

By Senator McKay

26-1276-99

See HB

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

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Intent.--Pursuant to Section 189.429,  
20 Florida Statutes (1997), this act constitutes the codification  
21 of all special acts relating to the Joshua Water Control  
22 District. It is the intent of the Legislature in enacting this  
23 law to provide a single, comprehensive special act charter for  
24 the district including all current legislative authority  
25 granted to the district by its several legislative enactments  
26 and any additional authority granted by this act.

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31 amended and repealed as herein provided.

1           Section 3. (1) For the purpose of comprehensive water  
2 management and control pursuant to Chapter 298, Florida  
3 Statutes, as it may be amended from time to time, a water  
4 control district is hereby established to be known as "Joshua  
5 Water Control District", the territorial boundaries of which  
6 shall be as follows:

7           Sections 1, 12, 13, 24, 25, and 36 together with  
8 drainage easements held by Joshua water control district in  
9 Sections 2 and 11 in Township 37 South, Range 26 East; and  
10 Sections 1 through 32 in Township 37 South, Range 27 East; and  
11 the North 1/2 of the NE 1/4 of Section 36 together with  
12 drainage easements held by Joshua Water Control District in  
13 Sections 33, 34, 35, and 36 in Township 37 South, Range 27  
14 East.

15           (2) All lands within the Joshua Water Control District  
16 shall be divided into two subdistricts to be entitled  
17 subdistrict A and subdistrict B.

18           (a) The boundaries of subdistrict A shall  
19 be: Sections 1, 12, 13, 24, 25 and 36 together with drainage  
20 easements held by Joshua Water Control District in Sections 2  
21 and 11 in Township 37 South, Range 26 East; and Sections 1  
22 through 30 in Township 37 South, Range 27 East; and the North  
23 1/2 of the NE 1/4 of Section 36 together with drainage  
24 easements held by Joshua Water Control District in Sections  
25 33, 34, 35, and 36 in Township 37 South, Range 27 East.

26           (b) The boundaries of subdistrict B shall  
27 be: Sections 31 and 32, Township 37 South, Range 27 East.

28           Section 4. The circuit court in and for DeSoto County,  
29 Florida, in a proceeding under chapter 298, has entered a  
30 judgment creating Joshua Water Control District. The judgment  
31 heretofore entered by said circuit court and all subsequent

1 proceedings taken in said circuit court covering said  
2 district, including provisions setting and extending the  
3 boundaries of said Joshua Water Control District, are  
4 ratified, confirmed and approved and established as the  
5 boundaries of said Joshua Water Control District. The  
6 provisions of this act shall apply to such extended boundaries  
7 as though the same had been described herein. In addition, and  
8 not in limitation of the powers and authorities of the  
9 district under chapter 298, Florida Statutes, and amendments  
10 thereto, the district shall have the following powers: To  
11 adopt a water control plan and to own, acquire, construct,  
12 reconstruct, equip, operate, maintain, extend and improve  
13 canals, ditches, drains, dikes, levies, pumps, plants and  
14 plumbing systems and other works for drainage purposes, and  
15 irrigation works, machinery and plants, to own, acquire,  
16 construct, reconstruct, equip, maintain, operate, extend and  
17 improve water and flood control facilities, road, to regulate  
18 the supply and level of water within the district; and to take  
19 all measures determined by the board of supervisors to be  
20 necessary or desirable to prevent or alleviate land erosion  
21 and to provide for the irrigation of crops growing upon the  
22 land.

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

28       Section 6. Board of Supervisors.--The provision of  
29 section 298.11, Florida Statutes, requiring that the members  
30 of the board of supervisors be residents of DeSoto County,  
31

1 shall not be applicable to said district. The members of the  
2 board of supervisors shall reside within the State of Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23           Section 11. This act shall take effect upon becoming a  
24 law.