

House Bill No. 1801

An act relating to the Sugarland Drainage District, Glades and Hendry Counties; providing for codification of special laws relating to the Sugarland Drainage District, a special taxing district of the State of Florida, composed of the Counties of Glades and Hendry; providing legislative intent; codifying and reenacting chapter 11136, Laws of Florida, 1925, chapter 18287, Laws of Florida, 1937, chapter 26639, Laws of Florida, 1951, chapter 28515, Laws of Florida, 1953, chapter 28516, Laws of Florida, 1953, and chapters 70-532, 72-433, 74-485, 75-381, 75-382, 77-562, and 82-297, Laws of Florida; providing for minimum charter requirements; providing for Supervisor qualifications; providing for ratification of prior actions; providing for repeal of all prior special acts relating to the Sugarland Drainage 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 Sugarland Drainage District, which is 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 11136, Laws of Florida, 1925; chapter 18287, Laws of Florida, 1937; chapter 26639, Laws of Florida, 1951; chapter 28515, Laws of Florida, 1953; chapter 28516, Laws of Florida, 1953; and chapters 70-532, 72-433, 74-485, 75-381, 75-382, 77-562, and 82-297, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

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

Section 1. In accordance with section 189.404(3), Florida Statutes, the following shall constitute the minimum charter requirements of Sugarland 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, 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 11136, Laws of Florida, 1925, 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.

Section 2. That 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, and for the public health convenience, welfare, utility, and benefit, Sugarland Drainage District is hereby declared to exist and the boundaries of said Sugarland Drainage District are hereby redefined and declared to be as follows:

Beginning at the Northeast corner of Section 22, Township 43 S., Range 34E; thence South along the East side of Sections 22, 27 and 34, a distance of 2 miles and 80 feet to a point 80 feet south of the Southeast corner of said Section 27, Township 43 S., Range 34 E; thence West along a line 80 feet South of and parallel to the South line of Sections 27,28, 29 and 30, a distance of 4 miles to a point 80 feet South of the Southwest corner of Section 30, Township 43 S., Range 34 E; thence continuing West along a line 80 feet South of and parallel to the South line of Section 25, Township 43 S., Range 33; E, a distance of one-half mile to a point 80 feet South of the South quarter, of said Section 25, Township 43 S, Range 33 E; thence South along the North and South quarter-section line of Section 36, Township 43 S, Range 33 E, a distance of 5200 more or less to the South quarter corner of said Section 36; thence continuing South along the North-South quarter-section line of Section 1 T. 44 S, R 33 E, to the South ¼ corner of said Section 1; thence West along the South line of Section 1, T 44 S, R 33 E, a distance of one-half mile to the Southwest corner of Section 1, Township 44 S, Range 33 E; thence North along the West line of Section 1, T 44 S, R33 E, Sections 36, 25, 24 and 13, T 43 S, R. 33 E., a distance of approximately 5 miles to a point 160 feet South of the section corner common to Sections 13, 14, 11 and 12, Township 43 S, Range 33 E; thence West along a line 160 feet South of and parallel to the North line of Sections 14, and 15, a distance of 2 miles to a point 160 feet South of and 100 feet East of the Northwest corner of Section 15; thence North a distance of 160 feet to the North boundary of said Section 15; thence West 100 feet to the Northwest corner of Section 15; thence North to the Northwest corner of said Section 10, Township 43 S, Range 33 E, said point being on the Township line between Township 43 S and Township 42 S, also the County line between Hendry and Glades Counties, Florida; thence continue North along the extension West line of Section 10 produced through the Southeast quarter of Section 33, Township 42 S, Range 33 E, a distance of 1105 feet more or less to a point on the North bank of Nine Mile Canal; thence in a general Easterly direction along the North bank of Nine Mile Canal through Sections 33 and 34, Township 42 S, Range 33 E, Sections 11 and 12, Township 43 S, Range 33 E, and Section 7, Township 43 S, Range 34 E, the following bearings and distances:

North 88° 43' East, 930.0 feet; South 89° 34' East, 1000.0 feet; South 85° 51' East 770 feet; South 80° 20' East 700.00 feet; South 70° 46' East 900.0 feet; South 67° 20' East 1100.0 feet; South 65 ° 14' East 358.5 feet; South 65° 14' East 532.0 feet; South 61° 12' East 900.0 feet; South 58° 15' East 601.0 feet; South 54° 11' East 900.0 feet; South 52° 32' East 1700.0 feet;

South 49° 31' East 900.0 feet; South 52° 14' East 700.0 feet; South 57° 27' East 1100.0 feet; South 65° 39' East 700.0 feet; South 78 ° 24' East 360.5 feet; North 81° 13' East 861.5 feet; North 82° 49' East 800.0 feet; North 78° 35' East 550.0 feet; North 61° 05' East 363.5 feet; North 47° 05' East 1200.0 feet; North 47° 05' East 1700.0 feet; North 49° 21' East 600.0 feet; North 52° 28' East 457.0 feet; North 49° 09' East 878.4 feet; North 45° 43' East 800.0 feet; North 49° 24' East 300.0 feet to a point on the South line of Section 31, Township 42 South, Range 34 East; thence East along the South line of Sections 31 and 32, Township 42 S, Range 34 E, to the Westerly bank of the main outfall canal of Sugarland Drainage District; thence Northeasterly along said bank to the intersection with the Southerly right of way of the Central and Southern Florida Flood Control's Canal C-21; thence Easterly along said right of way to the Easterly bank of the said main outfall canal; thence Southwesterly along said Easterly bank to the intersection of the Township line common to T. 42 S and T 43 S; thence South along the North and South quarter section line of Sections 8 and 17, a distance of 2 miles to the North Quarter Section Corner of Section 20, Township 43 S, Range 34 E; thence East along the North line of Sections 20, 21, and 22, a distance of 2 ½ miles to the Northeast corner of Section 22, Township 43 S, Range 34 E, the point of beginning.

Section 3. That for the purpose of paying the costs of administering the affairs of Sugarland Drainage District generally and for the purposes of maintaining, operating, preserving, and rendering efficient the ditches, canals, drains, levees, and other improvements, and to repair and to restore the same when needed, and for the purpose of defraying the current expenses of the District, the Board of Supervisors is hereby authorized, empowered, and directed to levy and impose, within Sugarland Drainage District, special taxes or assessments, which shall be known and designated as the "Maintenance Tax."

Section 4. Lands held by Trustees of the Internal Improvement Fund of Florida shall be subject to the special taxes or assessments authorized by this Act to be levied, and in furtherance of the trusts upon which such lands are held, the said Trustees are authorized and empowered to pay such taxes or assessments out of any funds in hand derived from the sale of lands, or otherwise.

Section 5. It shall be the duty of such officer or officers as may be charged with the duty with respect to State and County taxes to assess and levy upon all railroad property, telegraph property, and telephone property within said District the amount of such taxes and assessments as in the case of State and County taxes, and to collect the said taxes and assessments in the same manner as is required by law with respect to the assessment and collection of taxes on such property for State and County purposes, and to remit the same to the Treasurer of Sugarland Drainage District in the same manner as remittances are required to be made with respect to other taxes.

Section 6. That all taxes and assessments levied by or for Sugarland Drainage District upon lands situated within the district, as defined in this Act, be, and the same hereby are, ratified, confirmed, and validated, and

declared to be legal and binding, notwithstanding any defects in the proceedings pursuant to which such taxes and assessments were levied or the failure upon the part of any officer or person to comply with statutory provisions or requirements relating to the assessment and levy of such taxes and assessments.

Section 7. That all action taken by the Board of Supervisors of Sugarland Drainage District, the officers and agents of said District, in connection with the refinancing of the indebtedness of the District by or through loans authorized or disbursed by Reconstruction Finance Corporation, and all contracts, undertakings, and agreements entered into by said District or said Board with Reconstruction Finance Corporation in connection with said loans, are, and each of them is, hereby ratified, validated, confirmed, and declared to be legal, valid, and binding; and said Board is hereby specifically authorized to carry out, perform, and execute any and all agreements, undertakings, and contracts with Reconstruction Finance Corporation relative to such loans.

Section 8. That all proceedings, acts, and doings, taken, done, and performed by the Board of Supervisors, agents, and officers of Sugarland Drainage District, and landowners of said District in meetings assembled including the election of Supervisors, since the creation of the District, are, and each of them is, hereby ratified, validated, confirmed, and declared to be legal, valid, and binding.

Section 9. All special taxes or assessments heretofore levied and assessed upon lands within the boundaries of Sugarland Drainage District, be, and the same hereby are, ratified, confirmed, and validated, and declared to be legal and binding.

Section 10. Sugarland Drainage District is divided into 2 zones as follows:

Zone A. Shall include those lands located south of U.S. Highway 27 and east of Canal No. 4; namely the west ½ of Section 17, all of Section 18, 19, 20, 21, 22, 27, 28, 29 and 30, Township 43 S, Range 34 E; and the east ½ of Sections 13, 24, and 25, Township 43 S, Range 33 E.

Zone B. Shall include those lands within the District located north of U.S. Highway 27 and west of Canal No. 4; namely, that portion south of 9 Mile Canal of Sections 33 and 34, Township 42 S, Range 33 E, and Section 7 and the west ½ of Section 8, Township 43 S., Range 34 E and Sections 10, 11, and 12; plus the west ½ of Sections 13, 21, 25 and 36, Township 43 S, Range 33 E and the west ½ of Section 1, Township 44 S, Range 33 E.

Section 11. For the purpose for which maintenance taxes of the Sugarland Drainage District are authorized to be levied, the Board of Supervisors of Sugarland Drainage District is hereby authorized, empowered, and directed to levy and impose, in the manner provided by law, upon the lands within the boundaries of the District a maintenance tax.

Section 12. 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 13. It is hereby ascertained, determined, and declared that the benefits accrued and to accrue to the lands within Sugarland Drainage District by virtue of the works or public improvements which have been constructed heretofore by or under the authority of the Board of Supervisors of said district are at least equal in amount to the taxes and assessments authorized by this act to be levied; and that all lands in Zone A are equally benefited and all lands in Zone B are equally benefited and that the benefits to each zone are in proportion to the amount of taxes authorized to be levied against each zone.

Section 14. The Board of Supervisors of Sugarland Drainage District shall have the power to designate maintenance areas identifying those lands requiring a higher degree of water management within Sugarland Drainage District and to levy variable maintenance tax rates upon the basis of benefits received by lands within the maintenance area.

Section 15. The Board of Supervisors of Sugarland Drainage District may enter into arrangements with other like drainage or water control districts to share a pro-rata cost of insurance coverage, rental, purchases, and use of supplies, equipment, buildings, and facilities and for service of employees.

Section 16. The governing Board of Sugarland Drainage District shall be designated "Board of Supervisors of Sugarland Drainage District" and shall be composed of three persons, who shall be resident Freeholders of the State of Florida.

Section 17. 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 11136, Laws of Florida, 1925; chapter 18287, Laws of Florida, 1937; chapter 26639, Laws of Florida, 1951; chapter 28515, Laws of Florida, 1953; chapter 28516, Laws of Florida, 1953; and chapters 70-532, 72-433, 74-485, 75-381, 75-382, 77-562, and 82-297, Laws of Florida, are hereby repealed.

Section 5. 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 person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Act or the application of such sections or provisions to any other situation, circumstances, or person, 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 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 7, 2000.

Filed in Office Secretary of State June 7, 2000.