

By Representative Harrington

1 A bill to be entitled
2 An act relating to Joshua Water Control
3 District, DeSoto County; amending and codifying
4 the district charter, chapter 69-1010, Laws of
5 Florida, as amended; providing boundaries;
6 providing district powers and duties; providing
7 for ad valorem taxation, bond issuance,
8 revenue-raising capabilities, liens and
9 foreclosure of liens, use of tax deeds and
10 certificates, and contractual agreements;
11 providing for future charter amendment;
12 providing for a board of supervisors, and
13 election and compensation; providing for
14 meeting notices, financial disclosure, and
15 public records; providing for collection of
16 non-ad valorem assessments, fees, and service
17 charges; providing for severability; providing
18 for construction; repealing sections 1 and 5
19 through 9 of chapter 69-1010, Laws of Florida,
20 chapter 79-448, Laws of Florida, section 2 of
21 chapter 82-287, Laws of Florida, and chapter
22 90-497, Laws of Florida; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Chapter 69-1010, Laws of Florida, as
28 amended, is codified, reenacted, amended, and repealed as
29 herein provided.

30 Section 2. The Joshua Water Control District is
31 re-created and reenacted to read:

1 Section 1. (1) For the purpose of draining and
2 conserving the lands hereinafter described and protecting the
3 same from the effects of water, for controlling the water in
4 the district and the water tables with respect to the lands
5 therein, for agricultural and sanitary purposes, and for the
6 public health, convenience, welfare, utility, and benefit, and
7 for the purpose of making the lands within the district
8 available and habitable for settlement and agriculture,
9 pursuant to chapter 298, Florida Statutes, as it may be
10 amended from time to time, a water control district is hereby
11 established to be known as "Joshua Water Control District,"
12 the territorial boundaries of which shall be as follows:

13
14 Sections 1, 12, 13, 24, 25 and 36 together with
15 drainage easements held by Joshua Water Control
16 District in Sections 2 and 11 in Township 37
17 South, Range 26 East; and Sections 1 through 32
18 in Township 37 South, Range 27 East; and the
19 North 1/2 of the NE 1/4 of section 36 together
20 with drainage easements held by Joshua Water
21 Control District in Sections 33, 34, 35 and 36
22 in Township 37 South, Range 27 East.

23
24 (2) All lands within the Joshua Water Control District
25 shall be divided into two subdistricts to be entitled
26 subdistrict A and subdistrict B.

27 (a) The boundaries of subdistrict A shall be:

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29 Sections 1, 12, 13, 24, 25 and 36 together with
30 drainage easements held by Joshua Water Control
31 District in Sections 2 and 11 in Township 37

1 South, Range 26 East; and Sections 1 through 30
2 in Township 37 South, Range East; and the North
3 1/2 of the NE 1/4 of Section 36 together with
4 drainage easements held by Joshua Water Control
5 District in Sections 33, 34, 35, and 36 in
6 Township 37 South, Range 27 East.

7
8 (b) The boundaries of subdistrict B shall be:

9
10 Sections 31 and 32, Township 37 South, Range 27
11 East.

12
13 (3) It is hereby determined, declared, and enacted
14 that said lands without the installation and maintenance of
15 drainage facilities are wet and subject to overflow, and that
16 the drainage and protection of said lands from the effects of
17 water and thereby the making of said lands available for
18 habitation and agricultural purposes by drainage, reclamation,
19 and improvement, and the creation of said district with the
20 powers vested in it by this act, are in the interest of and
21 conducive to public welfare, health, and convenience, and said
22 district hereby created shall be a public corporation of this
23 state.

24 Section 2. The circuit court in and for DeSoto County,
25 Florida, in a proceeding under chapter 298, has entered a
26 judgment creating Joshua Water Control District. The judgment
27 heretofore entered by said circuit court and all subsequent
28 proceedings taken in said circuit court covering said
29 district, including provisions setting and extending the
30 boundaries of said Joshua Water Control District, are
31 ratified, confirmed, and approved and established as the

1 boundaries of said Joshua Water Control District. The
2 provisions of this act shall apply to such extended boundaries
3 as though the same had been described herein.

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

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

20 Section 3. Status of district.--Joshua Water Control
21 District, a public corporation of this state, created herein
22 and under chapter 298, Florida Statutes, shall be governed by
23 the provisions of the general drainage laws of Florida
24 applicable to such drainage districts or subdrainage districts
25 which are embodied in chapter 298, Florida Statutes, and all
26 of the laws amendatory thereof, now existing or hereafter
27 enacted, so far as not inconsistent with this act or any
28 subsequent special acts relating to Joshua Water Control
29 District. All actions approved by the court shall be deemed
30 to be the action of the Legislature as though the same were
31 set forth herein. Joshua Water Control District is hereby

1 declared to be an independent water control district and a
2 public corporation of the State of Florida pursuant to chapter
3 298, Florida Statutes, as it may be amended from time to time.

4 Section 4. Board of supervisors.--The provision of
5 section 298.11, Florida Statutes, requiring that the members
6 of the board of supervisors be residents of DeSoto County,
7 shall not be applicable to said district. The members of the
8 board of supervisors shall reside within the State of Florida.

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

12 (b) The powers, functions, and duties of the district
13 regarding ad valorem taxation, bond issuance, other
14 revenue-raising capabilities, budget preparation and approval,
15 liens and foreclosure of liens, use of tax deeds and tax
16 certificates as appropriate for non-ad valorem assessments,
17 and contractual agreements shall be as set forth in chapters
18 170, 189, 197, and 298, Florida Statutes, or any other
19 applicable general or special law, as they may be amended from
20 time to time.

21 (c) The district was created by judicial decree and
22 confirmed by special act of the Florida Legislature by chapter
23 69-1010, Laws of Florida, in accordance with chapter 298,
24 Florida Statutes.

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

27 (e) In accordance with chapter 189, Florida Statutes,
28 this act, and section 298.11, Florida Statutes, the district
29 is governed by a three-member board, elected on a one-acre,
30 one-vote basis by the landowners in the district. The
31 membership and organization of the board shall be as set forth

1 in this act and chapter 298, Florida Statutes, as they may be
2 amended from time to time.

3 (f) The compensation of board members shall be
4 governed by this act and chapter 298, Florida Statutes, as
5 they may be amended from time to time.

6 (g) The administrative duties of the board of
7 supervisors shall be as set forth in this act and chapter 298,
8 Florida Statutes, as they may be amended from time to time.

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

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

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

23 (k) The district may be financed by any method
24 established in this act, chapter 298, Florida Statutes, and
25 applicable general laws, as they may be amended from time to
26 time.

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

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

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

6 Section 3. Sections 1 and 5 through 9 of chapter
7 69-1010, Laws of Florida; chapter 79-448, Laws of Florida;
8 section 2 of chapter 82-287, Laws of Florida; and chapter
9 90-497, Laws of Florida, will be repealed 10 days after the
10 effective date of this act.

11 Section 4. Severability.--In case any one or more of
12 the sections or provisions of this act or the application of
13 such sections or provisions to any situation, circumstances,
14 or persons shall for any reason be held to be
15 unconstitutional, such unconstitutionality shall not affect
16 any of the other sections or provisions of this act or the
17 application of such sections or provisions to any other
18 situation, circumstances, or persons and it is intended that
19 this law shall be construed and applied as if such section or
20 provision had not been included herein for any
21 unconstitutional application.

22 Section 5. Effect of conflict.--In the event of a
23 conflict between the provisions of this act and the provisions
24 of any other act, the provisions of this act shall control to
25 the extent of such conflict.

26 Section 6. This act shall take effect upon becoming a
27 law.