

1 A bill to be entitled
2 An act relating to the Hendry/Hilliard Water
3 Control District, Hendry County; providing for
4 codification of all special acts relating to
5 the Hendry/Hilliard Water Control District;
6 providing legislative intent; amending,
7 codifying, and reenacting chapter 86-394, Laws
8 of Florida; providing for repeal of all prior
9 special acts related to the Hendry/Hilliard
10 Water Control District; providing for
11 severability; providing for control in the
12 event of a conflict of provisions; providing an
13 effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Pursuant to chapter 97-255, Laws of
18 Florida, and chapter 98-320, Laws of Florida, this act
19 constitutes the codification of all special acts relating to
20 the Hendry/Hilliard Water Control District, an independent
21 special district and political subdivision of the State of
22 Florida. 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. It is
27 further the intent of this act to preserve all District
28 authority.

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30 Section 2. Chapter 86-394, Laws of Florida, relating
31 to the Hendry/Hilliard Water Control District of Florida, is
codified, reenacted, amended, and repealed as herein provided.

1 Section 3. The Hendry/Hilliard Water Control District
2 is re-created and the charter for such district is re-created
3 and reenacted to read:

4 Section 1. Minimum charter requirements.--In
5 accordance with section 189.404(3), Florida Statutes, the
6 following shall constitute the charter of Hendry/Hilliard
7 Water Control District:

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

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

20 (3) The District was created by chapter 86-394, Laws
21 of Florida, 1986, a special legislative act.

22 (4) The District's charter may be amended only by
23 special act of the Legislature.

24 (5) In accordance with chapter 298, Florida Statutes,
25 the District is governed by a Board of Supervisors. The
26 membership and organization of the Board shall be as set forth
27 in this act and chapter 298, Florida Statutes, as they may be
28 amended from time to time.

29 (6) The compensation of Board members shall be
30 governed by this act and chapter 298, Florida Statutes, as
31 they may be amended from time to time.

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

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

9 (9) The procedures and requirements governing the
10 issuance of bonds, notes, and other evidence of indebtedness
11 by the District shall be as set forth in chapters 189 and 298,
12 Florida Statutes, and applicable general laws, as they may be
13 amended from time to time.

14 (10) The procedures for conducting District elections
15 and for qualification of electors shall be pursuant to
16 chapters 189 and 298, Florida Statutes, and applicable general
17 laws as they may be amended from time to time.

18 (11) The District may be financed by any method
19 established in this action, chapters 189 and 298, Florida
20 Statutes, or any applicable general laws, as they may be
21 amended from time to time.

22 (12) In accordance with chapter 298, Florida Statutes,
23 the District may continue to levy upon all of the real taxable
24 property in the District a special tax each year as
25 maintenance tax.

26 (13) The method for collecting non-ad valorem
27 assessments, fees, or service charges shall be as set forth in
28 chapters 197 and 298, Florida Statutes, as they may be amended
29 from time to time.

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1 (14) 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 (15) That all acts and proceedings done and performed
5 by the Board of Supervisors, agents, and officers of the
6 District, acting for and on behalf of the District, are and
7 each of them is, hereby ratified, validated, confirmed, and
8 declared to be legal, valid, and binding.

9 (16) The geographic boundary limitations are as set
10 forth in section 2.

11 Section 2. District creation and boundaries.--For the
12 purposes of comprehensive water management and control and
13 developing the land hereinafter described and managing said
14 lands and water by means of the construction and maintenance
15 of canals, ditches, levees, dikes, pumping plants, and other
16 water control works and improvements, and for the purpose of
17 making the lands within said District available and habitable
18 for settlement and agriculture, and for the public
19 convenience, welfare, utility, and benefit, and for the other
20 purposes stated in this act, a water control district is
21 hereby created and established in Hendry County, Florida, to
22 be known as the Hendry/Hilliard Water Control District, the
23 territorial boundaries of which shall be as follows, to wit:

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25 That part of Section 7 south of State Road 80
26 right-of-way and east of the Hilliard Canal;
27 that part of Section 8 south of State Road 80
28 right-of-way; all of Section 17; that part of
29 Section 18 east of Hilliard Canal; and all of
30 Section 20, all in Township 43 South, Range 32
31 East, Hendry County, Florida

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All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, all in Township 44 South, Range 31 East, Hendry County, Florida.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, and all of Section 21, all in Township 44 South, Range 32 East, Hendry County, Florida.

Fractional Sections 3 and 4; Sections 9, 10, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35; the Southwest one-quarter of Section 15, all in Township 43 South, Range 32 East, Hendry County, Florida.

It is hereby determined, declared, and enacted that said lands in their present condition require comprehensive water control and management for proper agricultural use, and that water control for the purpose of irrigation, reclamation, and flood protection of said lands, making said lands available for agricultural and settlement purposes, and the creation of the District with the power vested in it by this act, is in the interest of and conducive to public welfare, health, and convenience.

Section 3. Provisions of other laws made applicable.--The Hendry/Hilliard Water Control District hereby created shall be a public corporation of this state. The provisions of Florida law applicable to water control

1 districts or subdistricts which are embodied in chapter 298,
 2 Florida Statutes, and all of the laws amendatory thereof, now
 3 existing or hereafter enacted, so far as not inconsistent with
 4 this act, are hereby declared to be applicable to the
 5 Hendry/Hilliard Water Control District. The Hendry/Hilliard
 6 Water Control District shall have all of the powers and
 7 authorities conferred by chapter 298, Florida Statutes, and
 8 acts amendatory thereof, except as herein otherwise provided.

9 Section 4. Powers of the District.--The District shall
 10 have the power to sue and be sued in its name in any court of
 11 law or in equity; to make contracts; to adopt and use a
 12 corporate seal and to alter the same at pleasure; to acquire
 13 by purchase, gift, or condemnation real and personal property,
 14 either or both, within or without the District, and to convey
 15 and dispose of such real and personal property, either or
 16 both, as may be necessary or convenient to carry out the
 17 purposes, or any of the purposes, of this act, and chapter
 18 298, Florida Statutes; to construct, operate, and maintain
 19 canals, ditches, drains, levees, and other works for water
 20 control purposes; to acquire, purchase, operate, and maintain
 21 pumps, plants, and pumping systems for water control purposes;
 22 to construct, operate, and maintain irrigation works,
 23 machinery, and plants; to borrow money and issue negotiable or
 24 other bonds of the District as hereinafter provided; to borrow
 25 money, from time to time, and issue negotiable or other notes
 26 of the District therefor, in anticipation of the collection of
 27 taxes, levies, and assessments or revenues of the District,
 28 and to pledge or hypothecate such taxes, levies, assessments,
 29 and revenues to secure such bonds, notes, or obligations, and
 30 to sell, discount, negotiate, and dispose of the same; and to
 31 exercise all other powers necessary, convenient, or proper in

1 connection with any of the powers or duties of the District
 2 stated in this act. The powers and duties of the District
 3 shall be exercised by and through the Board of Supervisors
 4 thereof, which Board shall have the authority to employ
 5 engineers, attorneys, agents, employees, and representatives
 6 as the Board of Supervisors may from time to time determine,
 7 and to fix their compensation and duties. In addition, the
 8 District shall have all of the powers provided for in chapter
 9 298, Florida Statutes.

10 Section 5. Board of Supervisors; appointment of Board;
 11 organization, powers, duties, and terms of office.--There is
 12 created a Board of Supervisors of Hendry/Hilliard Water
 13 Control District, which shall be the governing body of the
 14 District. The Board of Supervisors shall consist of three
 15 persons who, except as herein otherwise provided, shall hold
 16 office for a term of 3 years and until their successors shall
 17 be duly elected and qualified. Each year during the month of
 18 June, a supervisor shall be elected, as hereinafter provided,
 19 by the landowners of said District to take the place of the
 20 retiring supervisor. All vacancies or expirations on the Board
 21 shall be filled as required by this act. The supervisors of
 22 the Hendry/Hilliard Water Control District need not be
 23 residents of the District or of the State of Florida, and they
 24 may or may not be owners of lands or property within the
 25 District. In case of a vacancy in the office of any
 26 supervisor, the remaining supervisors may fill such vacancy
 27 until the next annual meeting of the landowners, when his or
 28 her successor shall be elected by the landowners for the
 29 unexpired term. As soon as practicable after their election,
 30 the Board of Supervisors of the District shall organize by
 31 choosing one of their number as President of the Board of

1 Supervisors and by electing some suitable person as Secretary,
 2 who may or may not be a member of the Board. The Board of
 3 Supervisors shall adopt a seal which shall be the seal of the
 4 District. At each annual meeting of the landowners of the
 5 District, the Board of Supervisors shall report all work
 6 undertaken or completed during the preceding year and the
 7 financial status of the District. All supervisors shall hold
 8 office until their successors shall be elected and qualified.
 9 Whenever any election is authorized or required by this act to
 10 be held by the landowners at any particular stated time or
 11 day, and if for any reason such election shall not or cannot
 12 be held at such time or on such day, then in such event and in
 13 all and every such event, the power or duty to hold such
 14 election shall not cease or lapse, but such election shall be
 15 held thereafter as soon as practicable and consistent with
 16 this act.

17 Section 6. Compensation of Board.--Each supervisor
 18 shall be paid a per diem for his or her services, in an amount
 19 to be determined by the landowners at the annual landowners'
 20 meeting, for each day actually engaged in work pertaining to
 21 the District. The amount shall not exceed that provided for by
 22 chapter 298, Florida Statutes, and amendments thereto, except
 23 that, in addition to per diem, they shall receive
 24 reimbursement for travel and expenses as provided by law.

25 Section 7. Meetings of landowners; election of
 26 Supervisors.--Each year during the month of June, a meeting of
 27 the landowners of said District shall be held for the purpose
 28 of electing Supervisors to take the place of the retiring
 29 Supervisors and of hearing reports of the Board of
 30 Supervisors. The Board of Supervisors shall have the power to
 31 call special meetings of the landowners at any time to receive

1 reports of the Board of Supervisors or consider and act upon
2 any matter upon which the Board of Supervisors may request
3 advice. Notice of all meeting of the landowners shall be given
4 by the Board of Supervisors pursuant to chapters 189 and 298,
5 Florida Statutes. The landowners, when assembled for the
6 annual landowners' meeting, shall organize by electing a chair
7 who shall preside at the meeting. The Secretary of the Board
8 of Supervisors shall be the Secretary of such meeting. At all
9 such annual landowners' meetings, each and every acre of land
10 in the District shall represent one vote, and each owner shall
11 be entitled to one vote in person or by written proxy for
12 every acre of land owned by him or her in the District. The
13 person receiving the highest number of votes for supervisor
14 shall be declared and elected as such supervisor. At any
15 landowners' meeting, a quorum shall constitute those
16 landowners present in person or by proxy. Guardians may
17 represent their wards, personal representatives may represent
18 the estates of deceased persons, trustees may represent lands
19 held by them in trust, and private corporations may be
20 represented by their officers or duly authorized agents.
21 Guardians, personal representatives, trustees, and
22 corporations may vote by proxy.

23 Section 8. Taxes levied and apportioned, and the
24 collection thereof.--

25 (1) INSTALLMENT TAXES.--Taxes shall be levied and
26 apportioned as provided by chapter 298, Florida Statutes, and
27 amendments thereto.

28 (2) MAINTENANCE TAX.--To maintain and preserve
29 improvements made pursuant to this chapter and to repair and
30 restore the same, and for the purpose of defraying the current
31 expenses of the District, the Board of Supervisors may,

1 pursuant to chapter 298, Florida Statutes, upon the completion
2 of said improvements, in whole or in part as may be certified
3 to the said Board by the Chief Engineer, levy annually a tax
4 upon each tract or parcel of land within the District, to be
5 known as a "maintenance tax." Said maintenance tax shall be
6 apportioned upon the basis of the net assessments of benefits
7 assessed or accruing for original construction.

8 (3) TAXES AND COSTS A LIEN ON LAND AGAINST WHICH TAXES
9 LEVIED.--All taxes provided for in this chapter, together with
10 all penalties for default in payment of the same and all costs
11 in collecting the same, shall, from the date of assessment
12 thereof until paid, constitute a lien of equal dignity with
13 the liens for county taxes, and other taxes of equal dignity
14 with county taxes, upon all the lands against which such taxes
15 shall be levied as is provided in this chapter.

16 (4) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR,
17 AND CLERK OF THE CIRCUIT COURT.--The Property Appraiser, Tax
18 Collector, and Clerk of the Circuit Court of Hendry County
19 shall be entitled to compensation of services performed in
20 connection with taxes of said District as provided by chapter
21 298, Florida Statutes.

22 (5) LEVIES OF TAXES ON LAND LESS THAN ONE ACRE.--In
23 levying and assessing all taxes, each tract or parcel of land
24 less than 1 acre in area shall be assessed as a full acre, and
25 each tract or parcel of land more than 1 acre in area which
26 contains a fraction of an acre shall be assessed at the
27 nearest whole number of acres, a fraction of one half or more
28 to be assessed as a full acre.

29 Section 9. When unpaid taxes delinquent; penalty.--All
30 taxes provided for in this act shall be and become delinquent
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1 and bear penalties on the amount of said taxes in the same
2 manner as county taxes.

3 Section 10. Enforcement of taxes.--The collection and
4 enforcement of all taxes levied by the District shall be at
5 the same time and in like manner as county taxes, and the
6 provisions of the Florida Statutes relating to the sale of
7 lands for unpaid and delinquent county taxes, the issuance,
8 sale, and delivery of tax certifications for such unpaid and
9 delinquent county taxes, the redemption thereof, the issuance
10 to individuals of tax deeds based thereon; and all other
11 procedures in connection therewith, shall be applicable to the
12 District and the delinquent and unpaid taxes of the District
13 to the same extent as if said statutory provisions were
14 expressly set forth in this act. All taxes shall be subject to
15 the same discounts as county taxes.

16 Section 11. Uniform acreage tax for payment of
17 expenses.--There is hereby levied by the Legislature of the
18 State of Florida upon each and every acre of land within the
19 Hendry/Hilliard Water Control District as defined in this act,
20 a uniform tax to be used by the District, through its Board of
21 Supervisors, for the purpose of paying expenses incurred or to
22 be incurred in making surveys of the lands in the District and
23 assessing benefits and damages, and other expenses necessarily
24 incurred, as may be estimated or determined by the Board of
25 Supervisors, before the Board of Supervisors shall have funds
26 under the subsequent provisions of this act. The tax shall
27 become due and payable on the first day of November, and shall
28 become delinquent 90 days thereafter. The tax shall be a lien
29 upon the lands in the District from the date of the enactment
30 of this act and shall be collected in the same manner as the
31 annual installment of taxes. If it shall appear to the Board

1 of Supervisors to be necessary to obtain funds to pay any
 2 expenses incurred or to be incurred in organizing the
 3 District, making said surveys, creating a unit, or preparing
 4 the water control plan, or any other expenses of the conduct
 5 and operation of the District before a sufficient sum can be
 6 obtained by the collection of the acreage tax levied by this
 7 section, the Board of Supervisors may borrow a sufficient sum
 8 of money for any of said purposes, may issue negotiable notes
 9 or bonds therefor signed by the members of said Board of
 10 Supervisors, and may pledge any and all assessments of said
 11 acreage tax levied under the provisions of this section for
 12 the repayment therefor. The Board of Supervisors may issue
 13 negotiable evidence of debt to any person or persons
 14 performing work or services or furnishing anything of value in
 15 the organization of the District or making surveys of the same
 16 and assessing benefits or damages or preparing said water
 17 control plan and for any other expenses necessarily incurred
 18 before the receipt of funds arising from assessments or
 19 benefits.

20 Section 12. Bonds may be issued under the provisions
 21 of chapter 298, Florida Statutes.--The Board of Supervisors
 22 may, if in their judgment it seems best, issue bonds under the
 23 provisions of chapter 298, Florida Statutes, bearing interest
 24 from date, after determining any discount thereon, payable
 25 annually or semiannually.

26 Section 13. Water control for public benefit.--It is
 27 hereby declared that in said District, surface waters, which
 28 shall include rainfall and the overflow of rivers and streams,
 29 shall be managed for a public benefit, and the District, and
 30 any individual or agency holding a permit to do so from the
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1 District, shall have the right to dike, dam, and construct
2 levees to manage waters within the District.

3 Section 14. Unit development; powers of supervisors to
4 designate units of District and adopt system of progressive
5 drainage by units; water control plan and financing
6 assessments, etc., for each unit.--The Board of Supervisors of
7 Hendry/Hilliard Water Control District shall have the power
8 and is hereby authorized in its discretion to manage water
9 within the District by designating areas or parts of said
10 District to be called "units." The units into which said
11 District may be so divided shall be given appropriate numbers
12 or names by the Board of Supervisors so that the units may be
13 readily identified and distinguished. The Board of Supervisors
14 shall have the power to fix and determine the location, area,
15 and boundaries of and lands to be included in each and all
16 such units, the order of development thereof, and the method
17 of carrying on the work in each unit. The unit system of water
18 control provided by this section may be conducted, and all of
19 the proceedings by this section and this act authorized in
20 respect to such unit or units may be carried on and conducted,
21 at the same time as or after implementation of the District
22 water control plan. If the Board of Supervisors shall
23 determine it is advisable to implement the District water
24 control plan by units, as authorized by this section, the
25 Board shall, by resolution duly adopted and entered upon its
26 minutes, declare its purpose to conduct such work accordingly,
27 and shall at the same time and manner fix the number,
28 location, and boundaries of and description of lands within
29 such unit or units and give them appropriate numbers or names.
30 The Board of Supervisors may adopt a water control plan for,
31 and in respect to, any or all such units, and to have the

1 benefits and damages resulting therefrom assessed and
 2 apportioned by the District engineer, and the engineer's
 3 report considered and confirmed, all in like manner as is
 4 provided by law in regard to water control plan for and
 5 assessments of benefits and damages of the entire District.
 6 With respect to the water control plan; notices; engineer's
 7 report and notice and confirmation thereof; the levy of
 8 assessments and taxes, including maintenance taxes and the
 9 issuance of bonds; and all other proceedings as to each and
 10 all of such units, said Board shall follow and comply with the
 11 same procedure as is provided by law with respect to the
 12 entire District. All the provisions of this act shall apply to
 13 the water management and control within all of such units, and
 14 the enumeration of or reference to specific powers or duties
 15 of the supervisors, or any other officers or other matters in
 16 this act as hereinabove set forth, shall not limit or restrict
 17 the application of any and all of the proceedings and powers
 18 herein to such units. All assessments, levies, taxes, bonds,
 19 and other obligations made, levied, assessed, or issued, or
 20 issued for or in respect to any such unit or units shall be a
 21 lien and charge solely and only upon the lands in such unit or
 22 units, respectively, for the benefit of which the same shall
 23 be levied, made, or issued, and not upon the remaining units
 24 or lands in said District. The Board of Supervisors may at any
 25 time amend its resolutions by changing the location and
 26 description of lands in any such unit or units; and provided,
 27 further, that if the location of or description of lands
 28 located in any such unit or units is so changed, proceedings
 29 shall be had and one in that regard as are provided in this
 30 section for the original creation of such unit or units,
 31 provided, however, no lands against which benefits shall have

1 been assessed may be detached from any such unit after the
 2 confirmation of the engineer's report of benefits in such unit
 3 or units or the issuance of bonds or other obligations which
 4 are payable from taxes or assessments for benefits levied upon
 5 the land within such unit or units. Provided, however, that
 6 if, after the confirmation of the engineer's report of
 7 benefits in such unit or units, or the issuance of bonds or
 8 other obligations which are payable from taxes or assessments
 9 for benefits levied upon lands within such unit or units, the
 10 Board of Supervisors finds the water control plan for any such
 11 unit or units insufficient or inadequate for efficient
 12 development, the water control plan may be amended or changed
 13 as provided in chapter 298, Florida Statutes, and the unit or
 14 units may be amended or changed as provided in this section by
 15 changing the location and description of lands in any such
 16 unit or units, by detaching lands therefrom, or by adding
 17 lands thereto. In such event all assessments, levies, taxes,
 18 bonds, and other obligations made, levied, assessed, incurred,
 19 or issued for or in respect to any such unit or units may be
 20 allocated and apportioned to the amended unit or units in
 21 proportion to the benefits assessed by the engineer's report
 22 for the amended water control plan, and said report shall
 23 specifically provide for such allocation and apportionment.
 24 However, a change or amendment to a designated unit is not
 25 authorized if it has the effect of impairing a debt or other
 26 obligation of the unit or District.

27 Section 4. Chapter 86-394, Laws of Florida, is
 28 repealed.

29 Section 5. If any provision of this act or the
 30 application thereof to any person or circumstance is held
 31 invalid, the invalidity shall not affect other provisions or

1 applications of the act which can be given effect without the
2 invalid provision or application, and to this end the
3 provisions of this act are declared severable.

4 Section 6. In the event of a conflict between the
5 provisions of this act and the provisions of any other act,
6 the provisions of this act shall control to the extent of such
7 conflict.

8 Section 7. This act shall take effect upon becoming a
9 law.

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