainage easements held by Joshua water control district in Sections 2 and 11 in Township 37 South, Range 26 East; and Sections 1 through 32 in Township 37 South, Range 27 East; and the North ½ of the NE ¼ of Section 36 together with drainage easements held by Joshua Water Control District in Sections 33, 34, 35, and 36 in Township 37 South, Range 27 East.

(2) All lands within the Joshua Water Control District shall be divided into two subdistricts to be entitled subdistrict A and subdistrict B.

(a) The boundaries of subdistrict A shall be: Sections 1, 12, 13, 24, 25 and 36 together with drainage easements held by Joshua Water Control District in Sections 2 and 11 in Township 37 South, Range 26 East; and Sections 1 through 30 in Township 37 South, Range 27 East; and the North ½ of the NE ¼ of Section 36 together with drainage easements held by Joshua Water Control District in Sections 33, 34, 35, and 36 in Township 37 South, Range 27 East.

(b) The boundaries of subdistrict B shall be: Sections 31 and 32, Township 37 South, Range 27 East.

Section 4. The circuit court in and for DeSoto County, Florida, in a proceeding under chapter 298, has entered a judgment creating Joshua Water Control District. The judgment heretofore entered by said circuit court and all subsequent proceedings taken in said circuit court covering said district, including provisions setting and extending the boundaries of said Joshua Water Control District, are ratified, confirmed and approved and established as the boundaries of said Joshua Water Control District. The provisions of this act shall apply to such extended boundaries as though the same had been described herein.

In addition, and not in limitation of the powers and authorities of the district under chapter 298, Florida Statutes, and amendments thereto, the district shall have the following powers:

To adopt a water control plan and to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve canals, ditches, drains, dikes, levies, pumps, plants and plumbing systems and other works for drainage purposes, and irrigation works, machinery and plants, to own, acquire, construct, reconstruct, equip, maintain, operate, extend and improve water and flood control facilities, road, to regulate the supply and level of water within the district; and to take all measures determined by the board of supervisors to be necessary or desirable to prevent or alleviate land erosion and to provide for the irrigation of crops growing upon the land.

Section 5. Status of district—Joshua Water Control 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.

Section 6. Board of Supervisors—The provision of section 298.11, Florida Statutes, requiring that the members of the board of supervisors be residents of DeSoto County, shall not be applicable to said district. The members of the board of supervisors shall reside within the State of Florida.

Section 7. Charter Requirements—In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the charter of the Joshua Water Control District:

(a) 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.

(b) 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.

(c) The district was created by judicial decree and confirmed by special act of the Florida Legislature by chapter 69-1010, Laws of Florida, in accordance with chapter 298, Florida Statutes.

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

(e) In accordance with chapter 189, Florida Statutes, this act, and section 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. 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) The procedures for conducting district elections and for qualification of electors shall be pursuant to this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(k) 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.

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

(m) 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.

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

Section 8. Severability—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances, or persons shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any of the other sections

or provisions of this act or the application of such sections or provisions to any other situation, circumstances, or persons and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 9. Effect of conflict—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 10. Repeal of Prior Special Acts—Chapter 69-1010, Laws of Florida, chapter 79-448, Laws of Florida, chapter 82-287, Laws of Florida, and chapter 90-497, Laws of Florida, will 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.