

House Bill No. 1443

An act relating to the Central County Water Control District in Hendry County, Florida; codifying and reenacting the district's charter, chapter 70-702, Laws of Florida, as amended; providing for creation of the district; providing district boundaries; providing for validation; providing for application of other laws; providing powers of the district; providing for district taxes; providing for levy, apportionment, and collection of taxes; providing penalties for unpaid delinquent taxes; providing for enforcement of taxes; specifying a quorum for certain meetings; prohibiting proxy voting; providing for membership of a board of supervisors; providing for effect of conflict with other acts; providing a savings clause; providing for repeal of prior special acts relating to the Central County Water Control District; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Central County Water Control District situated in Hendry County. 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. It is further the intent of this act to preserve all district authority and powers.

Section 2. Chapters 70-702, 79-470, 90-413, 94-481, and 96-531, Laws of Florida, relating to the Central County Water Control District situated in Hendry County, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Central County Water Control District is re-created as an independent special water control district and the charter for such district is re-created and reenacted to read:

Section 1. District created; boundaries; validation.—

(a) For the purpose of reclamation, drainage, irrigation, water control, and development of lands hereinafter described and to protect said lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage, irrigation, and water control works and improvements, and to make the lands within said district available and habitable for settlement and agriculture, and for the public convenience, welfare, utility and benefit, and for the other purposes stated in this act a drainage district is hereby created and established in Hendry County to be known as the Central County Water Control District, the territorial boundaries of which shall be as follows:

Sections 13, 14, 15, the West ½ of Section 18, Sections 22, 23, 24, 25, 26 and 27, the North ½ of Section 34 except the SE ¼ of the NE ¼ of said

Section 34 and all of Sections 35 and 36 in Township 44 South, Range 32 East; and all of Sections 19, 29, 30, 31, 32, Township 44 South, Range 33 East in Hendry County, Florida.

(b) It is hereby determined, declared, and enacted that said lands in their present condition are wet and subject to overflow, and at times subject to drought, and that the drainage, irrigation, water control, reclamation, and protection of said lands from the effects of water, and thereby the making of said lands available for agricultural and settlement purposes by drainage, irrigation, water control, reclamation, and improvement, and the creation of said district with the powers vested in it by this act, are in the interest of and conducive to public welfare, health, and convenience.

(c) The proceedings had in the circuit court of Hendry County in the cause styled "In re: Central County Drainage District," being Case No. 68-14, wherein a judgment was entered on February 6, 1968, creating Central County Drainage District under the provisions of chapter 298, Florida Statutes, known as the general drainage law, and a judgment extending the boundaries of said district which was entered on April 10, 1970, are hereby validated, ratified, approved, and confirmed.

Section 2. Provisions of other laws made applicable.—The Central County Water Control District hereby created shall be a public corporation of this state. The provisions of the general drainage laws of Florida applicable to drainage districts or sub-drainage districts which are embodied in chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act, are hereby declared to be applicable to the Central County Water Control District. The Central County Water Control District shall have all of the powers and authorities mentioned in or conferred by chapter 298, Florida Statutes, and acts amendatory thereof, except as herein otherwise provided.

Section 3. Powers of the district.—The district shall have the power to sue and be sued by its name in any court of law or in equity; to make contracts; to adopt and use a corporate seal and to alter the same at pleasure; to acquire by purchase, gift, or condemnation real and personal property, either or both, as may be necessary or convenient to carry out the purposes of this act, and chapter 298, Florida Statutes; to construct, operate, and maintain canals, ditches, drains, levees, and other works for drainage purposes; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes; to construct, operate, and maintain irrigation works, machinery, and plants; to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said district or the supervisors thereof; and in furtherance of the purposes and intent of this act and chapter 298, Florida Statutes, to construct, improve, pave, and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban and suburban, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the district; to construct, acquire by donation, or purchase recreational facilities and areas, including related facilities, and to construct, operate, and

maintain such recreation and related facilities for the benefit of district residents. The powers and duties of said district shall be exercised by and through the board of supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may from time to time determine, and to fix their compensation and duties. Provided, however, that in addition thereto, the district shall have all of the powers provided for in chapter 298, Florida Statutes.

Section 4. Taxes; levy; apportionment; collection.—

(1) Installment taxes.

(a) Taxes shall be levied and apportioned as provided for in the general drainage laws of Florida (chapter 298, Florida Statutes, and amendments thereto), except that the provisions of section 298.41, Florida Statutes, and amendments thereto, shall not be applicable to the district. In lieu thereof the following provision shall apply to the district.

(b) 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 said annual installment and levy shall be evidenced to and certified by the board not later than July 1 of each year to the tax assessor of Hendry County. Said tax 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, and the proceeds thereof paid to the district.

(2) Maintenance tax.

(a) The provisions of section 298.54, Florida Statutes, and amendments thereto, shall not be applicable to the district. In lieu thereof, the following provision shall apply to the district.

(b) To maintain and preserve the improvements made pursuant to this act and to repair and restore the same, when needed, and for the purpose of defraying the current expenses of the district, the board of supervisors may, upon the completion of said improvements, in whole or in part as may be certified to the board by the chief engineer, levy annually a tax upon each tract or parcel of land within the district, to be known as a "maintenance tax." Said maintenance tax 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 not later than July 1 of each year to the tax assessor of Hendry County, and 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 and the proceeds therefrom paid to said district.

(3) Taxes and costs a lien on land against which taxes assessed. All taxes provided for in this act together with all penalties for default in payment of the same and all costs in collecting the same shall, from the date of assessment thereof until paid, 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 such taxes shall be levied as is provided in this act.

(4) Compensation of tax assessor, tax collector, and clerk of the circuit court. The tax assessor, tax collector, and clerk of the circuit court of Hendry County shall be entitled to compensation for services performed in connection with taxes of said district the same as now provided by law for special drainage districts.

(5) Levies of taxes on land less than one (1) acre. In levying and assessing all taxes, each tract or parcel of land less than one (1) acre in area shall be assessed as a full acre, and each tract or parcel of land more than one (1) acre in area which contains a fraction of an acre shall be assessed at the nearest whole number of acres. A fraction of one-half (½) or more to be assessed as a full acre.

Section 5. When unpaid taxes delinquent; penalty.—All taxes provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 6. Enforcement of taxes.—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 procedures 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.

Section 7. Quorum for landowners' meetings.—At any landowners' meeting, the owners of land in the district present in person or otherwise properly voting shall constitute a quorum.

Section 8. Proxy voting eliminated.—Proxy voting is prohibited in elections of the district board of supervisors.

Section 9. Board of supervisors membership.—The number of members of the district board of supervisors shall be five. At each annual meeting of the district, two supervisors will be elected for 3-year terms, except that in elections held at the annual meetings in 2000 and every third year thereafter one supervisor will be elected for a 3-year term.

Section 10. Effect of conflict with other acts.—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 4. All claims, liens, actions, rights of actions, and other interests existing and valid on the effective date of this act under the provisions of chapters 70-702, as amended, 79-470, 90-413, 94-481, and 96-531, Laws of Florida, shall survive the reenactment and repeal of the several chapters hereby and shall remain in full force and effect and be continued unabated by the recodification of the several acts herein.

Section 5. Chapters 70-702, 79-470, 90-413, 94-481, and 96-531, Laws of Florida, are repealed.

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

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.