

By Senator Geller

29-1742-00

See HB 1661

1 A bill to be entitled
2 An act relating to Hendry and Glades Counties;
3 providing for codification of special laws
4 regarding independent special districts
5 pursuant to chapter 97-255, Laws of Florida,
6 and chapter 98-320, Laws of Florida, relating
7 to the Flaghole Drainage District, a special
8 tax district of the State of Florida composed
9 of lands in Hendry and Glades Counties;
10 providing legislative intent; codifying
11 reenacting, and amending chapter 28540, Laws of
12 Florida, 1953, and chapters 59-930, 73-447, and
13 77-562, Laws of Florida; providing powers,
14 functions, and duties of the district with
15 respect to non-ad valorem assessments, bond
16 issuance, revenue raising, budget preparation
17 and approval, liens and foreclosure of liens,
18 specified use of tax deeds and tax
19 certificates, and contractual agreements;
20 providing for governance of the district by a
21 Board of Supervisors; providing for membership,
22 organization, compensation, and administrative
23 duties of the board; specifying requirements
24 for financial disclosure, meeting notices,
25 reporting, public records maintenance, and per
26 diem expenses; specifying procedures and
27 requirements governing the issuance of bonds,
28 notes, and other forms of indebtedness;
29 providing procedures for District elections and
30 qualification of electors; providing for method
31 of financing the District; authorizing the

1 District to continue to levy a special annual
2 maintenance tax upon all taxable real property
3 in the District; specifying the method for
4 collecting non-ad valorem assessments, fees,
5 and service charges; providing for District
6 planning requirements; fixing the boundaries of
7 the District; authorizing the Board of
8 Supervisors of the District to levy a
9 maintenance indebtedness tax; providing purpose
10 of the District; providing for the levy of an
11 annual maintenance tax; authorizing the Board
12 of Supervisors to designate maintenance areas
13 within the district; providing composition of
14 the Board of Supervisors; providing for
15 ratification of prior actions; providing
16 severability; providing that this act shall
17 take precedence over any conflicting law to the
18 extent of such conflict; repealing chapter
19 28540, Laws of Florida, 1953, and chapters
20 59-930, 73-447, and 77-562, Laws of Florida;
21 providing an effective date.

22

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

24

25 Section 1. Pursuant to chapter 97-255, Laws of
26 Florida, and chapter 98-320, Laws of Florida, this act
27 constitutes the codification of all special acts relating to
28 the Flaghole Drainage District, an independent special
29 district and political subdivision of the State of Florida. It
30 is the intent of the Legislature in enacting this law to
31 provide a single, comprehensive special act charter for the

1 District, including all current legislative authority granted
2 to the District by its several legislative enactments and any
3 additional authority granted by this act. It is further the
4 intent of this act to preserve all District authority.

5 Section 2. Chapter 28540, Laws of Florida, 1953, and
6 chapters 59-930, 73-447, and 77-562, Laws of Florida, relating
7 to the Flaghole Drainage District, are codified, reenacted,
8 amended, and repealed as provided herein.

9 Section 3. The Flaghole Drainage District is
10 re-created and the charter for said district is re-created and
11 reenacted to read:

12 Section 1. (a) The Flaghole Drainage District is
13 organized and exists for all purposes set forth in this act
14 and chapter 298, Florida Statutes, as they may be amended from
15 time to time, so far as not inconsistent with this act.

16 (b) The powers, functions, and duties of the District
17 regarding non-ad valorem assessments, bond issuance, other
18 revenue-raising capabilities, budget preparation and approval,
19 liens and foreclosure of liens, use of tax deeds and tax
20 certificates as appropriate for non-ad valorem assessments,
21 and contractual agreements shall be as set forth in chapters
22 189, 197, and 298, Florida Statutes, this act, or any other
23 applicable general or special law, as they may be amended from
24 time to time.

25 (c) The District was created by chapter 28540, Laws of
26 Florida, 1953, a special legislative act.

27 (d) The District's charter may be amended only by
28 special act of the Legislature.

29 (e) In accordance with chapter 298, Florida Statutes,
30 the District is governed by a Board of Supervisors. 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 shall be as
7 set forth in this act and chapter 298, Florida Statutes, as
8 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 chapters 189 and 298,
17 Florida Statutes, and applicable general laws, as they may be
18 amended from time to time.

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

23 (k) The District may be financed by any method
24 established in this act, chapters 189 and 298, Florida
25 Statutes, or any applicable general laws, as they may be
26 amended from time to time.

27 (l) In accordance with chapter 298, Florida Statutes,
28 the District may continue to levy upon all of the real taxable
29 property in the District a special tax each year as
30 maintenance tax.

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1 (m) The method for collecting non-ad valorem
2 assessments, fees, or service charges shall be as set forth in
3 chapters 197 and 298, Florida Statutes, as they may be amended
4 from time to time.

5 (n) The District's planning requirements shall be as
6 set forth in chapters 189 and 298, Florida Statutes, as they
7 may be amended from time to time.

8 (o) The geographic boundary limitations are as set
9 forth in section 2.

10 Section 2. The territorial boundaries of the District
11 include lands in Hendry and Glades Counties, Florida, as
12 follows:

13
14 Beginning at the Southeast Corner of Section 2,
15 Township 44 South, Range 33 East; thence West
16 along the South line of Sections 2, 3, 4, 5,
17 and 6, Township 44 South, Range 33 East, to the
18 Southwest Corner of said Section 6; thence
19 North along the West side of said Section 6 to
20 the Northwest corner thereof; thence West along
21 the South line of Section 36, Township 43
22 South, Range 32 East to the Southwest Corner of
23 said Section 36; thence North along the West
24 line of said Section 36 and continue North
25 along the West line of Sections 25 and 24,
26 Township 43 South, Range 32 East to the
27 Northwest Corner of said Section 24; thence
28 West along the South line of Sections 14 and
29 15, Township 43 South, Range 32 East to the
30 South Quarter Corner of said Section 15; thence
31 North along the center line of said Section 15

1 to the center of said Section 15; thence West
2 along the center line of said Section 15 to the
3 West Quarter Corner of said Section; thence
4 North along the West line of said Section 15 to
5 the Northwest Corner thereof; thence Easterly
6 along the North line of Section 15, Township 43
7 South, Range 32 East to the Northeast Corner of
8 said Section 15; thence North along the West
9 line of Section 11 and fractional Section 2,
10 Township 43 South, Range 32 East to a point on
11 the Township line between Glades and Hendry
12 Counties; thence Northwesterly along the right
13 of way of Improvement No. 5 to the water's edge
14 of Lake Hicpochee; thence Northerly and
15 Easterly along the water's edge of Lake
16 Hicpochee to a point in Section 34, Township 42
17 South, Range 32 East, where the North line of
18 the Nine Mile Canal intersects the water's edge
19 of Lake Hicpochee; thence Southeasterly and
20 Easterly along the North Bank of the said Nine
21 Mile Canal to a point where the said North Bank
22 of the Nine Mile Canal would intersect the East
23 line of Section 9, Township 43 South, Range 33
24 East, if said line were projected North through
25 the Southeast Quarter of Section 33, Township
26 42 South, Range 33 East; thence South along
27 said projection and continue South along the
28 East line of Section 9 to the Southeast Corner
29 of said Section 9; thence East along the North
30 boundaries of Sections 15 and 14 to the
31 Northeast Corner of Section 14; thence South

1 along the East boundary of Section 14 to the
2 Southeast Corner of Section 14, and continuing
3 South along the East lines of Sections 23, 26,
4 and 35, Township 43 South, Range 33 East and
5 along the East line of Section 2, Township 44
6 South, Range 33 East to the Point of Beginning,

7
8 Less and except the North 160 feet of Section
9 14, Township 43 South, Range 33 East and the
10 North 160 feet lying 100 feet East of the West
11 boundary of Section 15, Township 43 South,
12 Range 33 East.

13
14 Subject however, to the right-of-way of the
15 existing separation levee of Sugarland Drainage
16 District, as set forth in Chapter 18287, Laws
17 of 1937, and to the right-of-way along a
18 portion of the South and West boundaries of the
19 District, which right of way is held by the
20 Central and Southern Florida Flood Control
21 District.

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23 Section 3. For the purpose of enabling the principal
24 and interest of any outstanding indebtedness of the District
25 to be paid, the Board of Supervisors is hereby authorized,
26 empowered, and directed to levy and impose upon all the lands
27 within the District a Maintenance Indebtedness Tax. This
28 Maintenance Indebtedness Tax shall be in addition to, and not
29 in lieu of, the annual levy of maintenance tax.

30 Section 4. In imposing the taxes authorized to be
31 levied by this act, or as it may hereafter be amended, the

1 separate parcels of less than one (1) acre shall be assessed
2 the tax amount applicable to parcels of one (1) acre.

3 Section 5. For the purpose of draining, reclaiming,
4 and conserving the lands hereinafter described, and protecting
5 the same from the effects of water, or lack of water, for
6 controlling the water in the District and the water tables
7 with respect to the lands therein, for agricultural and
8 sanitary purposes, for the public health, convenience,
9 welfare, utility and benefit, and for the purpose of
10 maintaining and operating the existing drainage facilities
11 located on, embraced within or adjacent to the lands described
12 in this act, Flaghole Drainage District is hereby declared to
13 exist and the creation thereof is ratified, validated, and
14 confirmed.

15 Section 6. For the purpose of paying the cost of
16 maintaining and operating said facilities, as well as
17 administering the affairs of the District generally, there is
18 hereby levied and imposed upon each acre of land lying within
19 the said District, including lands owned by the State of
20 Florida, or its agencies, an annual tax to be known as
21 Maintenance Tax, in an amount sufficient to maintain and
22 preserve the works of the District, said per acre tax to be
23 determined annually by the Supervisors. The Supervisors shall
24 have the power to designate maintenance areas within the
25 District, and to levy variable maintenance tax rates
26 apportioned upon the bases of benefits received by lands
27 within the maintenance areas.

28 Section 7. The governing Board of Flaghole Drainage
29 District shall be designated Board of Supervisors of Flaghole
30 Drainage District and shall be composed of three persons, who
31 shall be resident Freeholders of the State of Florida.

1 Section 8. That all other acts and proceedings of the
2 Circuit Court of said Hendry and Glades Counties taken by,
3 for, and on behalf of said District since the creation
4 thereof; and all of the acts and proceedings of the Board of
5 Supervisors, the Commissioners, and all other officers and
6 agents of said District, and of said Hendry and Glades
7 Counties, acting for and on behalf of said District and any
8 and all tax levies and assessments which have been made by the
9 said Board of Supervisors for and on behalf of said District,
10 by and they are each and every one of them, and each and every
11 part thereof, hereby ratified, validated, and confirmed.

12 Section 4. Chapter 28540, Laws of Florida, 1953, and
13 chapters 59-930, 73-447, and 77-562, Laws of Florida, are
14 repealed

15 Section 5. In the event any section or provision of
16 this act is determined to be invalid or unenforceable, such
17 determination shall not affect the validity of or
18 enforceability of each other section and provision of this
19 act.

20 Section 6. In the event of a conflict between the
21 provisions of this act and the provisions of any other act,
22 the provisions of this act shall control to the extent of such
23 conflict.

24 Section 7. This act shall take effect upon becoming a
25 law.

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