

By Senator Geller

29-1746-00

See HB 1443

1 A bill to be entitled
2 An act relating to the Central County Water
3 Control District in Hendry County, Florida;
4 codifying and reenacting the district's
5 charter, chapter 70-702, Laws of Florida, as
6 amended; providing for creation of the
7 district; providing district boundaries;
8 providing for validation; providing for
9 application of other laws; providing powers of
10 the district; providing for district taxes;
11 providing for levy, apportionment, and
12 collection of taxes; providing penalties for
13 unpaid delinquent taxes; providing for
14 enforcement of taxes; specifying a quorum for
15 certain meetings; prohibiting proxy voting;
16 providing for membership of a board of
17 supervisors; providing for effect of conflict
18 with other acts; providing a savings clause;
19 providing for repeal of prior special acts
20 relating to the Central County Water Control
21 District; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Pursuant to section 189.429, Florida
26 Statutes, this act constitutes the codification of all special
27 acts relating to the Central County Water Control District
28 situated in Hendry County. It is the intent of the
29 Legislature in enacting this law to provide a single,
30 comprehensive special act charter for the district, including
31 all current legislative authority granted to the district by

1 its several legislative enactments and any additional
2 authority granted by this act. It is further the intent of
3 this act to preserve all district authority and powers.

4 Section 2. Chapters 70-702, 79-470, 90-413, 94-481,
5 and 96-531, Laws of Florida, relating to the Central County
6 Water Control District situated in Hendry County, are
7 codified, reenacted, amended, and repealed as herein provided.

8 Section 3. The Central County Water Control District
9 is re-created as an independent special water control district
10 and the charter for such district is re-created and reenacted
11 to read:

12 Section 1. District created; boundaries; validation.--

13 (a) For the purpose of reclamation, drainage,
14 irrigation, water control, and development of lands
15 hereinafter described and to protect said lands from the
16 effects of water by means of the construction and maintenance
17 of canals, ditches, levees, dikes, pumping plants, and other
18 drainage, irrigation, and water control works and
19 improvements, and to make the lands within said district
20 available and habitable for settlement and agriculture, and
21 for the public convenience, welfare, utility and benefit, and
22 for the other purposes stated in this act a drainage district
23 is hereby created and established in Hendry County to be known
24 as the Central County Water Control District, the territorial
25 boundaries of which shall be as follows:

26
27 Sections 13, 14, 15, the West 1/2 of Section
28 18, Sections 22, 23, 24, 25, 26 and 27, the
29 North 1/2 of Section 34 except the SE 1/4 of
30 the NE 1/4 of said Section 34 and all of
31 Sections 35 and 36 in Township 44 South, Range

1 32 East; and all of Sections 19, 29, 30, 31,
2 32, Township 44 South, Range 33 East in Hendry
3 County, Florida.

4 (b) It is hereby determined, declared, and enacted
5 that said lands in their present condition are wet and subject
6 to overflow, and at times subject to drought, and that the
7 drainage, irrigation, water control, reclamation, and
8 protection of said lands from the effects of water, and
9 thereby the making of said lands available for agricultural
10 and settlement purposes by drainage, irrigation, water
11 control, reclamation, and improvement, and the creation of
12 said district with the powers vested in it by this act, are in
13 the interest of and conducive to public welfare, health, and
14 convenience.

15 (c) The proceedings had in the circuit court of Hendry
16 County in the cause styled "In re: Central County Drainage
17 District," being Case No. 68-14, wherein a judgment was
18 entered on February 6, 1968, creating Central County Drainage
19 District under the provisions of chapter 298, Florida
20 Statutes, known as the general drainage law, and a judgment
21 extending the boundaries of said district which was entered on
22 April 10, 1970, are hereby validated, ratified, approved, and
23 confirmed.

24 Section 2. Provisions of other laws made
25 applicable.--The Central County Water Control District hereby
26 created shall be a public corporation of this state. The
27 provisions of the general drainage laws of Florida applicable
28 to drainage districts or sub-drainage districts which are
29 embodied in chapter 298, Florida Statutes, and all of the laws
30 amendatory thereof, now existing or hereafter enacted, so far
31 as not inconsistent with this act, are hereby declared to be

1 applicable to the Central County Water Control District. The
2 Central County Water Control District shall have all of the
3 powers and authorities mentioned in or conferred by chapter
4 298, Florida Statutes, and acts amendatory thereof, except as
5 herein otherwise provided.

6 Section 3. Powers of the district.--The district shall
7 have the power to sue and be sued by its name in any court of
8 law or in equity; to make contracts; to adopt and use a
9 corporate seal and to alter the same at pleasure; to acquire
10 by purchase, gift, or condemnation real and personal property,
11 either or both, as may be necessary or convenient to carry out
12 the purposes of this act, and chapter 298, Florida Statutes;
13 to construct, operate, and maintain canals, ditches, drains,
14 levees, and other works for drainage purposes; to acquire,
15 purchase, operate, and maintain pumps, plants, and pumping
16 systems for drainage purposes; to construct, operate, and
17 maintain irrigation works, machinery, and plants; to
18 construct, improve, pave, and maintain roadways and roads
19 necessary and convenient for the exercise of the powers or
20 duties or any of the powers or duties of said district or the
21 supervisors thereof; and in furtherance of the purposes and
22 intent of this act and chapter 298, Florida Statutes, to
23 construct, improve, pave, and maintain streets, roadways, and
24 roads necessary and convenient to provide access to and
25 efficient development of areas made suitable and available for
26 cultivation, settlement, urban and suburban, and other
27 beneficial use and development as a result of the drainage,
28 irrigation, and reclamation operations of the district; to
29 construct, acquire by donation, or purchase recreational
30 facilities and areas, including related facilities, and to
31 construct, operate, and maintain such recreation and related

1 facilities for the benefit of district residents. The powers
2 and duties of said district shall be exercised by and through
3 the board of supervisors thereof, which board shall have the
4 authority to employ engineers, attorneys, agents, employees,
5 and representatives as the board of supervisors may from time
6 to time determine, and to fix their compensation and duties.
7 Provided, however, that in addition thereto, the district
8 shall have all of the powers provided for in chapter 298,
9 Florida Statutes.

10 Section 4. Taxes; levy; apportionment; collection.--

11 (1) Installment taxes.

12 (a) Taxes shall be levied and apportioned as provided
13 for in the general drainage laws of Florida (chapter 298,
14 Florida Statutes, and amendments thereto), except that the
15 provisions of section 298.41, Florida Statutes, and amendments
16 thereto, shall not be applicable to the district. In lieu
17 thereof the following provision shall apply to the district.

18 (b) The board of supervisors shall determine, order,
19 and levy the amount of the annual installments of the total
20 taxes levied under section 298.36, Florida Statutes, which
21 said annual installment and levy shall be evidenced to and
22 certified by the board not later than July 1 of each year to
23 the property appraiser of Hendry County. Said tax shall be
24 extended by the county property appraiser on the county tax
25 roll and shall be collected by the tax collector in the same
26 manner and time as county taxes, and the proceeds thereof paid
27 to the district.

28 (2) Maintenance tax.

29 (a) The provisions of section 298.54, Florida
30 Statutes, and amendments thereto, shall not be applicable to
31

1 the district. In lieu thereof, the following provision shall
2 apply to the district.

3 (b) To maintain and preserve the improvements made
4 pursuant to this act and to repair and restore the same, when
5 needed, and for the purpose of defraying the current expenses
6 of the district, the board of supervisors may, upon the
7 completion of said improvements, in whole or in part as may be
8 certified to the board by the chief engineer, levy annually a
9 tax upon each tract or parcel of land within the district, to
10 be known as a "maintenance tax." Said maintenance tax shall be
11 apportioned upon the basis of the net assessments of benefits
12 assessed as accruing for original construction, and shall be
13 evidenced to and certified by the board not later than July 1
14 of each year to the tax assessor of Hendry County, and shall
15 be extended by the county tax assessor on the county tax roll
16 and shall be collected by the tax collector in the same manner
17 and time as county taxes and the proceeds therefrom paid to
18 said district.

19 (3) Taxes and costs a lien on land against which taxes
20 assessed. All taxes provided for in this act 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 act.

27 (4) Compensation of the offices of the property
28 appraiser, tax collector, and clerk of the circuit court. The
29 offices of the property appraiser, tax collector, and clerk of
30 the circuit court of Hendry County shall be entitled to
31 compensation for services performed in connection with taxes

1 of said district the same as now provided by law for special
2 drainage districts.

3 (5) Levies of taxes on land less than one (1) acre. In
4 levying and assessing all taxes, each tract or parcel of land
5 less than one (1) acre in area shall be assessed as a full
6 acre, and each tract or parcel of land more than one (1) acre
7 in area which contains a fraction of an acre shall be assessed
8 at the nearest whole number of acres. A fraction of one-half
9 (1/2) or more to be assessed as a full acre.

10 Section 5. 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 6. Enforcement of taxes.--The collection and
15 enforcement of all taxes levied by said 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
23 said district and the delinquent and unpaid taxes of said
24 district to the same extent as if said statutory provisions
25 were expressly set forth in this act. All taxes shall be
26 subject to the same discounts as county taxes.

27 Section 7. Quorum for landowners' meetings.--At any
28 landowners' meeting, the owners of land in the district
29 present in person or otherwise properly voting shall
30 constitute a quorum.

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1 Section 8. Proxy voting eliminated.--Proxy voting is
2 prohibited in elections of the district board of supervisors.

3 Section 9. Board of supervisors membership.--The
4 number of members of the district board of supervisors shall
5 be five. At each annual meeting of the district, two
6 supervisors will be elected for 3-year terms, except that in
7 elections held at the annual meetings in 2000 and every third
8 year thereafter one supervisor will be elected for a 3-year
9 term.

10 Section 10. Effect of conflict with other acts.--In
11 the event of a conflict between the provisions of this act and
12 the provisions of any other act, the provisions of this act
13 shall control to the extent of such conflict.

14 Section 4. All claims, liens, actions, rights of
15 actions, and other interests existing and valid on the
16 effective date of this act under the provisions of chapters
17 70-702, as amended, 79-470, 90-413, 94-481, and 96-531, Laws
18 of Florida, shall survive the reenactment and repeal of the
19 several chapters hereby and shall remain in full force and
20 effect and be continued unabated by the recodification of the
21 several acts herein.

22 Section 5. Chapters 70-702, 79-470, 90-413, 94-481,
23 and 96-531, Laws of Florida, are repealed.

24 Section 6. This act shall take effect upon becoming a
25 law.

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