

House Bill No. 1663

An act relating to the Disston Island Conservancy District in Hendry and Glades Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to a special tax district of the State of Florida composed of the Counties of Hendry and Glades; providing legislative intent, and codifying, amending, and reenacting chapter 9977, Laws of Florida, 1923; chapter 14709, Laws of Florida, 1931; chapter 75-383, Laws of Florida; and chapter 77-561, Laws of Florida; providing for minimum charter requirements; providing powers, functions, and duties of the District; providing purpose and boundaries of the District; providing for tax assessment for services; providing authority to levy a rehabilitation tax; providing for Supervisor qualifications; providing for a quorum for landowners' meetings; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Disston Island Conservancy District; providing for severability; providing for effect of conflicting laws; 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 Disston Island Conservancy 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, including the authority to annually assess and levy against the taxable property in the District.

Section 2. Chapter 9977, Laws of Florida, 1923; chapter 14709, Laws of Florida, 1931; and chapters 75-383 and 77-561, Laws of Florida, relating to the Disston Island Conservancy District of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Disston Island Conservancy District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. (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, so far as not inconsistent with this act.

(2) 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.

(3) The District was created by chapter 9977, Laws of Florida, 1923, a special legislative act.

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

(5) 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.

(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 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 chapters 189 and 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, and applicable general laws, as they may be amended from time to time.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

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

Section 2. That for the purpose of drainage, irrigation, water control, and reclaiming the land hereinafter described and protecting the same from the effects of water, for agricultural and sanitary purposes, and for public convenience and welfare for public utility and benefit, a drainage and water control district is hereby created and established, to exist and to be known as the Disston Island Conservancy District, the territory boundary of which shall be as follows to wit:

Beginning at a point of intersection of the landward boundary of the right-of-way of Central and Southern Florida Flood Control District LD-3, as recorded in Plat Book 2, page 88 of the public records of Glades County, Florida and the easterly boundary of the S-77 discharge canal right-of-way as shown on the Central and Southern Florida Flood Control District right-of-way map, sheet 5 of 5 of Drawing C-43-45, said point of intersection being in fractional Section 12, Township 42, South, Range 32 East as surveyed by the State of Florida March 1918; thence proceeding in a southeasterly direction along the said landward boundary of the right-of-way of LD-3, through said section 12; thence continue along the said landward boundary of the right-of-way of LD-3 and LD-1 including all additional right-of-way acquired this date forward through Sections 7, 18, 17, 16, 15, 14, 23 and 24 all in Township 42 south, Range 33 East; thence through Sections 19 and 30, Township 42 South, Range 34 East to an intersection with the westerly right-of-way of Central and Southern Florida Flood Control District Canal C20 as shown on Drawing C-20-5 of the C. & S. F. C. D. right-of-way map, thence southeasterly along the said westerly right-of-way of Canal C20 through Sections 30, 31 and 32, Township 42 South, Range 34 East to an intersection with the westerly bank of the presently existing SUGARLAND DRAINAGE DISTRICT OUTFALL CANAL in Section 32, Township 42, South, Range 34 East; thence southwesterly to an intersection with the boundary between Townships 42 and 43 South, said line also being the boundary between Glades and Hendry County and the north boundary of the SUGARLAND DRAINAGE DISTRICT; thence westerly along the said township line to a point on the northwest bank of the presently existing nine-mile canal in section 7, Township 43 South, Range 34 East; thence following the said north bank of the nine-mile canal southwesterly, northwesterly and westerly, and coinciding with the north boundaries of the SUGARLAND DRAINAGE DISTRICT and the FLAGHOLE DRAINAGE DISTRICT respectively, through Section 7, Township 43 South, Range 34 East, Sections 12 and 11, Township 43 South, Range 33 East, Sections 34, 33, 32 and 31, Township 42 South, Range 33 East, Sections 36 and 35, Township 42 South, Range 32 East to an intersection with the westerly toe of the existing Lake Hicpochee East Levee in Section 35, Township 42 South, Range 32 East; thence following the westerly toe of said levee along the shores of Lake Hicpochee in a northerly, northeasterly and northwesterly direction through Sections 35, 34, 27, 26, 23 and 22, Township 42 South, Range 32 East to an intersection with the south and east boundary of the right-of-way of the Caloosahatchee Canal (C-43) as existing in Section 22, Township 42 South, Range 32 East; thence northeasterly along the said right-of-way through Sections 22, 15, 14, 11 and 12, Township 42 South, Range 32 East to the Point of Beginning.

Section 3. Additional Powers of the District.—In addition to the powers provided for under chapter 298, Drainage and Water Management Law, Florida Statutes, which apply to the Disston Island Conservancy District, said District shall have the following powers:

The District is hereby authorized to construct or acquire all works and improvements as shall be necessary to rehabilitate, improve, or conserve the works and facilities heretofore constructed or acquired by said District and to reconstruct, improve, clean, or renovate any of such works or facilities heretofore constructed or acquired, in order to properly provide for the drainage, irrigation, and water control of the lands in said District, under the Water Control Plan for said District now in effect, or as may be hereafter revised or amended for said District. The powers conferred by this Act shall include the right to clean out, straighten, open up, widen, or change the course and flow, alter or deepen any canal, ditch, or lateral in said District that the Board of Supervisors thereof may deem necessary to be done to facilitate the drainage, irrigation, and water control of the lands in said District, and to generally perform any work or construct or acquire any works or facilities which in the judgment of the Board of Supervisors of said District is necessary or desirable in connection with the rehabilitation of the drainage works and facilities of said District as they now exist.

Section 4. Additional Powers.—The Supervisors of Disston Island Conservancy District shall have the power to designate maintenance areas within the District, and to levy variable maintenance tax rates apportioned upon the basis of benefits received by lands within the maintenance areas, and to provide for special and additional services to any particular area in the District which may require such special or additional services as a result of the use of the land in the area.

Section 5. Benefits Assessed.—It is hereby found and determined that all lands receiving services within the boundaries of the District receive equally benefits from the water management works, facilities, and improvements as constructed and maintained under existing water control plans of the District; and, therefore, all said lands receiving services shall be taxed equally for the maintenance, rehabilitation, and improvement of the District's works, facilities, and improvements.

Section 6. Rehabilitation Tax.—In order to implement and carry out the additional powers of the District as provided for in this Act, the District shall have the authority to levy a rehabilitation tax from time to time against all lands receiving services within the District. Such tax shall be levied equally against all land receiving services in the District and in the same manner as provided for the levy of the maintenance tax. Any rehabilitation tax levy shall be subject to the approval of the landowners at any regular or special meeting called and the landowners voting as provided for in section 298.11, Florida Statutes.

Section 7. The governing Board of Disston Island Conservancy District shall be designated "Board of Supervisors of Disston Island Conservancy District" and shall be composed of three persons, who shall be resident Freeholders of the State of Florida.

Section 8. Quorum for Landowners' Meeting.—The owners and proxy holders of District acreage who are present at a duly noticed landowners' meeting shall constitute a quorum for the purpose of holding such election or any election thereafter.

Section 9. 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, and they are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. Chapter 9977, Laws of Florida, 1923; chapter 10591, Laws of Florida, 1925; chapter 11510, Laws of Florida, 1925; chapter 14709, Laws of Florida, 1931; chapter 75-383, Laws of Florida, and chapter 77-561, 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 of the provisions of this act with 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.