

By Senator Dudley

25-858-98

See HB

1 A bill to be entitled
2 An act relating to the Lee County Hyacinth
3 Control District; providing for a codified
4 charter of its special acts in a single act and
5 repealing all prior special acts relating to
6 the Lee County Hyacinth Control District as
7 required by chapter 97-255, Laws of Florida;
8 providing for continuation of a hyacinth
9 control district in the county from the
10 effective date of this act; providing for a
11 governing board; prescribing the powers,
12 organization, and duties of the board; setting
13 the compensation of the board; providing for
14 audit of books and time of meetings; providing
15 for a budget; granting eminent domain; giving
16 the board the power to tax and to levy
17 assessments for special benefits and providing
18 the methods, procedures, and limitations
19 thereon; providing for a limited millage;
20 providing for employees; providing for
21 cooperation with local, state, and federal
22 agencies and entities; providing that the legal
23 authority for the Lee County Hyacinth Control
24 District shall be construed liberally to
25 accomplish continuation of the work of the Lee
26 County Hyacinth Control District; providing an
27 effective date.

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

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1 Section 1. A special taxing district named the Lee
2 County Hyacinth Control District shall continue in existence
3 for the purposes of aquatic weed control throughout all the
4 territory comprising Lee County, Florida.

5 Section 2. The governing body of the Lee County
6 Hyacinth Control District shall be the "Hyacinth Board,"
7 hereinafter referred to as the "board," and shall be composed
8 of the members of the Board of Commissioners of the Lee County
9 Mosquito Control District, a political entity as duly
10 constituted by law and any amendments thereto.

11 Section 3. Powers of the board.--The board shall have
12 all the powers of a body corporate including the power to sue
13 and be sued as a corporation in said name in any court; to
14 contract; to adopt and use a common seal and alter the same at
15 pleasure; to purchase, hold, lease, and convey such real
16 estate and personal property as the board may deem proper to
17 carry out the purposes of this law; to prescribe rules and
18 regulations for the marking of such property; to employ a
19 chief engineer, a consulting engineer, and such experts,
20 agents, and employees as the board may require; to provide
21 uniforms for district employees; to participate with employees
22 in a family group insurance plan; to borrow money in
23 conformance with constitutional provisions and general law in
24 an amount not to exceed \$1 on each \$8,000 of assessed
25 valuation of property in the district for a period of time not
26 to exceed 1 year. The board of commissioners is authorized to
27 loan moneys to the Lee County Mosquito Control District by a
28 transfer of funds between accounts, provided that such loans
29 or transfers shall be repaid within the fiscal year in which
30 they are made. The board shall also have the power to carry
31 liability insurance against tort actions, and to pay from the

1 appropriate funds of the district the premiums on such
2 insurance. Such insurance may be carried in such amounts and
3 against such risks as the board, in its discretion, decides.
4 However, in consideration of the premium at which each policy
5 shall be written, it shall be a part of the policy contract
6 between the insurance company and the district that the
7 company shall not be entitled to the benefits or the defense
8 of governmental immunity with the district by reason of
9 exercising a governmental function in any suit brought against
10 the district; immunity of the district against liability for
11 damages is waived only to the extent of liability insurance
12 carried by the district; and the Legislature hereby finds and
13 determines that the carrying of liability insurance as
14 provided herein is for a district purpose.

15 Section 4. Organization of the board.--Organization
16 shall be as provided by law for the Board of Commissioners of
17 the Lee County Mosquito Control District.

18 Section 5. Duties of the board.--The board shall
19 perform all duties necessary for the control and eradication
20 of hyacinths and other noxious aquatic weeds in the county,
21 and the board is authorized to employ machinery and equipment,
22 and may also employ oils and chemicals and all other means and
23 methods, and do any and all things that may be necessary to
24 control and eradicate hyacinths and other noxious aquatic
25 weeds in the county. In addition to areas within the district,
26 the board is hereby authorized to oil, spray, or carry out and
27 perform such duties and works in the Caloosahatchee River and
28 its tributaries as far upriver as, and including, Lake
29 Okeechobee, if necessary, for the accomplishment of the
30 purpose of this act.

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1 Section 6. Salary of the board.--The commissioners
2 under this chapter shall receive a compensation not to exceed
3 the sum of \$300 each per annum, payable in equal monthly
4 amounts, for services pertaining to this act.

5 Section 7. Audit.--The books and accounts of the board
6 shall be audited by the same officers and in like manner as
7 the books of other county officers, or, at the discretion of
8 the board, by a certified public accountant selected by the
9 board.

10 Section 8. Meetings.--The board of commissioners of
11 the district shall hold monthly meetings that shall be open to
12 the public. Reasonable expenses of members attending meetings
13 may be approved for payment by the board of commissioners.

14 Section 9. Budget; hearings.--

15 (1) The fiscal year of the Lee County Hyacinth Control
16 District shall be the 12-month period extending from October 1
17 of one year through September 30 of the following year. The
18 board shall prepare a tentative budget for the district
19 covering its proposed operation and requirements for the
20 ensuing fiscal year. The budget shall set forth the proposed
21 expenditures of the district for bonds or other debts, for
22 construction, for acquisition of land, and for other purposes
23 for operation and maintenance of the work of the district and
24 the conduct of the affairs of the district generally, to which
25 may be added an amount to be held as a reserve. The budget
26 shall be in such form as the board may decide.

27 (2) The budget shall also include the estimated amount
28 obligated for commitments that have been made but not
29 completed and shall indicate the estimated net balance or
30 unobligated funds that shall be on hand at the beginning of
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1 the fiscal year, and shall indicate the estimated amount to be
2 raised by taxes and other sources.

3 (3) On a date to be fixed by the board of
4 commissioners between May 10 and June 20 of each year, the
5 board shall publish a notice of its intention to adopt the
6 tentative budget or said budget as amended for the ensuing
7 fiscal year. The notice shall set forth the tentative budget
8 in full, and shall be notice to all owners of property subject
9 to the district taxes that on a date and at a place appearing
10 in the notice, opportunity will be afforded such owners, their
11 attorney, or their agent, to appear before the board and state
12 their objections, if any, to the budget. The notice shall be
13 published for 2 consecutive weeks in a newspaper published in
14 the county seat, the last insertion of which shall appear not
15 less than 1 nor more than 2 weeks prior to the date set by the
16 board for the hearing.

17 (4) The hearing shall be before the governing board of
18 the district on a date to be fixed by the board not sooner
19 than 1 week and not later than 2 weeks after the date of the
20 last publication of notice of intention to adopt the budget,
21 and may be continued from day to day until terminated by the
22 board. Promptly after such termination the governing board
23 shall act upon objections filed against the budget, and shall
24 by July 10 following adopt a final budget for the district,
25 which shall thereupon be the operating and fiscal guide for
26 the district for the ensuing year.

27 Section 10. Eminent domain.--The board may hold,
28 control, and acquire by gift or purchase any real or personal
29 property for the use of the district and may condemn any land
30 or easements needed to carry out the purposes of this act. The
31 board may exercise the right of eminent domain and institute

1 and maintain condemnation proceedings as provided in chapter
2 73, Florida Statutes.
3 Section 11. Tax levy.--The Board of Commissioners of
4 the Hyacinth Control District may levy upon all of the taxable
5 property in Lee County, Florida, a special tax not exceeding
6 1/8 mill on the dollar during each year solely for the
7 purposes authorized and prescribed by this act. Said levy
8 shall be made each year not later than July 12 by resolution
9 of the board or majority thereof, duly entered upon its
10 minutes. Certified copies of such resolution executed in the
11 name of the board by the chair and secretary and under its
12 corporate seal, shall be made and delivered to the Board of
13 County Commissioners of Lee County and the Department of
14 Revenue of the State of Florida not later than July 15 of such
15 year. The board of county commissioners shall order the
16 property appraiser of the county to assess and the collector
17 of the county to collect the amount of taxes so assessed and
18 levied by the Board of Commissioners of the Hyacinth Control
19 District upon all of the taxable property in the county at the
20 rate of taxation adopted by the board for said year and
21 included in said resolution, and said levy shall be included
22 in the warrants of the property appraiser and attached to the
23 assessment roll of taxes for the county each year. Fees shall
24 be paid to the property appraiser and to the tax collector in
25 accordance with the law. The tax collector shall collect such
26 taxes so levied by the board in the same manner as other taxes
27 are collected and shall pay the same within the time and in
28 the manner prescribed by law to the treasurer of the board.
29 The Department of Revenue shall assess and levy on all the
30 railroad lines and railroad property and telegraph and
31 telephone lines and telegraph and telephone property situated

1 in the county in the amount of each such levy as in the case
2 of other state and county taxes, and collect such taxes
3 thereon in the same manner as the department is required by
4 law to assess and collect taxes for state and county purposes,
5 and remit the same to the treasurer of the board. All such
6 taxes shall be held by the treasurer for the credit of the
7 board and paid out as ordered by the board.

8 Section 12. Engineer as director; advertisement of
9 contracts.--All work done under the provisions of this act,
10 both in construction and maintenance, shall be carried on
11 under the supervision of a competent professional engineer to
12 be employed by the board. The board may have all work
13 performed by contract with or without advertisement, or
14 without contract, by machinery, equipment and labor employed
15 directly by the board.

16 Section 13. Penalty for damage to property.--Whoever
17 shall willfully damage any of the property of the Hyacinth
18 Control District created under this act or any works
19 constructed, maintained, or controlled by such Hyacinth
20 Control District or who shall obstruct or cause to be
21 obstructed any of the operations of such Hyacinth Control
22 District taken under this chapter, shall be punished as
23 provided by general law.

24 Section 14. Cooperation with individual, local, state,
25 and federal agencies.--The board is authorized to cooperate
26 with and to enter into agreements and/or contracts for
27 purposes herein contained with political or constitutional
28 subdivisions or agencies of the State of Florida, the several
29 counties, municipalities, individuals, corporations, any
30 district duly created by general or special law, and the
31 United States operating through any of its divisions or

1 agencies. The board may agree to or contract to perform
2 hyacinth or other noxious aquatic weed control and eradication
3 work for and on behalf of such individual and political
4 entities; to receive therefor any and all funds available
5 therefor and thereunder; to receive grants or donations for
6 hyacinth control and eradication and to participate on a
7 matching or participating fund basis with such individual,
8 corporate, or political entities as may be provided by law.

9 Section 15. Transfer of assets and liabilities.--All
10 assets, including equipment, books and records, moneys on
11 hand, easements, and rights of any kind and nature belonging
12 to the district as of the effective date of this act, together
13 with all of the liabilities incurred by said district, remain
14 the property and obligations of the district; no action shall
15 be brought or instituted after July 14, 1968, upon any bond,
16 interest coupon, bond credit, certificate of indebtedness,
17 note, or any other debt, claim, or liability outstanding, due,
18 or owing by the Lee County Hyacinth Control District as
19 created by chapter 65-1815, Laws of Florida.

20 Section 16. It is declared to be the legislative
21 intent that this act shall be construed liberally.

22 Section 17. It is declared to be the legislative
23 intent that if any section, subsection, sentence, clause, or
24 provision, or part thereof, of this act is held invalid,
25 unenforceable, or unconstitutional, it shall not affect the
26 remainder of the act, and the remainder of the act shall
27 remain in force and effect as if the invalid portion had not
28 been enacted.

29 Section 18. Prior special acts relating to the Lee
30 County Hyacinth Control District heretofore repealed shall
31 remain repealed and all prior special acts relating to the Lee

1 County Hyacinth Control District not heretofore repealed are
2 hereby repealed; such special acts include, but are not
3 limited to, chapters 61-2404, 63-1544, 65-1815, 67-1629,
4 72-599, and 79-495, Laws of Florida. It is the intent of the
5 Legislature that this act shall be the single act that
6 codifies all prior special acts related to the Lee County
7 Hyacinth Control District upon this act becoming a law.

8 Section 19. This act shall take effect upon becoming a
9 law.

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