

Amendment No. 01 (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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The Committee on Community Affairs offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Intent--Pursuant to Section 189.429, Florida Statutes (1997), this act constitutes the codification of all special acts relating to the Joshua Water Control District. 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.

Section 2. Codification--Chapter 69-1010, Laws of Florida; Chapter 79-448, Laws of Florida; Chapter 82-287, Laws of Florida; and Chapter 90-497, Laws of Florida; relating to the Joshua Water Control District, are codified, reenacted, amended and repealed as herein provided.

Section 3. (1) For the purpose of comprehensive water management and control pursuant to Chapter 298, Florida

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1 Statutes, as it may be amended from time to time, a water
2 control district is hereby established to be known as "Joshua
3 Water Control District", the territorial boundaries of which
4 shall be as follows:
5 Sections 1, 12, 13, 24, 25, and 36 together with
6 drainage easements held by Joshua water control district in
7 Sections 2 and 11 in Township 37 South, Range 26 East; and
8 Sections 1 through 32 in Township 37 South, Range 27 East; and
9 the North 1/2 of the NE 1/4 of Section 36 together with
10 drainage easements held by Joshua Water Control District in
11 Sections 33, 34, 35, and 36 in Township 37 South, Range 27
12 East.
13 (2) All lands within the Joshua Water Control District
14 shall be divided into two subdistricts to be entitled
15 subdistrict A and subdistrict B.
16 (a) The boundaries of subdistrict A shall
17 be: Sections 1, 12, 13, 24, 25 and 36 together with drainage
18 easements held by Joshua Water Control District in Sections 2
19 and 11 in Township 37 South, Range 26 East; and Sections 1
20 through 30 in Township 37 South, Range 27 East; and the North
21 1/2 of the NE 1/4 of Section 36 together with drainage
22 easements held by Joshua Water Control District in Sections
23 33, 34, 35, and 36 in Township 37 South, Range 27 East.
24 (b) The boundaries of subdistrict B shall
25 be: Sections 31 and 32, Township 37 South, Range 27 East.
26 Section 4. The circuit court in and for DeSoto County,
27 Florida, in a proceeding under chapter 298, has entered a
28 judgment creating Joshua Water Control District. The judgment
29 heretofore entered by said circuit court and all subsequent
30 proceedings taken in said circuit court covering said
31 district, including provisions setting and extending the

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1 boundaries of said Joshua Water Control District, are
2 ratified, confirmed and approved and established as the
3 boundaries of said Joshua Water Control District. The
4 provisions of this act shall apply to such extended boundaries
5 as though the same had been described herein.

6 In addition, and not in limitation of the powers and
7 authorities of the district under chapter 298, Florida
8 Statutes, and amendments thereto, the district shall have the
9 following powers:

10 To adopt a water control plan and to own, acquire,
11 construct, reconstruct, equip, operate, maintain, extend and
12 improve canals, ditches, drains, dikes, levies, pumps, plants
13 and plumbing systems and other works for drainage purposes,
14 and irrigation works, machinery and plants, to own, acquire,
15 construct, reconstruct, equip, maintain, operate, extend and
16 improve water and flood control facilities, road, to regulate
17 the supply and level of water within the district; and to take
18 all measures determined by the board of supervisors to be
19 necessary or desirable to prevent or alleviate land erosion
20 and to provide for the irrigation of crops growing upon the
21 land.

22 Section 5. Status of district--Joshua Water Control
23 District is hereby declared to be an independent water control
24 district and a public corporation of the State of Florida
25 pursuant to Chapter 298, Florida Statutes, as it may be
26 amended from time to time.

27 Section 6. Board of Supervisors--The provision of
28 section 298.11, Florida Statutes, requiring that the members
29 of the board of supervisors be residents of DeSoto County,
30 shall not be applicable to said district. The members of the
31 board of supervisors shall reside within the State of Florida.

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1 Section 7. Charter Requirements--In accordance with
2 section 189.404(3), Florida Statutes, the following
3 subsections shall constitute the charter of the Joshua Water
4 Control District:

5 (a) The district is organized and exists for all
6 purposes set forth in this act and chapter 298, Florida
7 Statutes, as they may be amended from time to time.

8 (b) The powers, functions, and duties of the district
9 regarding ad valorem taxation, bond issuance, other
10 revenue-raising capabilities, budget preparation and approval,
11 liens and foreclosure of liens, use of tax deeds and tax
12 certificates as appropriate for non-ad valorem assessments,
13 and contractual agreements shall be as set forth in chapters
14 170, 189, 197, and 298, Florida Statutes, or any other
15 applicable general or special law, as they may be amended from
16 time to time.

17 (c) The district was created by judicial decree and
18 confirmed by special act of the Florida Legislature by chapter
19 69-1010, Laws of Florida, in accordance with chapter 298,
20 Florida Statutes.

21 (d) The district's charter may be amended only by
22 special act of the Legislature.

23 (e) In accordance with chapter 189, Florida Statutes,
24 this act, and section 298.11, Florida Statutes, the district
25 is governed by a three-member board, elected on a one-acre,
26 one-vote basis by the landowners in the district. The
27 membership and organization of the board shall be as set forth
28 in this act and chapter 298, Florida Statutes, as they may be
29 amended from time to time.

30 (f) The compensation of board members shall be
31 governed by this act and chapter 298, Florida Statutes, as

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1 they may be amended from time to time.

2 (g) The administrative duties of the Board of
3 Supervisors shall be as set forth in this act and chapter 298,
4 Florida Statutes, as they may be amended from time to time.

5 (h) Requirements for financial disclosure, meeting
6 notices, reporting, public records maintenance, and per diem
7 expenses for officers and employees shall be as set forth in
8 chapters 112, 189, 286, and 298, Florida Statutes, as they may
9 be amended from time to time.

10 (i) The procedures and requirements governing the
11 issuance of bonds, notes, and other evidence of indebtedness
12 by the district shall be as set forth in chapter 298, Florida
13 Statutes, and applicable general laws, as they may be amended
14 from time to time.

15 (j) The procedures for conducting district elections
16 and for qualification of electors shall be pursuant to this
17 act and chapters 189 and 298, Florida Statutes, as they may be
18 amended from time to time.

19 (k) The district may be financed by any method
20 established in this act, chapter 298, Florida Statutes, and
21 applicable general laws, as they may be amended from time to
22 time.

23 (l) The methods for collecting non-ad valorem
24 assessments, fees, or service charges shall be as set forth in
25 chapters 197 and 298, Florida Statutes, and other applicable
26 general laws, as they may be amended from time to time.

27 (m) The district's planning requirements shall be as
28 set forth in chapters 189 and 298, Florida Statutes, as they
29 may be amended from time to time.

30 (n) The district's geographic boundary limitations
31 shall be as set forth in this act.

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1 Section 8. Severability--In case any one or more of
2 the sections or provisions of this act or the application of
3 such sections or provisions to any situation, circumstances,
4 or persons shall for any reason be held to be
5 unconstitutional, such unconstitutionality shall not affect
6 any of the other sections or provisions of this act or the
7 application of such sections or provisions to any other
8 situation, circumstances, or persons and it is intended that
9 this law shall be construed and applied as if such section or
10 provision had not been included herein for any
11 unconstitutional application.

12 Section 9. Effect of conflict--In the event of a
13 conflict between the provisions of this act and the provisions
14 of any other act, the provisions of this act shall control to
15 the extent of such conflict.

16 Section 10. Repeal of Prior Special Acts--Chapter
17 69-1010, Laws of Florida, chapter 79-448, Laws of Florida,
18 chapter 82-287, Laws of Florida, and chapter 90-497, Laws of
19 Florida, will be repealed 10 days after the effective date of
20 this Act.

21 Section 11. This act shall take effect upon becoming a
22 law.

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, lines 1-23,
28 remove from the title of the bill: all of said lines

29

30 and insert in lieu thereof:

31 An act relating to Joshua Water Control

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1 District, a special tax district in DeSoto
2 County, Florida; providing for codification of
3 special acts relating to Joshua Water Control
4 District; providing legislative intent, and
5 codifying and reenacting provisions of chapter
6 69-1010, Laws of Florida; chapter 79-448, Laws
7 of Florida; chapter 82-287, Laws of Florida;
8 and chapter 90-497, Laws of Florida; providing
9 for applicability of chapter 298, Florida
10 Statutes, and other general laws; providing a
11 district charter; providing for repeal of prior
12 special acts related to the Joshua Water
13 Control District; providing for an effective
14 date

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