

By Representatives Sindler, Brooks and Feeney

1 A bill to be entitled
2 An act relating to the Ranger Drainage
3 District, Orange County; establishing a charter
4 for the district; providing legislative intent;
5 increasing the number of supervisors and
6 changing the voting procedures by which members
7 of the board of supervisors are elected;
8 authorizing the levy of non-ad valorem
9 assessments and specifying services which may
10 be financed by said assessments; providing for
11 a conditional limitation on liability; changing
12 the method for approval of supervisors'
13 compensation; providing a referendum; providing
14 an effective date.

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16 WHEREAS, the Ranger Drainage District, a drainage and
17 water control district existing in Orange County, was
18 established on April 9, 1970, by final judgment entered in In
19 re: Ranger Drainage District, case number 69-2558, Circuit
20 Court of Orange County, and

21 WHEREAS, the final judgment establishing the Ranger
22 Drainage District granted to said district those powers
23 described in chapter 298, Florida Statutes, and

24 WHEREAS, the Ranger Drainage District has existed
25 continuously since being established by the final judgment for
26 the purpose of providing the functions and exercising the
27 powers described in chapter 298, Florida Statutes, for
28 landowners within the boundaries of the district, without a
29 charter setting forth more fully the structure of and
30 functions to be provided by the district to the landowners,
31 and

1 WHEREAS, due to population growth within the Ranger
2 Drainage District, there is a need to expand its board of
3 supervisors from three members to five members and to provide
4 for election of board members by popular vote, and

5 WHEREAS, landowners within the Ranger Drainage District
6 desire that a charter be established by special act of the
7 Legislature which provides for non-ad valorem assessments to
8 cover costs of functions provided by the district and which
9 more fully describes the structure of the district and the
10 functions it is to perform for landowners within its
11 boundaries, NOW THEREFORE,

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

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15 Section 1. Ranger Drainage District established.--The
16 lands lying within the area described as follows in Orange
17 County constitute the Ranger Drainage District:

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19 The South one-half of Sections 1 and 2, the
20 easterly three-eighths of Section 10, all of
21 Sections 11, 12, 13, 14, 19, 23, 24, 25, 26,
22 27, 28, 29, 30, and 31 in Township 23 South,
23 Range 32 East in Orange County, Florida, the
24 boundary of which is more particularly
25 described as follows:

26
27 Commence at the Southeast corner of Section 25;
28 run northerly along the easterly lines of
29 Sections 25, 24, 13, 12, and 1 to the westerly
30 right-of-way of State Road 520; thence proceed
31 northwesterly along said westerly right-of-way

1 of State Road 520 to the intersection of State
2 Road 520 and the North line of the South
3 one-half of Section 1; thence westerly along
4 the North line of the South one-half of
5 Sections 1 and 2 to the westerly quarter corner
6 of Section 2; thence southerly along the West
7 line of Section 2 to the Southwest corner of
8 Section 2; thence westerly along the North line
9 of Section 10 to the Northwest corner of the
10 easterly three-eighths of Section 10; thence
11 southerly along the West line of the easterly
12 three-eighths of Section 10 to the Southwest
13 corner of the easterly three-eighths of Section
14 10; thence easterly along the South line of
15 Section 10 to the Southeast corner of Section
16 10; thence southerly along the West line of
17 Sections 14 and 23 to the Southwest corner of
18 Section 23; thence westerly along the North
19 line of Sections 27, 28, and 29 to the
20 Northwest corner of Section 29; thence
21 northerly along the East line of Section 19 to
22 the Northeast corner of Section 19; thence
23 westerly along the North line of Section 19 to
24 the Northwest corner of Section 19; thence
25 southerly along the West line of Sections 19,
26 30, and 31 to the Southwest corner of Section
27 31; thence easterly along the South line of
28 Section 31 to the Southeast corner of Section
29 31; thence northerly along the East line of
30 Section 31 to the Northeast corner of Section
31 31; thence easterly along the South line of

1 Sections 29, 28, 27, 26, and 25 to the Point of
2 Beginning.

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4 Except as otherwise provided herein, the Ranger Drainage
5 District shall have the powers described in chapter 298,
6 Florida Statutes. It is the intent of the Legislature through
7 this act to continue the existence of the Ranger Drainage
8 District, initially established by the Circuit Court of Orange
9 County, in In re: Ranger Drainage District, civil case number
10 69-2558, with the modifications provided herein. Adoption of
11 this act shall not change the status of any existing legal
12 obligations of the Ranger Drainage District.

13 Section 2. Board of supervisors; composition,
14 qualifications, election process.--The provisions of chapter
15 298, Florida Statutes, and applicable local laws to the
16 contrary notwithstanding, the following provisions control
17 with respect to the board of supervisors of the Ranger
18 Drainage District:

19 (1) Effective November 30, 1997, the board of
20 supervisors of the district shall be expanded from three
21 members to five members, each of whom shall be elected for a
22 term of 4 years, except as provided by subsection (7), and
23 shall serve until his or her successor is duly elected or
24 appointed.

25 (2) The term of the supervisor whose term is set to
26 expire on the second Wednesday of June 1998 and the term of
27 the supervisor whose term is set to expire on the second
28 Wednesday of June 1999 are hereby adjusted so that their terms
29 will now expire at midnight on November 30, 1997. The term of
30 the supervisor who will be elected by landowners at their
31 meeting to be held on the second Wednesday of June 1997 is

1 also adjusted so that it will expire at midnight on November
2 30, 1997. Supervisors serving terms commencing December 1,
3 1997, shall be elected by popular vote of qualified electors
4 of the district as provided herein.

5 (3) Election procedures shall be consistent with the
6 applicable provisions of chapter 189, Florida Statutes. The
7 board shall appoint a supervisor of elections to oversee the
8 election of members of the board of supervisors. The
9 supervisor of elections shall not be a member of the board of
10 supervisors.

11 (4) Members of the board of supervisors shall be
12 elected on a nonpartisan basis and no qualifying fee shall be
13 charged, in order that any qualified person may stand for
14 election to the board of supervisors. Positions on the board
15 of supervisors shall be numbered one through five. Position
16 one shall represent the geographic area within the district
17 designated as the "City," more particularly described as:

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19 All lands contained within the Plats of Rocket
20 City (n/k/a Cape Orlando Estates), Unit 1, as
21 recorded in Plat Book Z, Pages 29-31; Rocket
22 City (n/k/a Cape Orlando Estates), Unit 2, as
23 recorded in Plat Book Z, Pages 56-57; Rocket
24 City (n/k/a Cape Orlando Estates), Unit 3, as
25 recorded in Plat Book Z, Pages 69-70, as
26 replatted in part by the Plat of Cape Orlando
27 Estates, Unit 5, as recorded in Plat Book 5,
28 Pages 20-21; and Rocket City (n/k/a Cape
29 Orlando Estates), Unit 4, as recorded in Plat
30 Book Z, Pages 74-81, as replatted in part by
31 the Plats of Cape Orlando Estates, Unit 5, as

1 recorded in Plat Book 5, Pages 20-21, and Cape
2 Orlando Estates, Unit 6, as recorded in Plat
3 Book 6, Page 69; and within that portion of the
4 Plat of Rocket City (n/k/a Cape Orlando
5 Estates), Unit 1A, as recorded in Plat Book Z,
6 Pages 71-73, lying West of the Westerly
7 right-of-way line of Bancroft Boulevard as
8 shown on said plat; all of the Public Records
9 of Orange County, Florida;
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11 and shall be elected by qualified electors who are landowners
12 in the City. Position two shall represent the geographic area
13 within the district designated as the "Estates," more
14 particularly described as:
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16 All lands contained within that portion of the
17 Plat of Rocket City (n/k/a Cape Orlando
18 Estates), Unit 1A, as recorded in Plat Book Z,
19 Pages 71-73, lying East of the Westerly
20 right-of-way line of Bancroft Boulevard as
21 shown on said plat; and within the Plats of
22 Rocket City (n/k/a Cape Orlando Estates), Unit
23 2A, as recorded in Plat Book Z, Pages 82-85;
24 Rocket City (n/k/a Cape Orlando Estates), Unit
25 3A, as recorded in Plat Book Z, Pages 102-105,
26 as replatted in part by the Plat of Cape
27 Orlando Estates, Unit 3A, as recorded in Plat
28 Book 3, Pages 101-102; Rocket City (n/k/a Cape
29 Orlando Estates), Unit 4A, as recorded in Plat
30 Book Z, Pages 110-113; Rocket City (n/k/a Cape
31 Orlando Estates), Unit 7A, as recorded in Plat

1 Book Z, Pages 114-117, as replatted by the Plat
2 of Cape Orlando Estates, Unit 7A, as recorded
3 in Plat Book 3, Pages 103-106; Rocket City
4 (n/k/a Cape Orlando Estates), Unit 8A, as
5 recorded in Plat Book Z, Pages 106-109; Rocket
6 City (n/k/a Cape Orlando Estates), Unit 9A, as
7 recorded in Plat Book Z, Pages 86-88; Cape
8 Orlando Estates, Unit 3A, as recorded in Plat
9 Book 3, Pages 101-102; Cape Orlando Estates,
10 Unit 11A, as recorded in Plat Book 3, Pages
11 107-109; Cape Orlando Estates, Unit 12A, as
12 recorded in Plat Book 4, Pages 66-70; and Cape
13 Orlando Estates, Unit 31A, as recorded in Plat
14 Book 3, Pages 110-111; all of the Public
15 Records of Orange County, Florida;
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17 and shall be elected by qualified electors who are landowners
18 in the Estates. Positions three, four, and five shall
19 represent the district at large and shall be elected by
20 qualified electors who are landowners from throughout the
21 district.
22 (5) Persons qualifying to run for the board of
23 supervisors shall designate the board of supervisors position
24 number for which they are running. The candidate receiving a
25 plurality of votes in each position race shall be elected to
26 the board.
27 (6) Upon approval of this act through referendum as
28 provided in section 9, the board of supervisors and the
29 supervisor of elections for the district shall make necessary
30 preparations for conducting an election prior to November 30,
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1 1997, for positions one through five on the board of
2 supervisors.

3 (7) Candidates elected to positions one, two, and
4 three shall be elected for 4-year terms. Candidates elected to
5 positions four and five shall initially be elected for 2-year
6 terms. Upon expiration of the first 2-year term for positions
7 four and five, candidates elected to these positions shall
8 thereafter be elected for 4-year terms, so that all
9 supervisors shall be elected thereafter for staggered 4-year
10 terms.

11 (8) In the event of a vacancy on the board of
12 supervisors, the remaining supervisors may fill such vacancy
13 until the next regularly scheduled election for supervisors.

14 (9) In order to qualify for election as a member of
15 the board of supervisors, a candidate must be a resident of
16 the district and a qualified elector of the district.
17 Candidates for positions one and two on the board must be
18 residents and landowners in the geographic areas the positions
19 represent and must be qualified electors of the district.

20 (10) In order to be a qualified elector of the
21 district, a person must be a district landowner, at least 18
22 years of age, who registers with the district's supervisor of
23 elections. "Landowner," for purposes of this act, includes,
24 but not by limitation, persons and entities, including
25 trustees and business entities, holding title to real property
26 in fee simple or by life estate, but does not include entities
27 of government holding title to real property, or persons or
28 entities holding title to easement interests or leasing land
29 within the district. When a district landowner holds title to
30 real property in a name other than that of an individual or
31 individuals, the landowner must designate, in writing, the

1 person who will cast the vote for the landowner. Registration
2 by mail shall not be prohibited.

3 (11) Voting by proxy shall not be permitted in
4 district elections.

5 (12) Notwithstanding the provisions of this section to
6 the contrary, in the event the election of supervisors as
7 provided for in subsection (6) does not occur before November
8 30, 1997, the election shall take place as soon thereafter as
9 is reasonably practicable, and the supervisors holding office
10 as of November 30, 1997, shall continue to hold office until
11 their successors are elected or appointed in accordance with
12 applicable law.

13 Section 3. Authority to levy non-ad valorem
14 assessments.--The provisions of chapter 298, Florida Statutes,
15 and applicable local laws to the contrary notwithstanding, the
16 following provisions control with respect to the authority of
17 the board of supervisors of the Ranger Drainage District to
18 levy non-ad valorem assessments for the purposes identified in
19 this section:

20 (1) The board of supervisors is authorized to levy a
21 non-ad valorem assessment on lands within the district in the
22 manner and for the purposes provided in this section. The
23 annual non-ad valorem assessment may not exceed \$25 per lot
24 within the district during the first 5 years of imposition.
25 Following published notice and a public hearing, the board of
26 supervisors may revise the assessment every 5 years after an
27 initial assessment is levied, provided the revised assessment
28 does not increase by more than 10 percent per lot over the
29 last previous assessment. For purposes of this section, the
30 term "lot" is defined as:

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1 (a) Each platted lot and tract, excluding any tract or
2 portion of a tract as set forth in paragraph (c);

3 (b) Each parcel of unplatted contiguous land under
4 common ownership; or

5 (c) Each parcel of contiguous land under common
6 ownership which is made up of a portion or portions of a
7 platted lot or lots or platted tract or tracts, or of a
8 platted lot or lots or platted tract or tracts and a portion
9 of a platted lot or lots or platted tract or tracts.

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11 Lots owned by entities of government and lands lying west of
12 the Econlockhatchee River shall not be subject to the
13 assessment under this section.

14 (2) The revenue derived from the non-ad valorem levy
15 authorized by this section may be used only for landscaping
16 and maintenance of common areas benefiting district
17 landowners, which purposes and activities the district is
18 authorized to undertake. For purposes of this section, the
19 term "common areas" is defined as those lands and facilities
20 which are owned by the district or over which the district has
21 a legally established easement right, other than those
22 currently being operated or maintained pursuant to s. 298.22,
23 Florida Statutes, or s. 298.54, Florida Statutes, and shall
24 not be deemed to include any lands within privately owned
25 parcels in the district, except those parcels or portions
26 thereof over which the district has a legally established
27 easement right. The use of common areas shall be subject to
28 regulation by the district.

29 (3) Any non-ad valorem levy established by the board
30 of supervisors pursuant to this section shall be equal for
31 each lot, as that term is defined in subsection (1).

1 (4) Prior to approving a non-ad valorem levy pursuant
2 to this section, the board of supervisors shall prepare and
3 approve a plan setting forth the projects within the district
4 to be financed by the non-ad valorem levy, together with the
5 estimated cost of each project. The plan shall be reviewed and
6 revised annually as appropriate for each year in which the
7 levy is imposed.

8 (5) No district funds other than the assessments
9 authorized by this section may be used for the purposes
10 described in this section, and the board of supervisors is
11 further prohibited from issuing any bonds for purposes
12 described in this section.

13 Section 4. Assessments and costs a lien on land
14 against which levied.--The provisions of chapter 298, Florida
15 Statutes, and applicable local laws to the contrary
16 notwithstanding, all non-ad valorem assessments provided for
17 in this act, together with all penalties for default in
18 payment of the assessments and all costs in collecting the
19 assessments, shall, from the date of assessment until paid,
20 constitute a lien of equal dignity with the liens for county
21 taxes, and other taxes of equal dignity with county taxes,
22 upon all the lands against which such assessments are levied,
23 assessed, and collected pursuant to s. 197.3632, Florida
24 Statutes.

25 Section 5. When unpaid assessments delinquent;
26 penalty.--The provisions of chapter 298, Florida Statutes, and
27 applicable local laws to the contrary notwithstanding, all
28 non-ad valorem assessments provided for in this act become
29 delinquent and bear penalties on the amount of the assessments
30 in the same manner as for county taxes. Said assessments shall
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1 be a lien on the property against which assessed until paid
2 and shall be enforceable in like manner as for county taxes.

3 Section 6. Enforcement of non-ad valorem
4 assessments.--The provisions of chapter 298, Florida Statutes,
5 and applicable local laws to the contrary notwithstanding, the
6 collection and enforcement of all non-ad valorem assessments
7 levied by the district shall be at the same time and in like
8 manner as for county taxes, and the provisions of the Florida
9 Statutes relating to the sale of lands for unpaid and
10 delinquent certificates for such unpaid and delinquent county
11 taxes, the redemption thereof, the issuance to individuals of
12 tax deeds based thereon, and all other procedures in
13 connection therewith shall be applicable to the district to
14 the same extent as if said statutory provisions were expressly
15 set forth in this act. All non-ad valorem assessments shall be
16 subject to the same discounts as for county taxes.

17 Section 7. Limitation on liability with respect to
18 district lands and works used by the public for
19 recreation.--The provisions of chapter 298, Florida Statutes,
20 and applicable local laws to the contrary notwithstanding, the
21 following provisions control with respect to liability of the
22 Ranger Drainage District to persons using district
23 rights-of-way, works, or easements for outdoor recreational
24 purposes:

25 (1) Except as provided in subsection (2), when a water
26 management district, individually or jointly with another
27 agency of government, has acquired land adjacent to drainage
28 rights-of-way or works owned by the Ranger Drainage District,
29 or over which the Ranger Drainage District has a legally
30 established easement right, which land is made available by
31 the water management district for outdoor recreational

1 purposes, thereby allowing access to such rights-of-way,
2 works, or easements of the Ranger Drainage District, and which
3 otherwise qualifies for the limitation on liability afforded
4 to the water management district when there is no charge made
5 or usually made for entering or using the land and on which no
6 commercial or other activity from which profit is derived from
7 the patronage of the public is conducted on the land, the
8 Ranger Drainage District shall enjoy the same limitation on
9 liability for its rights-of-way, works, and easements as is
10 enjoyed by the water management district for its lands when
11 those same circumstances exist, when access is gained to
12 Ranger Drainage District rights-of-way, works, or easements
13 from the water management district lands.

14 (2) This section does not relieve the Ranger Drainage
15 District of any liability that would otherwise exist for gross
16 negligence or a deliberate, willful, or malicious injury to a
17 person or property. This section does not create or increase
18 the liability of the Ranger Drainage District or any person
19 beyond that which is authorized by s. 768.28, Florida
20 Statutes.

21 (3) The term "outdoor recreational purposes," as used
22 in this section, includes activities such as, but not limited
23 to, horseback riding, hunting, fishing, bicycling, swimming,
24 boating, camping, picnicking, hiking, pleasure driving, nature
25 study, water skiing, motorcycling, and visiting historical,
26 archaeological, scenic, or scientific sites.

27 Section 8. Annual meetings; supervisors'
28 compensation.--The provisions of chapter 298, Florida
29 Statutes, and applicable local laws to the contrary
30 notwithstanding, the following provisions control with respect
31 to annual landowners' meetings and supervisors' compensation:

1 (1) An annual landowners' meeting shall be held in
2 August or September of each year, as designated by the board
3 of supervisors. An engineer's report shall be presented at the
4 annual landowners' meeting and comments of landowners shall be
5 solicited.

6 (2) During any year in which members of the board of
7 supervisors are to be elected, a separate question shall be
8 placed upon the ballot to read: "Shall the members of the
9 board of supervisors receive \$50 a day for each day of
10 service, when a day of service is defined as 4 hours' work
11 performed on behalf of the district, or attendance at any
12 district public hearing or regularly scheduled meeting,
13 workshop, or emergency meeting of the board of supervisors?"
14 If the question is answered in the affirmative by a majority
15 of those voting, the salary of the members of the board of
16 supervisors shall be \$50 a day until the next election. All
17 voters shall be qualified electors pursuant to section 2 of
18 this act.

19 Section 9. Except for sections 7 and 9, which shall
20 take effect upon this act becoming a law, this act shall take
21 effect upon approval by a three-fifths majority of electors of
22 the district voting in a referendum. Such referendum shall be
23 conducted by the supervisor of elections for the district no
24 later than 90 days following the act becoming a law, or as
25 soon thereafter as is reasonably practicable, in a manner
26 consistent with referendum procedures to be adopted by the
27 board of supervisors of the district. Prior to the
28 referendum, the district supervisor of elections shall
29 register qualified electors of the district for purposes of
30 voting in the referendum, following those procedures provided
31 for the registration of electors under section 2. To be

1 registered to vote in the referendum, electors must meet the
2 same qualifications as are provided for electors in section 2.
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