

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

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3           Section 1. The Lee County Hyacinth Control District,  
4 an independent special taxing district, shall continue in  
5 existence for the purposes of aquatic weed control throughout  
6 all the territory comprising Lee County, Florida.

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

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

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

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

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

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1 Okeechobee, if necessary, for the accomplishment of the  
2 purpose of this act.

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

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

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

17 Section 9. Budget; hearings.--

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

30 (2) The budget shall also include the estimated amount  
31 obligated for commitments which have been made but not

1 completed and shall indicate the estimated net balance or  
2 unobligated funds which shall be on hand at the beginning of  
3 the fiscal year, and shall indicate the estimated amount to be  
4 raised by taxes and other sources.

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

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

29 Section 10. Eminent domain.--The board may hold,  
30 control, and acquire by gift or purchase any real or personal  
31 property for the use of the district and may condemn any land

1 or easements needed to carry out the purposes of this act. The  
 2 board may exercise the right of eminent domain and institute  
 3 and maintain condemnation proceedings as provided in chapter  
 4 73, Florida Statutes.

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

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

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

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

26 Section 14. Cooperation with individual, local, state,  
 27 and federal agencies.--The board is authorized to cooperate  
 28 with and to enter into agreements and/or contracts for  
 29 purposes herein contained with political or constitutional  
 30 subdivisions or agencies of the State of Florida, the several  
 31 counties, municipalities, individuals, corporations, any

1 district duly created by general or special law, and the  
2 United States operating through any of its divisions or  
3 agencies. The board may agree and/or contract to perform  
4 hyacinth or other noxious aquatic weed control and eradication  
5 work for and on behalf of such individual and political  
6 entities; to receive therefor any and all funds available  
7 therefor and thereunder; to receive grants or donations for  
8 hyacinth control and eradication and to participate on a  
9 matching or participating fund basis with such individual,  
10 corporate, or political entities as may be provided by law.

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

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

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

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1           Section 18. Prior special acts relating to the Lee  
2 County Hyacinth Control District heretofore repealed shall  
3 remain repealed and all prior special acts relating to the Lee  
4 County Hyacinth Control District not heretofore repealed are  
5 hereby repealed. They are chapters 61-2404, 63-1544, 65-1815,  
6 67-1629, 72-599, and 79-495, Laws of Florida. It is the intent  
7 that this act shall be the single act that codifies all prior  
8 special acts related to the Lee County Hyacinth Control  
9 District upon this act becoming a law.

10           Nothing in this act shall change existing law as to  
11 whether or the extent to which the provisions of Chapters 253,  
12 369, 373, 399, and 403, Florida Statutes, shall apply.

13           Section 19. This act shall take effect upon becoming a  
14 law.