

By Representative Harrington

1                                   A bill to be entitled  
 2           An act relating to Charlotte County; providing  
 3           for codification of special laws regarding  
 4           special districts pursuant to chapter 97-255,  
 5           Laws of Florida, relating to the East Charlotte  
 6           Drainage District, an independent special tax  
 7           district in Charlotte County; providing  
 8           legislative intent; codifying and reenacting  
 9           chapter 65-664, Laws of Florida, and chapter  
 10          85-395, Laws of Florida; providing for  
 11          applicability of chapters 298 and 189, Florida  
 12          Statutes, and other general laws; providing a  
 13          district charter; repealing ss. 4, 5, 6, 7, 8,  
 14          9, 12, and 13 of chapter 65-664, Laws of  
 15          Florida, chapter 80-472, Laws of Florida, and  
 16          s. 1(1)(b) of chapter 91-361, Laws of Florida,  
 17          relating to the East Charlotte Drainage  
 18          District; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Section 1 is created to read:  
 23           Section 1. Pursuant to chapter 97-255, Laws of  
 24 Florida, this act constitutes the codification of all special  
 25 acts relating to the East Charlotte Drainage District. It is  
 26 the intent of the Legislature in enacting this law to provide  
 27 a single, comprehensive special act charter for the district,  
 28 including all current legislative authority granted to the  
 29 district by its several legislative enactments and any  
 30 additional authority granted by this act.

31           Section 2. Section 2 is created to read:

1           Section 2. Chapter 65-664, Laws of Florida, chapter  
2 80-472, Laws of Florida, chapter 85-395, Laws of Florida, and  
3 paragraph (b) of subsection (1) of section 1 of chapter  
4 91-361, Laws of Florida, relating to the East Charlotte  
5 Drainage District, are codified, reenacted, amended, and  
6 repealed as herein provided.

7           Section 3. Section 1 of chapter 65-664, Laws of  
8 Florida, is amended to read:

9           Section 3.~~Section 1.~~ District formation ratified,  
10 restated, and approved.~~--~~The decree of the circuit court in  
11 and for the Twelfth Judicial Circuit, Charlotte County,  
12 Florida, entered in Chancery No. 4694 with respect to TROPICAL  
13 RIVER GROVES WATER CONTROL DISTRICT, a public corporation of  
14 this state, subsequent decrees of the Circuit Court in and for  
15 the Twelfth Judicial Circuit, Charlotte County, Florida,  
16 entered in Chancery No. 4694 changing the name of said  
17 district to EAST CHARLOTTE DRAINAGE DISTRICT, and all  
18 subsequent proceedings taken in said circuit court concerning  
19 said district including the provisions setting the boundaries  
20 of said drainage district are ratified, confirmed, and  
21 approved.

22           Section 4. Section 2 of chapter 65-664, Laws of  
23 Florida, is amended to read:

24           Section 4.~~Section 2.~~ Boundaries of the district.--The  
25 territorial boundaries of the district shall be as stated in  
26 the various orders and decrees of the circuit court of the  
27 Twelfth Judicial Circuit in and for Charlotte County, entered  
28 in Chancery No. 4694 and shall include all of the following  
29 described property all located in Township 40 South, Range 26  
30 East, in Charlotte County, Florida:

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1           In Section 14: The West one-half of Section 14  
2           and the West one-half of the Northeast  
3           one-quarter.  
4           Section 15: The Southeast one-quarter of the  
5           Northeast one-quarter.  
6           Section 21: The South one-half.  
7           All of Sections 16 and 22.  
8           Section 23: The Northwest one-quarter of the  
9           Southwest one-quarter.  
10          All of sections 27 and 34, together with all  
11          easements and rights-of-way heretofore acquired  
12          by East Charlotte Drainage District.  
13  
14          All are ratified, confirmed and approved.  
15  
16          The boundaries are legally described as  
17          follows:  
18  
19          Commencing at the Southeast corner of Section  
20          34 run north on the east lines of Section 34,  
21          Section 27 and Section 22, to a point on the  
22          east line of Section 22, comprising the  
23          Southwest corner of the Northwest one-quarter  
24          of the Southwest one-quarter of Section 23,  
25          thence run east along the south line of the  
26          Northwest one-quarter of the Southwest  
27          one-quarter of Section 23 to the southeast  
28          corner of the Northwest one-quarter of the  
29          Southwest one-quarter of said section, thence  
30          run north on the east line of the Northwest  
31          one-quarter of the Southwest one-quarter of

1 Section 23 to the northeast corner of the  
2 Northwest one-quarter of the Southwest  
3 one-quarter of Section 23, thence run west on  
4 the north line of the Northwest one-quarter of  
5 the Southwest one-quarter of Section 23 to the  
6 east line of Section 22, thence run north to  
7 the Northeast corner of Section 22 and the  
8 Southwest corner of Section 14, thence run east  
9 on the south line of Section 14 to the  
10 Southeast corner of the Southwest one-quarter  
11 of Section 14, thence run north on the east  
12 line of the Southwest one-quarter of Section 14  
13 to the northeast corner of the Southwest  
14 one-quarter of Section 14, thence run east on  
15 the south line of the west one-half of the  
16 Northeast one-quarter of Section 14 to the  
17 Southeast corner of the West one-half of the  
18 Northeast one-quarter of Section 14, thence run  
19 north on the east line of the West one-half of  
20 the Northeast one-quarter of Section 14 to the  
21 northeast corner of the West one-half of the  
22 Northeast one-quarter of Section 14, thence run  
23 west on the north line of Section 14 to the  
24 Northwest corner of Section 14, thence run  
25 south on the west line of Section 14 to the  
26 Northeast corner of the Southeast one-quarter  
27 of the Northeast one-quarter of Section 15,  
28 thence run west on the north line of the  
29 Southeast one-quarter of the Northeast  
30 one-quarter of Section 15 to the northwest  
31 corner of the Southeast one-quarter of the

1 Northeast one-quarter of Section 15, thence run  
2 south along the west line of the Southeast  
3 one-quarter of the Northeast one-quarter of  
4 Section 15 to the southwest corner of the  
5 southeast one-quarter of the northeast  
6 one-quarter of Section 15, thence run easterly  
7 on the south line of the northeast one-quarter  
8 of Section 15 to the west line of Section 14,  
9 thence run south along the west line of Section  
10 14 to the northeast corner of Section 22,  
11 thence run west along the north line of Section  
12 22 to the Southeast corner of Section 16,  
13 thence run north on the east line of Section 16  
14 to the Northeast corner of Section 16, thence  
15 run west on the north line of Section 16 to the  
16 Northwest corner of section 16, thence run  
17 south on the west line of Section 16 to the  
18 Southwest corner of Section 16, thence run east  
19 on the south line of Section 16 to the  
20 Southeast corner of Section 16, thence run  
21 south on the west line of Section 22 and the  
22 east line of Section 21 to the Northeast corner  
23 of the South one-half of Section 21, thence run  
24 west on the north line of the South one-half of  
25 Section 21 to the Northwest corner of the South  
26 one-half of Section 21, thence run south on the  
27 west line of Section 21 to the Southwest corner  
28 of Section 21, thence run east on the south  
29 line of Section 21 to the Southeast corner of  
30 Section 21 and the Southwest corner of Section  
31 22, thence run south on the west line of

1           Section 27 and Section 34 to the Southwest  
2           corner of Section 34, thence run east on the  
3           south line of Section 34 to the point of  
4           beginning.

5           Section 5. Section 3 of chapter 65-664, Laws of  
6 Florida, as amended by chapter 85-395, Laws of Florida, is  
7 amended to read:

8           Section 5.~~Section 3.~~ Provisions of chapter 298,  
9 Florida Statutes, made applicable.--~~The~~ East Charlotte  
10 Drainage District, a public corporation of this state, created  
11 under chapter 298, Florida Statutes, shall be governed by  
12 provisions of the water control ~~general drainage~~ laws of  
13 Florida applicable to such drainage districts or sub-drainage  
14 districts which are embodied in chapter 298, Florida Statutes,  
15 and all of the laws amendatory thereof, now existing or  
16 hereafter enacted, so far as not inconsistent with this act or  
17 any subsequent special acts relating to the East Charlotte  
18 Drainage District. However, the provisions of s. 298.11,  
19 Florida Statutes, requiring that members of the board of  
20 supervisors be residents of Charlotte County, shall not be  
21 applicable to said district. The members of the board of  
22 supervisors shall reside within the State of Florida.

23           Section 6. Section 6 is created to read:

24           Section 6. Minimum charter requirements.--In  
25 accordance with section 189.404(3), Florida Statutes, the  
26 following subsections shall constitute the charter of the East  
27 Charlotte Drainage District:

28           (1) The district is organized and exists for all  
29 purposes set forth in this act and chapter 298, Florida  
30 Statutes, as they may be amended from time to time.

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1       (2) The powers, functions, and duties of the district  
2 regarding ad valorem taxation, bond issuance, other  
3 revenue-raising capabilities, budget preparation and approval,  
4 liens and foreclosure of liens, use of tax deeds and tax  
5 certificates as appropriate for non-ad valorem assessments,  
6 and contractual agreements shall be as set forth in chapters  
7 170, 189, 197, and 298, Florida Statutes, or any other  
8 applicable general or special law, as they may be amended from  
9 time to time.

10       (3) The district was created by judicial decree in the  
11 circuit court in and for the Twelfth Judicial Circuit,  
12 Charlotte County, Florida, entered in Chancery No. 4694, and  
13 confirmed by special act of the Florida Legislature by chapter  
14 65-664, Laws of Florida, in accordance with chapter 298,  
15 Florida Statutes.

16       (4) The district's charter may be amended only by  
17 special act of the Legislature.

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

25       (6) The compensation of board members shall be  
26 governed by this act and chapter 298, Florida Statutes, as  
27 they may be amended from time to time.

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

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

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

11       (10) The procedures for conducting district elections  
12 and for qualification of electors shall be pursuant to  
13 chapters 189 and 298, Florida Statutes, as they may be amended  
14 from time to time.

15       (11) The district may be financed by any method  
16 established in this act, chapter 298, Florida Statutes, and  
17 applicable general laws, as they may be amended from time to  
18 time.

19       (12) The methods for assessing and collecting non-ad  
20 valorem assessments, fees, or service charges shall be as set  
21 forth in chapters 170, 197, and 298, Florida Statutes, and  
22 other applicable general laws, as they may be amended from  
23 time to time.

24       (13) The district's planning requirements shall be as  
25 set forth in chapters 189 and 298, Florida Statutes, as they  
26 may be amended from time to time.

27       (14) The district's geographic boundary limitations  
28 shall be as set forth in section 4 of this act.

29       Section 7. Section 10 of chapter 65-664, Laws of  
30 Florida, is amended to read:

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1           ~~Section 7.~~Section 10. Severability.--In case any one  
2 or more of the sections or provisions of this act or the  
3 application of such sections or provisions to any situation,  
4 circumstances, or persons shall for any reason be held to be  
5 unconstitutional, such unconstitutionality shall not affect  
6 any of the 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 8. Section 11 of chapter 65-664, Laws of  
13 Florida, is amended to read:

14           ~~Section 8.~~Section 11. Effect of conflict.--In the  
15 event of a conflict between the provisions of this act and the  
16 provisions of any other act, the provisions of this act shall  
17 control to the extent of such conflict.

18           Section 9. Section 9 is created to read:

19           Section 9. Sections 4 through 9, 12, and 13 of chapter  
20 65-664, Laws of Florida, chapter 80-472, Laws of Florida, and  
21 paragraph (b) of subsection (1) of section 1 of chapter  
22 91-361, Laws of Florida, shall be repealed 10 days after the  
23 effective date of this act.

24           Section 10. This act shall take effect upon becoming a  
25 law.

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