

By Senator Geller

29-1743-00

See HB 1683

1 A bill to be entitled
2 An act relating to the Collins Slough Water
3 Control District, Hendry County; providing for
4 codification of special laws relating to the
5 Collins Slough Water Control District, a
6 special tax district of the State of Florida
7 composed of the County of Hendry; providing
8 legislative intent; codifying and reenacting
9 chapter 86-393, Laws of Florida; providing for
10 minimum charter requirements; providing for
11 repeal of all prior special acts related to the
12 Collins Slough Water Control District;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Intent.--Pursuant to section 189.429,
18 Florida Statutes, this act constitutes the codification of all
19 special acts relating to the Collins Slough Water Control
20 District, an independent special district and political
21 subdivision of the State of Florida. It is the intent of the
22 Legislature in enacting this law to provide a single,
23 comprehensive special act charter for the District, including
24 all current legislative authority granted to the District by
25 its several legislative enactments and any additional
26 authority granted by this act. It is further the intent of
27 this act to preserve all District authority.

28 Section 2. Codification.--Chapter 86-393, Laws of
29 Florida, relating to the Collins Slough Water Control District
30 of Florida, is codified, reenacted, amended, and repealed as
31 herein provided.

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

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

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

16 (3) The District was created by chapter 86-393, Laws
17 of Florida, a special legislative act.

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

20 (5) In accordance with chapter 298, Florida Statutes,
21 the District is governed by a Board of Supervisors. 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 shall be as
29 set forth in this act and chapter 298, Florida Statutes, as
30 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 chapters 189 and 298,
9 Florida Statutes, and applicable general laws, as they may be
10 amended 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, and applicable general
14 laws as they may be amended from time to time.

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

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

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

27 (14) 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 (15) All acts and proceedings done and performed by
31 the Board of Supervisors, agents, and officers of the

1 District, acting for and on behalf of the District, are and
2 each of them is, hereby ratified, validated, confirmed, and
3 declared to be legal, valid, and binding.

4 (16) The geographic boundary limitations are as set
5 forth in section 2.

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

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20 All of Sections 1, 2, 3, 10, 11, 12, 13, 14,
21 and 15, Township 44 South, Range 30 East,
22 Hendry County, Florida.

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24 All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18,
25 20, 21, 28, 29, 32, and 33, Township 44 South,
26 Range 31 East, Hendry County, Florida.

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28 Consisting of 15,360 acres more or less.

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30 It is hereby determined, declared, and enacted that said lands
31 in their present condition require comprehensive water control

1 and management for proper agricultural use, and that water
2 control for the purpose of irrigation, reclamation, and flood
3 protection of said lands, making said lands available for
4 agricultural and settlement purposes, and the creation of the
5 District with the power vested in it by this act, is in the
6 interest of and conducive to public welfare, health, and
7 convenience.

8 Section 3. Provisions of other laws made
9 applicable.--The Collins Slough Water Control District hereby
10 created shall be a public corporation of this state. The
11 provisions of Florida law applicable to water control
12 districts or subdistricts which are embodied in chapter 298,
13 Florida Statutes, and all of the laws amendatory thereof, now
14 existing or hereafter enacted, so far as not inconsistent with
15 this act, are hereby declared to be applicable to the Collins
16 Slough Water Control District. The Collins Slough Water
17 Control District shall have all of the powers and authorities
18 conferred by chapter 298, Florida Statutes, and acts
19 amendatory thereof, except as herein otherwise provided.

20 Section 4. Powers of the District.--The District shall
21 have the power to sue and be sued in its name in any court of
22 law or in equity, to make contracts, to adopt and use a
23 corporate seal and to alter the same at pleasure; to acquire
24 by purchase, gift, or condemnation real and personal property,
25 either or both, within or without the District, and to convey
26 and dispose of such real and personal property, either or
27 both, as may be necessary or convenient to carry out the
28 purposes, or any of the purposes, of this act, and chapter
29 298, Florida Statutes; to construct, operate, and maintain
30 canals, ditches, drains, levees, and other works for water
31 control purposes; to acquire, purchase, operate, and maintain

1 pumps, plants, and pumping systems for water control purposes;
2 to construct, operate, and maintain irrigation works,
3 machinery, and plants; to borrow money and issue negotiable or
4 other bonds of the District as hereinafter provided; to borrow
5 money, from time to time, and issue negotiable or other notes
6 of the District therefor, in anticipation of the collection of
7 taxes, levies, and assessments or revenues of the District,
8 and to pledge or hypothecate such taxes, levies, assessments,
9 and revenues to secure such bonds, notes, or obligations, and
10 to sell, discount, negotiate, and dispose of the same; and to
11 exercise all other powers necessary, convenient, or proper in
12 connection with any of the powers or duties of the District
13 stated in this act. The powers and duties of the District
14 shall be exercised by and through the Board of Supervisors
15 thereof, which Board shall have the authority to employ
16 engineers, attorneys, agents, employees, and representatives
17 as the Board of Supervisors may from time to time determine,
18 and to fix their compensation and duties. In addition, the
19 District shall have all of the powers provided for in chapter
20 298, Florida Statutes.

21 Section 5. Board of Supervisors; appointment of first
22 Board; organization, powers, duties, and terms of
23 office.--There is created a Board of Supervisors of Collins
24 Slough Water Control District, which shall be the governing
25 body of the District. The Board of Supervisors shall consist
26 of three persons, who, except as herein otherwise provided,
27 shall hold office for a term of 3 years and until their
28 successors shall be duly elected and qualified. Each year
29 during the month of June, a Supervisor shall be elected, as
30 hereinafter provided, by the landowners of said District to
31 take the place of the retiring Supervisor. All vacancies or

1 expirations on the Board shall be filled as required by this
2 act. The Supervisors of the Collins Slough Water Control
3 District need not be residents of the District or of the State
4 of Florida, and they may or may not be owners of lands or
5 property within the District. In case of a vacancy in the
6 office of any Supervisor, the remaining Supervisors may fill
7 such vacancy until the next annual meeting of the landowners,
8 when his or her successor shall be elected by the landowners
9 for the unexpired term. As soon as practicable after their
10 election, the Board of Supervisors of the District shall
11 organize by choosing one of their number President of the
12 Board of Supervisors and by electing some suitable person
13 Secretary, who may or may not be a member of the Board. The
14 Board of Supervisors shall adopt a seal which shall be the
15 seal of the District. At each annual meeting of the
16 landowners of the District, the Board of Supervisors shall
17 report all work undertaken or completed during the preceding
18 year and the financial status of the District. All Supervisors
19 shall hold office until their successors shall be elected and
20 qualified. Whenever any election is authorized or required by
21 this act to be held by the landowners at any particular or
22 stated time or day, and if for any reason such election shall
23 not or cannot be held at such time or on such day, then in
24 such event and in all and every such event, the power or duty
25 to hold such election shall not cease or lapse, but such
26 election shall be held thereafter as soon as practicable and
27 consistent with this act.

28 Section 6. Compensation of Board.--Each Supervisor
29 shall be paid a per diem for his or her services, in an amount
30 to be determined by the landowners at the annual landowners'
31 meeting, for each day actually engaged in work pertaining to

1 the District. The amount shall not exceed that provided for by
2 chapter 298, Florida Statutes, and amendments thereto, except
3 that, in addition to per diem, they shall receive
4 reimbursement for travel and expenses as provided by law.

5 Section 7. Meetings of landowners; election of
6 Supervisors.--Each year during the month of June, a meeting of
7 the landowners of said District shall be held for the purpose
8 of electing a Supervisor to take the place of the retiring
9 Supervisor and of hearing reports of the Board of Supervisors.
10 The Board of Supervisors shall have the power to call special
11 meetings of the landowners at any time to receive reports of
12 the Board of Supervisors or consider and act upon any matter
13 upon which the Board of Supervisors may require advice. Notice
14 of all meetings of the landowners shall be given by the Board
15 of Supervisors pursuant to chapters 189 and 298, Florida
16 Statutes. The landowners, when assembled for the annual
17 landowners' meeting, shall organize by electing a chair who
18 shall preside at the meeting. The Secretary of the Board of
19 Supervisors shall be the Secretary of such meeting. At all
20 such annual landowners' meetings, each and every acre of land
21 in the District shall represent one vote, and each owner shall
22 be entitled to one vote in person or by written proxy for
23 every acre of land owned by him or her in the District. The
24 person receiving the highest number of votes for Supervisor
25 shall be declared and elected as such Supervisor. At any
26 landowners' meeting, a quorum shall constitute those
27 landowners present in person or by proxy. Guardians may
28 represent their wards; personal representatives may represent
29 the estates of deceased persons; trustees may represent lands
30 held by them in trust; and private corporations may be
31 represented by their officers or duly authorized agents.

1 Guardians, personal representatives, trustees, and
2 corporations may vote by proxy.

3 Section 8. Taxes levied and apportioned, and the
4 collection thereof.--

5 (1) INSTALLMENT TAXES.--Taxes shall be levied and
6 apportioned as provided by chapter 298, Florida Statutes, and
7 amendments thereto.

8 (2) MAINTENANCE TAX.--To maintain and preserve
9 improvements made pursuant to this chapter and to repair and
10 restore the same, and for the purpose of defraying the current
11 expenses of the District, the Board of Supervisors may,
12 pursuant to chapter 298, Florida Statutes, upon the completion
13 of said improvements, in whole or in part as may be certified
14 to the said Board by the Chief Engineer, levy annually a tax
15 upon each tract or parcel of land within the District, to be
16 known as a "maintenance tax." Said maintenance tax shall be
17 apportioned upon the basis of the net assessments of benefits
18 assessed or accruing for original construction.

19 (3) TAXES AND COSTS A LIEN ON LAND AGAINST WHICH TAXES
20 LEVIED.--All taxes provided for in this chapter, together with
21 all penalties for default in payment of the same and all costs
22 in collecting the same, shall, from the date of assessment
23 thereof until paid, constitute a lien of equal dignity with
24 the liens for County taxes, and other taxes of equal dignity
25 with County taxes, upon all the lands against which such taxes
26 shall be levied as is provided in this chapter.

27 (4) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR,
28 AND CLERK OF THE CIRCUIT COURT.--The offices of the Property
29 Appraiser, Tax Collector, and Clerk of the Circuit Court of
30 Hendry County shall be entitled to compensation of services

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1 performed in connection with taxes of said District as
2 provided by chapter 298, Florida Statutes.

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

10 Section 9. When unpaid taxes delinquent; penalty.--All
11 taxes provided for in this act shall be and become delinquent
12 and bear penalties on the amount of said taxes in the same
13 manner as County taxes.

14 Section 10. Enforcement of taxes.--The collection and
15 enforcement of all taxes levied by the District shall be at
16 the same time and in like manner as County taxes, and the
17 provisions of the Florida Statutes relating to the sale of
18 lands for unpaid and delinquent County taxes, the issuance,
19 sale, and delivery of tax certificates for such unpaid and
20 delinquent County taxes, the redemption thereof, the issuance
21 to individuals of tax deeds based thereon, and all other
22 procedures in connection therewith, shall be applicable to the
23 District and the delinquent and unpaid taxes of the District
24 to the same extent as if said statutory provisions were
25 expressly set forth in this act. All taxes shall be subject
26 to the same discounts as County taxes.

27 Section 11. Uniform acreage tax for payment of
28 expenses.--There is hereby levied by the Legislature of the
29 State of Florida upon each and every acre of land within the
30 Collins Slough Water Control District, as defined in this act,
31 a uniform tax to be used by the District, through its Board of

1 Supervisors, for the purpose of paying expenses incurred or to
2 be incurred in making surveys of the lands in the District and
3 assessing benefits and damages, and other expenses necessarily
4 incurred, as may be estimated or determined by the Board of
5 Supervisors, before the Board of Supervisors shall have funds
6 under the subsequent provisions of this act. The tax shall
7 become due and payable on the first day of November, and shall
8 become delinquent 90 days thereafter. The tax shall be a lien
9 upon the lands in the District from the date of the enactment
10 of this act and shall be collected in the same manner as the
11 annual installment of taxes. If it shall appear to the Board
12 of Supervisors to be necessary to obtain funds to pay any
13 expenses incurred or to be incurred in organizing the
14 District, making said surveys, creation of a unit, or
15 preparing the water control plan, or any other expenses of the
16 conduct and operation of the District before a sufficient sum
17 can be obtained by the collection of the acreage tax levied by
18 this section, the Board of Supervisors may borrow a sufficient
19 sum of money for any said purposes and may issue negotiable
20 notes or bonds therefor signed by the members of said Board of
21 Supervisors, and may pledge any and all assessments of said
22 acreage tax levied under the provisions of this section for
23 the repayment thereof. The Board of Supervisors may issue
24 negotiable evidence of debt to any person or persons
25 performing work or services or furnishing anything of value in
26 the organization of the District or making surveys of the same
27 and assessing benefits or damages or preparing said water
28 control plan and for any other expenses necessarily incurred
29 before the receipt of funds arising from assessments or
30 benefits.
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1 Section 12. Bonds may be issued under the provisions
2 of chapter 298, Florida Statutes.--The Board of Supervisors
3 may, if in their judgment it seems best, issue bonds under the
4 provisions of chapter 298, Florida Statutes, bearing interest
5 from date, after determining any discount thereon, payable
6 annually or semiannually.

7 Section 13. Water control for public benefit.--It is
8 hereby declared that in said District, surface waters, which
9 shall include rainfall and the overflow of rivers and streams,
10 shall be managed for a public benefit, and the District and
11 any individual or agency holding a permit to do so from the
12 District shall have the right to dike, dam, and construct
13 levees to manage waters within the District.

14 Section 14. Unit development; powers of supervisors to
15 designate units of District and adopt system of progressive
16 drainage by units; water control plan and financing
17 assessments, etc., for each unit.--The Board of Supervisors of
18 Collins Slough Water Control District shall have the power and
19 is hereby authorized in its discretion to manage water within
20 the District by designating areas or parts of said District to
21 be called "units." The units into which said District may be
22 so divided shall be given appropriate numbers or names by the
23 Board of Supervisors so that the units may be readily
24 identified and distinguished. The Board of Supervisors shall
25 have the power to fix and determine the location, area, and
26 boundaries of, and lands to be included in, each and all such
27 units, the order of development thereof, and the method of
28 carrying on the work in each unit. The unit system of water
29 control provided by this section and this act authorized in
30 respect to such unit or units may be carried on and conducted,
31 at the same time as or after implementation of the District

1 water control plan. If the Board of Supervisors shall
2 determine it is advisable to implement the District water
3 control plan by units, as authorized by this section, the
4 Board shall, by resolution duly adopted and entered upon its
5 minutes, declare its purpose to conduct such work accordingly,
6 and shall at the same time and manner fix the number,
7 location, and boundaries of and description of lands within
8 such unit or units and give them appropriate numbers or names.
9 The Board of Supervisors may adopt a water control plan for
10 and in respect to any or all such units, and to have the
11 benefits and damages resulting therefrom assessed and
12 apportioned by the District engineer, and the engineer's
13 report considered and confirmed, all in like manner as is
14 provided by law in regard to water control plan for and
15 assessments of benefits and damages of the entire District.
16 With respect to the water control plan, notices, engineer's
17 report and notice and confirmation thereof, the levy of
18 assessments and taxes, including maintenance taxes and the
19 issuance of bonds, and all other proceedings as to each and
20 all of such units, said Board shall follow and comply with the
21 same procedure as is provided by law with respect to the
22 entire District. All the provisions of this act shall apply to
23 water management and control within all of such units, and the
24 enumeration of or reference to specific powers or duties of
25 the Supervisors, or any other officers or other matters in
26 this act as hereinabove set forth, shall not limit or restrict
27 the application of any and all of the proceedings and powers
28 herein to such units. All assessments, levies, taxes, bonds,
29 and other obligations made, levied, assessed, or issued for or
30 in respect to any such unit or units shall be a lien and
31 charge solely and only upon the lands in such unit or units,

1 respectively, for the benefit of which the same shall be
2 levied, made, or issued, and not upon the remaining units or
3 lands in said District. The Board of Supervisors may at any
4 time amend its resolutions by changing the location and
5 description of lands in any such unit or units; and provided,
6 further, that if the location of or description of lands
7 located in any such unit or units is so changed, proceedings
8 shall be had and done in that regard as are provided in this
9 section for the original creation of such unit or units,
10 provided, however, no lands against which benefits shall have
11 been assessed may be detached from any such unit after the
12 confirmation of the engineer's report of benefits in such unit
13 or units or the issuance of bonds or other obligations which
14 are payable from taxes or assessments for benefits levied upon
15 the land within such unit or units. Provided, however, that
16 if, after the confirmation of the engineer's report of
17 benefits in such unit or units, or the issuance of bonds or
18 other obligations which are payable from taxes or assessments
19 for benefits levied upon lands within such unit or units, the
20 Board of Supervisors finds the water control plan for any such
21 unit or units insufficient or inadequate for efficient
22 development, the water control plan may be amended or changed
23 as provided in chapter 298, Florida Statutes, and the unit or
24 units may be amended or changed as provided in this section by
25 changing the location and description of lands in any such
26 unit or units, by detaching lands therefrom, or by adding
27 lands thereto; provided that in such event all assessments,
28 levies, taxes, bonds, and other obligations made, levied,
29 assessed, incurred, or issued for or in respect to any such
30 unit or units may be allocated and apportioned to the amended
31 unit or units in proportion to the benefits assessed by the

1 engineer's report for the amended water control plan, and said
2 report shall specifically provide for such allocation and
3 apportionment. However, a change or amendment to a designated
4 unit is not authorized if it has the effect of impairing a
5 debt or other obligation of the unit or District.

6 Section 4. Repeal of prior special acts.--Chapter
7 86-393, Laws of Florida, is repealed.

8 Section 5. Severability.--If any provision of this act
9 or the application thereof to any person or circumstance is
10 held invalid, the invalidity shall not affect other provisions
11 or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the
13 provisions of this act are declared severable.

14 Section 6. 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 7. This act shall take effect upon becoming a
19 law.

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