

## House Bill No. 1661

An act relating to Hendry and Glades Counties; providing for codification of special laws regarding independent special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the Flaghole Drainage District, a special tax district of the State of Florida composed of lands in Hendry and Glades Counties; providing legislative intent; codifying reenacting, and amending chapter 28540, Laws of Florida, 1953, and chapters 59-930, 73-477, and 77-562, Laws of Florida; providing powers, functions, and duties of the district with respect to non-ad valorem assessments, bond issuance, revenue raising, budget preparation and approval, liens and foreclosure of liens, specified use of tax deeds and tax certificates, and contractual agreements; providing for governance of the district by a Board of Supervisors; providing for membership, organization, compensation, and administrative duties of the board; specifying requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; specifying procedures and requirements governing the issuance of bonds, notes, and other forms of indebtedness; providing procedures for District elections and qualification of electors; providing for method of financing the District; authorizing the District to continue to levy a special annual maintenance tax upon all taxable real property in the District; specifying the method for collecting non-ad valorem assessments, fees, and service charges; providing for District planning requirements; fixing the boundaries of the District; authorizing the Board of Supervisors of the District to levy a maintenance indebtedness tax; providing purpose of the District; providing for the levy of an annual maintenance tax; authorizing the Board of Supervisors to designate maintenance areas within the district; providing composition of the Board of Supervisors; providing for ratification of prior actions; providing severability; providing that this act shall take precedence over any conflicting law to the extent of such conflict; repealing chapter 28540, Laws of Florida, 1953, and chapters 59-930, 73-447, and 77-562, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, this act constitutes the codification of all special acts relating to the Flaghole Drainage District, an independent special district and political subdivision of the State of Florida. 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.

Section 2. Chapter 28540, Laws of Florida, 1953, and chapters 59-930, 73-477, and 77-562, Laws of Florida, relating to the Flaghole Drainage District, are codified, reenacted, amended, and repealed as provided herein.

Section 3. The Flaghole Drainage District is re-created and the charter for said district is re-created and reenacted to read:

Section 1. (a) The Flaghole Drainage 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, so far as not inconsistent with this act.

(b) The powers, functions, and duties of the District regarding non-ad valorem assessments, 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 189, 197, and 298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(c) The District was created by chapter 28540, Laws of Florida, 1953, a special legislative act.

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

(e) In accordance with chapter 298, Florida Statutes, the District is governed by a Board of Supervisors. 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 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 chapters 189 and 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 chapters 189 and 298, Florida Statutes, and applicable general laws as they may be amended from time to time.

(k) The District may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(l) In accordance with chapter 298, Florida Statutes, the District may continue to levy upon all of the real taxable property in the District a special tax each year as maintenance tax.

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

(n) 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.

(o) The geographic boundary limitations are as set forth in section 2.

Section 2. The territorial boundaries of the District include lands in Hendry and Glades Counties, Florida, as follows:

Beginning at the Southeast Corner of Section 2, Township 44 South, Range 33 East; thence West along the South line of Sections 2, 3, 4, 5, and 6, Township 44 South, Range 33 East, to the Southwest Corner of said Section 6; thence North along the West side of said Section 6 to the Northwest corner thereof; thence West along the South line of Section 36, Township 43 South, Range 32 East to the Southwest Corner of said Section 36; thence North along the West line of said Section 36 and continue North along the West line of Sections 25 and 24, Township 43 South, Range 32 East to the Northwest Corner of said Section 24; thence West along the South line of Sections 14 and 15, Township 43 South, Range 32 East to the South Quarter Corner of said Section 15; thence North along the center line of said Section 15 to the center of said Section 15; thence West along the center line of said Section 15 to the West Quarter Corner of said Section; thence North along the West line of said Section 15 to the Northwest Corner thereof; thence Easterly along the North line of Section 15, Township 43 South, Range 32 East to the Northeast Corner of said Section 15; thence North along the West line of Section 11 and fractional Section 2, Township 43 South, Range 32 East to a point on the Township line between Glades and Hendry Counties; thence Northwesterly along the right of way of Improvement No. 5 to the water's edge of Lake Hicpochee; thence Northerly and Easterly along the water's edge of Lake Hicpochee to a point in Section 34, Township 42 South, Range 32 East, where the North line of the Nine Mile Canal intersects the water's edge of Lake Hicpochee; thence Southeasterly and Easterly along the North Bank of the said Nine Mile Canal to a point where the said North Bank of the Nine Mile Canal would intersect the East line of Section 9, Township 43 South, Range 33 East, if said line were projected North through the Southeast Quarter of Section 33, Township 42 South, Range 33 East; thence South along said projection and continue South along the East line of Section 9 to the Southeast Corner of said Section 9; thence East along the North boundaries of Sections 15 and 14 to the Northeast Corner of Section 14; thence South along the East boundary of Section 14 to the Southeast Corner of Section 14, and continuing South along the East lines of Sections 23, 26, and 35, Township 43 South, Range 33 East and along the East line of Section 2, Township 44 South, Range 33 East to the Point of Beginning.

Less and except the North 160 feet of Section 14, Township 43 South, Range 33 East and the North 160 feet lying 100 feet East of the West boundary of Section 15, Township 43 South, Range 33 East.

Subject however, to the right-of-way of the existing separation levee of Sugarland Drainage District, as set forth in Chapter 18287, Laws of 1937, and to the right-of-way along a portion of the South and West boundaries of the District, which right of way is held by the Central and Southern Florida Flood Control District.

Section 3. For the purpose of enabling the principal and interest of any outstanding indebtedness of the District to be paid, the Board of Supervisors is hereby authorized, empowered, and directed to levy and impose upon all the lands within the District a Maintenance Indebtedness Tax. This Maintenance Indebtedness Tax shall be in addition to, and not in lieu of, the annual levy of maintenance tax.

Section 4. In imposing the taxes authorized to be levied by this act, or as it may hereafter be amended, the separate parcels of less than one (1) acre shall be assessed the tax amount applicable to parcels of one (1) acre.

Section 5. For the purpose of draining, reclaiming, and conserving the lands hereinafter described, and protecting the same from the effects of water, or lack of water, for controlling the water in the District and the water tables with respect to the lands therein, for agricultural and sanitary purposes, for the public health, convenience, welfare, utility and benefit, and for the purpose of maintaining and operating the existing drainage facilities located on, embraced within or adjacent to the lands described in this act, Flaghole Drainage District is hereby declared to exist and the creation thereof is ratified, validated, and confirmed.

Section 6. For the purpose of paying the cost of maintaining and operating said facilities, as well as administering the affairs of the District generally, there is hereby levied and imposed upon each acre of land lying within the said District, including lands owned by the State of Florida, or its agencies, an annual tax to be known as Maintenance Tax, in an amount sufficient to maintain and preserve the works of the District, said per acre tax to be determined annually by the Supervisors. The Supervisors shall have the power to designate maintenance areas within the District, and to levy variable maintenance tax rates apportioned upon the bases of benefits received by lands within the maintenance areas.

Section 7. The governing Board of Flaghole Drainage District shall be designated Board of Supervisors of Flaghole Drainage District and shall be composed of three persons, who shall be resident Freeholders of the State of Florida.

Section 8. That all other acts and proceedings of the Circuit Court of said Hendry and Glades Counties taken by, for, and on behalf of said District since the creation thereof; and all of the acts and proceedings of the Board of Supervisors, the Commissioners, and all other officers and agents of said District, and of said Hendry and Glades Counties, acting for and on behalf of said District and any and all tax levies and assessments which have been

made by the said Board of Supervisors for and on behalf of said District, by and they are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. Chapter 28540, Laws of Florida, 1953, and chapters 59-930, 73-477, and 77-562, Laws of Florida, are repealed

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 6. 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 7. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.