

1
2 An act relating to the Ranger Drainage
3 District, Orange County; establishing district
4 boundaries; 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.

15
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 NOW
5 THEREFORE,

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Ranger Drainage District established.--The
10 lands lying within the area described as follows in Orange
11 County constitute the Ranger Drainage District:

12
13 The South one-half of Sections 1 and 2, the
14 easterly three-eighths of Section 10, all of
15 Sections 11, 12, 13, 14, 19, 23, 24, 25, 26,
16 27, 28, 29, 30, and 31 in Township 23 South,
17 Range 32 East in Orange County, Florida, the
18 boundary of which is more particularly
19 described as follows:

20
21 Commence at the Southeast corner of Section 25;
22 run northerly along the easterly lines of
23 Sections 25, 24, 13, 12, and 1 to the westerly
24 right-of-way of State Road 520; thence proceed
25 northwesterly along said westerly right-of-way
26 of State Road 520 to the intersection of State
27 Road 520 and the North line of the South
28 one-half of Section 1; thence westerly along
29 the North line of the South one-half of
30 Sections 1 and 2 to the westerly quarter corner
31 of Section 2; thence southerly along the West

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

28
29 Except as otherwise provided herein, the Ranger Drainage
30 District shall have the powers described in chapter 298,
31 Florida Statutes. It is the intent of the Legislature through

1 this act to continue the existence of the Ranger Drainage
2 District, initially established by the Circuit Court of Orange
3 County, in In re: Ranger Drainage District, civil case number
4 69-2558, with the modifications provided herein. Adoption of
5 this act shall not change the status of any existing legal
6 obligations of the Ranger Drainage District.

7 Section 2. Board of supervisors; composition,
8 qualifications, election process.--The provisions of chapter
9 298, Florida Statutes, and applicable local laws to the
10 contrary notwithstanding, the following provisions control
11 with respect to the board of supervisors of the Ranger
12 Drainage District:

13 (1) Effective November 30, 1997, the board of
14 supervisors of the district shall be expanded from three
15 members to five members, each of whom shall be elected for a
16 term of 4 years, except as provided by subsection (7), and
17 shall serve until his or her successor is duly elected or
18 appointed.

19 (2) The term of the supervisor whose term is set to
20 expire on the second Wednesday of June 1998 and the term of
21 the supervisor whose term is set to expire on the second
22 Wednesday of June 1999 are hereby adjusted so that their terms
23 will now expire at midnight on November 30, 1997. The term of
24 the supervisor who will be elected by landowners at their
25 meeting to be held on the second Wednesday of June 1997 is
26 also adjusted so that it will expire at midnight on November
27 30, 1997. Supervisors serving terms commencing December 1,
28 1997, shall be elected by popular vote of qualified electors
29 of the district as provided herein.

30 (3) Election procedures shall be consistent with the
31 applicable provisions of chapter 189, Florida Statutes. The

1 board shall appoint a supervisor of elections to oversee the
2 election of members of the board of supervisors. The
3 supervisor of elections shall not be a member of the board of
4 supervisors.

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

12
13 All lands contained within the Plats of Rocket
14 City (n/k/a Cape Orlando Estates), Unit 1, as
15 recorded in Plat Book Z, Pages 29-31; Rocket
16 City (n/k/a Cape Orlando Estates), Unit 2, as
17 recorded in Plat Book Z, Pages 56-57; Rocket
18 City (n/k/a Cape Orlando Estates), Unit 3, as
19 recorded in Plat Book Z, Pages 69-70, as
20 replatted in part by the Plat of Cape Orlando
21 Estates, Unit 5, as recorded in Plat Book 5,
22 Pages 20-21; and Rocket City (n/k/a Cape
23 Orlando Estates), Unit 4, as recorded in Plat
24 Book Z, Pages 74-81, as replatted in part by
25 the Plats of Cape Orlando Estates, Unit 5, as
26 recorded in Plat Book 5, Pages 20-21, and Cape
27 Orlando Estates, Unit 6, as recorded in Plat
28 Book 6, Page 69; and within that portion of the
29 Plat of Rocket City (n/k/a Cape Orlando
30 Estates), Unit 1A, as recorded in Plat Book Z,
31 Pages 71-73, lying West of the Westerly

1 right-of-way line of Bancroft Boulevard as
2 shown on said plat; all of the Public Records
3 of Orange County, Florida;
4
5 and shall be elected by qualified electors who are landowners
6 in the City. Position two shall represent the geographic area
7 within the district designated as the "Estates," more
8 particularly described as:

9
10 All lands contained within that portion of the
11 Plat of Rocket City (n/k/a Cape Orlando
12 Estates), Unit 1A, as recorded in Plat Book Z,
13 Pages 71-73, lying East of the Westerly
14 right-of-way line of Bancroft Boulevard as
15 shown on said plat; and within the Plats of
16 Rocket City (n/k/a Cape Orlando Estates), Unit
17 2A, as recorded in Plat Book Z, Pages 82-85;
18 Rocket City (n/k/a Cape Orlando Estates), Unit
19 3A, as recorded in Plat Book Z, Pages 102-105,
20 as replatted in part by the Plat of Cape
21 Orlando Estates, Unit 3A, as recorded in Plat
22 Book 3, Pages 101-102; Rocket City (n/k/a Cape
23 Orlando Estates), Unit 4A, as recorded in Plat
24 Book Z, Pages 110-113; Rocket City (n/k/a Cape
25 Orlando Estates), Unit 7A, as recorded in Plat
26 Book Z, Pages 114-117, as replatted by the Plat
27 of Cape Orlando Estates, Unit 7A, as recorded
28 in Plat Book 3, Pages 103-106; Rocket City
29 (n/k/a Cape Orlando Estates), Unit 8A, as
30 recorded in Plat Book Z, Pages 106-109; Rocket
31 City (n/k/a Cape Orlando Estates), Unit 9A, as

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

1 thereafter be elected for 4-year terms, so that all
2 supervisors shall be elected thereafter for staggered 4-year
3 terms.

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

7 (9) In order to qualify for election as a member of
8 the board of supervisors, a candidate must be a resident of
9 the district and a qualified elector of the district.

10 Candidates for positions one and two on the board must be
11 residents and landowners in the geographic areas the positions
12 represent and must be qualified electors of the district.

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

27 (11) Voting by proxy shall not be permitted in
28 district elections.

29 (12) Notwithstanding the provisions of this section to
30 the contrary, in the event the election of supervisors as
31 provided for in subsection (6) does not occur before November

1 30, 1997, the election shall take place as soon thereafter as
2 is reasonably practicable, and the supervisors holding office
3 as of November 30, 1997, shall continue to hold office until
4 their successors are elected or appointed in accordance with
5 applicable law.

6 Section 3. Authority to levy non-ad valorem
7 assessments.--The provisions of chapter 298, Florida Statutes,
8 and applicable local laws to the contrary notwithstanding, the
9 following provisions control with respect to the authority of
10 the board of supervisors of the Ranger Drainage District to
11 levy non-ad valorem assessments for the purposes identified in
12 this section:

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

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

26 (b) Each parcel of unplatted contiguous land under
27 common ownership; or

28 (c) Each parcel of contiguous land under common
29 ownership which is made up of a portion or portions of a
30 platted lot or lots or platted tract or tracts, or of a
31

1 platted lot or lots or platted tract or tracts and a portion
2 of a platted lot or lots or platted tract or tracts.

3
4 Lots owned by entities of government and lands lying west of
5 the Econlockhatchee River shall not be subject to the
6 assessment under this section.

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

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

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

1 (5) No district funds other than the assessments
2 authorized by this section may be used for the purposes
3 described in this section, and the board of supervisors is
4 further prohibited from issuing any bonds for purposes
5 described in this section.

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

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

26 Section 6. Enforcement of non-ad valorem
27 assessments.--The provisions of chapter 298, Florida Statutes,
28 and applicable local laws to the contrary notwithstanding, the
29 collection and enforcement of all non-ad valorem assessments
30 levied by the district shall be at the same time and in like
31 manner as for county taxes, and the provisions of the Florida

1 Statutes relating to the sale of lands for unpaid and
2 delinquent certificates for such unpaid and delinquent county
3 taxes, the redemption thereof, the issuance to individuals of
4 tax deeds based thereon, and all other procedures in
5 connection therewith shall be applicable to the district to
6 the same extent as if said statutory provisions were expressly
7 set forth in this act. All non-ad valorem assessments shall be
8 subject to the same discounts as for county taxes.

9 Section 7. Limitation on liability with respect to
10 district lands and works used by the public for
11 recreation.--The provisions of chapter 298, Florida Statutes,
12 and applicable local laws to the contrary notwithstanding, the
13 following provisions control with respect to liability of the
14 Ranger Drainage District to persons using district
15 rights-of-way, works, or easements for outdoor recreational
16 purposes:

17 (1) Except as provided in subsection (2), when a water
18 management district, individually or jointly with another
19 agency of government, has acquired land adjacent to drainage
20 rights-of-way or works owned by the Ranger Drainage District,
21 or over which the Ranger Drainage District has a legally
22 established easement right, which land is made available by
23 the water management district for outdoor recreational
24 purposes, thereby allowing access to such rights-of-way,
25 works, or easements of the Ranger Drainage District, and which
26 otherwise qualifies for the limitation on liability afforded
27 to the water management district when there is no charge made
28 or usually made for entering or using the land and on which no
29 commercial or other activity from which profit is derived from
30 the patronage of the public is conducted on the land, the
31 Ranger Drainage District shall enjoy the same limitation on

1 liability for its rights-of-way, works, and easements as is
2 enjoyed by the water management district for its lands when
3 those same circumstances exist, when access is gained to
4 Ranger Drainage District rights-of-way, works, or easements
5 from the water management district lands.

6 (2) This section does not relieve the Ranger Drainage
7 District of any liability that would otherwise exist for gross
8 negligence or a deliberate, willful, or malicious injury to a
9 person or property. This section does not create or increase
10 the liability of the Ranger Drainage District or any person
11 beyond that which is authorized by s. 768.28, Florida
12 Statutes.

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

19 Section 8. Annual meetings; supervisors'
20 compensation.--The provisions of chapter 298, Florida
21 Statutes, and applicable local laws to the contrary
22 notwithstanding, the following provisions control with respect
23 to annual landowners' meetings and supervisors' compensation:

24 (1) An annual landowners' meeting shall be held in
25 August or September of each year, as designated by the board
26 of supervisors. An engineer's report shall be presented at the
27 annual landowners' meeting and comments of landowners shall be
28 solicited.

29 (2) During any year in which members of the board of
30 supervisors are to be elected, a separate question shall be
31 placed upon the ballot to read: "Shall the members of the

1 board of supervisors receive \$50 a day for each day of
2 service, when a day of service is defined as 4 hours' work
3 performed on behalf of the district, or attendance at any
4 district public hearing or regularly scheduled meeting,
5 workshop, or emergency meeting of the board of supervisors?"
6 If the question is answered in the affirmative by a majority
7 of those voting, the salary of the members of the board of
8 supervisors shall be \$50 a day until the next election. All
9 voters shall be qualified electors pursuant to section 2 of
10 this act.

11 Section 9. Except for sections 7 and 9, which shall
12 take effect upon this act becoming a law, this act shall take
13 effect upon approval by a three-fifths majority of electors of
14 the district voting in a referendum. Such referendum shall be
15 conducted by the supervisor of elections for the district no
16 later than 90 days following the act becoming a law, or as
17 soon thereafter as is reasonably practicable, in a manner
18 consistent with referendum procedures to be adopted by the
19 board of supervisors of the district. Prior to the
20 referendum, the district supervisor of elections shall
21 register qualified electors of the district for purposes of
22 voting in the referendum, following those procedures provided
23 for the registration of electors under section 2. To be
24 registered to vote in the referendum, electors must meet the
25 same qualifications as are provided for electors in section 2.

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