

By Senator Geller

29-1747-00

See HB 1681

1 A bill to be entitled
2 An act relating to Hendry County; providing for
3 codification of special laws relating to the
4 Clewiston Drainage District, a special tax
5 district of the State of Florida composed of
6 the County of Hendry; providing legislative
7 intent; codifying, amending, reenacting, and
8 repealing chapters 10435 (1925), 17796 (1937),
9 30795 (1955), 65-803, 71-659, 74-486, 75-380,
10 77-560, 82-298, and 87-468, Laws of Florida;
11 providing for minimum charter requirements;
12 providing for Supervisor qualifications;
13 providing for supplemental powers of
14 Supervisors; providing for ratification of
15 prior actions; providing for repeal of all
16 prior special acts relating to the Clewiston
17 Drainage District; providing for severability;
18 providing an effective date.

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

21
22 Section 1. Pursuant to chapters 97-255 and 98-320,
23 Laws of Florida, this act constitutes the codification of all
24 special acts relating to the Clewiston Drainage District, an
25 independent special district and political subdivision of the
26 State of Florida. It is the intent of the Legislature in
27 enacting this law to provide a single, comprehensive special
28 act charter for the District, including all current
29 legislative authority granted to the District by its several
30 legislative enactments and any additional authority granted by
31 this act. It is further the intent of this act to preserve

1 all District authority, including the authority to annually
2 assess and levy against the taxable property in the District.

3 Section 2. Chapter 10435, Laws of Florida, 1925;
4 chapter 17796, Laws of Florida, 1937; chapter 30795, Laws of
5 Florida, 1955; chapter 65-803, Laws of Florida; and chapters
6 71-659, 74-486, 75-380, 77-560, 82-298, and 87-468, Laws of
7 Florida, relating to the Clewiston Drainage District of
8 Florida, are codified, reenacted, amended, and repealed as
9 herein provided.

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

13 Section 1. Minimum charter requirements.--In
14 accordance with section 189.404(3), Florida Statutes, the
15 following shall constitute the minimum charter requirements of
16 the charter of Clewiston Drainage District:

17 (1) The District is organized and exists for all
18 purposes set forth in this act and chapter 298, Florida
19 Statutes, as they may be amended from time to time, so far as
20 not inconsistent with this act.

21 (2) The powers, functions, and duties of the District
22 regarding non-ad valorem assessments, bond issuance, other
23 revenue-raising capabilities, budget preparation and approval,
24 liens and foreclosure of liens, use of tax deeds and tax
25 certificates as appropriate for non-ad valorem assessments,
26 and contractual agreements shall be as set forth in chapters
27 189, 197, and 298, Florida Statutes, this act, or any other
28 applicable general or special law, as they may be amended from
29 time to time.

30 (3) The District was created by chapter 10435, Laws of
31 Florida, 1925, a special legislative act.

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

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

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

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

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

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

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

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

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

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

9 (14) The District's planning requirements shall be as
10 set forth in chapters 189 and 298, Florida Statutes, as they
11 may be amended from time to time.

12 (15) The geographic boundary limitations are as set
13 forth in section 2.

14 Section 2. Purpose and lands.--For the purpose of
15 draining, reclaiming, and irrigating the lands hereafter
16 described and protecting the same from the effects of water
17 and lack of water; for controlling the water in the district
18 and the water tables with respect to the lands therein, for
19 agricultural and sanitary purposes and for the public health,
20 convenience, welfare, utility, and benefit, Clewiston Drainage
21 District is declared to exist and the creation and existence
22 thereof in all respects ratified, validated, and confirmed, as
23 embracing and including the following described lands in
24 Township 43 South, Range 34 East, Hendry County:

25
26 Beginning at the Southeast Corner of Section
27 15, Township 43 South, Range 34 East; thence
28 Westerly along the South line of Sections 15,
29 16 and 17 to the Southwest Corner of East
30 one-Half (E 1/2) of Section 17; thence
31 Northerly on the West line of said East

1 One-Half (E 1/2) of Section 17 and Section 8
2 to the intersection of the West Right of Way
3 line of the Access Road Easement to the Central
4 and Southern Florida Flood Control District's
5 C-21 Canal Right of Way; thence continuing
6 North and Easterly contiguous with said Right
7 of Way line to the intersection of the
8 Southerly Right of Way line of the Central and
9 Southern Florida Flood Control District's Canal
10 21; thence continuing Southeasterly, contiguous
11 with said canal Southerly Right of Way line, to
12 the East line of Section 10, Township 43 South,
13 Range 34 East; thence Southerly on the East
14 line of Section 10 and 15 to the point of
15 Beginning.

16
17 Section 3. Board of Supervisors.--

18 (1) The governing Board of said District shall be
19 designated the "Board of Supervisors of Clewiston Drainage
20 District" which shall be composed of three persons, who shall
21 be resident freeholders of the State of Florida.

22 (2) The owners and proxy holders of the District
23 acreage who are present at a duly noticed landowners' meeting
24 shall constitute a quorum for the purpose of holding such
25 election or any election thereafter.

26 Section 4. Units established.--

27 (1) To better enable Clewiston Drainage District to
28 accomplish the purposes and objectives for which it was
29 created and existed, there are created three (3) Units within
30 the District to be known and designated as "Unit No. 1," "Unit
31 No. 2," and "Unit No. 3," respectively.

1 (2) The facilities of the water control plan of the
2 Clewiston Drainage District will be so constructed that they
3 will provide the following degree of service to the three (3)
4 Units within the District.

5 (a) Unit No. 1.--Unit No. 1 will be provided first
6 (1st) priority service from the District's pumping stations at
7 all times. This Unit will be provided a run-off rate from the
8 lands within its boundaries equal to four (4) inches of
9 rainfall in twenty-four (24) hours.

10 (b) Unit No. 2.--Unit No. 2 will be provided service
11 from the District's pumping stations second (2nd) only to the
12 requirements of Unit No. 1. This Unit will be provided a
13 run-off rate from the lands within its boundaries up to two
14 and one half (2 1/2) inches of rainfall in twenty-four (24)
15 hours consistent with the requirements of Unit No. 1.

16 (c) Unit No. 3.--Unit No. 3 will be provided service
17 from the District's pumping stations subject to the
18 requirements of Unit No. 1 and of Unit No. 2. This Unit,
19 consistent with the requirements of the priority Units, will
20 be provided a run-off rate up to two and one half (2 1/2)
21 inches of rainfall in twenty-four (24) hours.

22 (3) The boundaries of Unit No. 1 are:

23
24 Beginning at the Southeast corner of Section
25 15, thence Westerly along the Southerly
26 boundary of Section 15 and Section 16 to the
27 Southerly extension of the Western right of way
28 of Olympia Street, thence Northerly along the
29 said extension and said Westerly right of way
30 to a point 90 feet South of the centerline of
31 the Atlantic Coastline Railroad, thence

1 Westerly 90 feet South of and parallel to said
2 railroad to an intersection of the Westerly
3 right of way of San Luiz Avenue, thence
4 Northerly along the Westerly right of way to
5 the South right of way of North Alverdez
6 Avenue, thence Westerly along the South right
7 of way to the Westerly right of way line of
8 Flagler Street, thence Northerly along the
9 Westerly right of way line and its extension to
10 the North line of Section 17, thence East along
11 said North lines of Section 17 and 16 to the
12 intersection with Southerly extension of the
13 Westerly boundary of the "Walmart Tract" as
14 recorded in the Official Records 545, pages
15 402-405 of the Hendry County records, thence
16 Northerly along said extension and Westerly
17 boundary and its Northerly extension to the
18 Southerly boundary of Ridgeview Subdivision
19 Addition No. 2 thence Westerly along the
20 Southerly boundary to the southwest corner of
21 said subdivision, thence Northerly along the
22 West boundary of said subdivision to the
23 Northwest corner of said subdivision thence
24 Easterly along the North boundaries of
25 Ridgeview Subdivision Additions No. 2 and 1 to
26 the Westerly boundary of Banyan Street, thence
27 Northerly along said Westerly boundary and
28 along the Westerly boundary of Ridgewood
29 Subdivision Addition No 1 to the Northwest
30 corner of said Ridgewood Subdivision, thence
31 Easterly and Southerly along the North boundary

1 of said subdivision to an intersection with the
2 Westerly extension of the Southerly right of
3 way of Okeechobee Boulevard, thence Easterly
4 along said right of way to the West right of
5 way of Francisco Street thence Southerly along
6 said right of way to the Northerly right of way
7 line of Del Monte Avenue thence Easterly along
8 said Northerly right of way to an intersection
9 with the Easterly right of way of San Diego
10 Street, thence due East to the East boundary of
11 Section 10, thence Southerly along the East
12 boundary of Sections 10 and 15 to the Point of
13 Beginning.

14
15 (4) The boundaries of Unit No. 2 are:

16
17 Beginning at the Southwest corner of the East
18 one-half (E 1/2) of Section 8, thence
19 Northerly on the West line of said East
20 one-half (E 1/2) to the intersection of the
21 West right of way line of the Access Road
22 Easement to the Central and Southern Florida
23 Flood Control District's C-21 right of way,
24 thence continuing contiguous with said right of
25 way line to the intersection of the Southerly
26 right of way line of the Central and Southern
27 Florida Flood Control District's Canal C-21,
28 thence continuing Southeasterly contiguous with
29 said canal right of way line through the
30 Northeast portion of Section 8 and a portion of
31 Section 9 to the intersection of the

1 Northeasterly extension of the Westerly
2 boundary of Ridgewood Subdivision Addition No.
3 1, thence Southwesterly along said extension
4 and said Westerly boundary and along the
5 Westerly right of way to Banyan Street,
6 crossing Clewiston Drainage District's Canal
7 No. 2 to the Northerly boundary of Ridgeview
8 Subdivision Addition No. 1, thence Westerly
9 along said subdivision Northerly boundary and
10 continuing along the Northerly boundary of
11 Ridgeview Subdivision Addition No. 2 to the
12 Northwest corner of said Addition No. 2, thence
13 Southerly along the Western boundary of said
14 Addition No. 2 to the Southwest corner of said
15 Addition No. 2, thence Easterly along the South
16 boundary of said Addition No. 2 to the
17 intersection of the Northerly extension of the
18 Westerly boundary of the " Walmart Tract" as
19 recorded in the Official Records 545 pages
20 402-405 of the Hendry County Records, thence
21 Southerly along said extension and said
22 Westerly boundary to the South boundary of
23 Section 9, thence West along the South
24 boundaries of Section 9 and Section 8 to the
25 intersection of the Northerly extension of the
26 Westerly right of way of Flagler Street, thence
27 Southerly along said extension and Westerly
28 right of way to the intersection of the
29 Southerly right of way of North Alverdez
30 Avenue, thence Easterly along said Southerly
31 right of way to the intersection of the

1 Westerly right of way of San Luiz Avenue,
2 thence Southerly along the said Westerly right
3 of way to a Point lying 90 feet South of the
4 centerline of the Atlantic Coastline Railroad,
5 thence Westerly along a line 90 feet South of
6 and parallel to said centerline to the
7 intersection with the West boundary of the East
8 one-half (E 1/2) of Section 17, thence North
9 along said West boundary to the Point of
10 Beginning.

11
12 (5) The boundaries of Unit No. 3 are:

13
14 a. Beginning at the Northwest corner of
15 Ridgewood Subdivision Addition No. 1, also
16 being the Northwest corner of Lot 11, Block D,
17 of said subdivision, thence Easterly and
18 Southerly along the boundary of said
19 subdivision to the intersection of the
20 extension of the Southerly right of way of
21 Okeechobee Boulevard thence Easterly along said
22 extension and Southerly right of way line to
23 the Westerly right of way line of Francisco
24 Street, thence southerly along said Westerly
25 right of way to the northerly right of way line
26 of Del Monte Avenue thence Easterly along said
27 Northerly right of way to the intersection with
28 the Easterly right of way of San Diego Street
29 thence due East to the East boundary of Section
30 10 thence North along said East Section line to
31 Southerly right of way of the Central and

1 Southern Florida Flood Control District's Canal
2 21 thence Westerly along said Southerly right
3 of way line to the intersection of the
4 Northeasterly extension of the West boundary of
5 Ridgewood Subdivision-Addition No. 2, thence
6 Southwesterly along said extension to the Point
7 of Beginning.

8
9 b. Beginning at the Southwest corner of the
10 East one-half (E 1/2) of Section 17, thence
11 Easterly along the South boundaries of Sections
12 17 and 16 to the Southerly extension of the
13 Westerly right of way of Olympia Street, thence
14 Northerly along said Westerly right of way to a
15 Point 90 feet South of the centerline of the
16 Atlantic Coastline Railroad thence Westerly
17 along a line parallel to and 90 feet Southerly
18 of the centerline of said railroad to the
19 intersection of the West boundary of the East
20 one-half (E 1/2) of Section 17, thence
21 Southerly along said West boundary to the Point
22 of Beginning.

23
24 (6) All aforesaid canal numbers, streets, lots, and
25 blocks are according to the general plan of Clewiston as
26 revised September 7, 1937, recorded in plat book 2, pages 71
27 to 78, inclusive, of the public records of Hendry County.

28
29 (7) Changes in unit boundaries.--

30 (a) The Board of Supervisors of Clewiston Drainage
31 District on or before January 1 of each year shall make a

1 study of the land within the District and the water control
2 afforded to them to make a determination whether there should
3 be any changes made in the boundaries of any of the Units of
4 the District so as to bring additional lands into a Unit and
5 thereby provide better drainage for such lands or to eliminate
6 lands from a Unit in which the lands are then placed, and if
7 the Board, after such study, finds that there should be any
8 change made in the boundaries of a Unit of the District, the
9 Board shall by resolution, accompanied by findings of fact,
10 cause to be prepared a revised description of the boundaries
11 of the Unit or Units changed to better serve the lands within
12 the District and accomplish the purposes for which the
13 District was created and exists.

14 (b) The Board shall call a public hearing to hear and
15 consider any and all objections which any property owner
16 affected by the change may have to the resolution and give
17 notice of the time and place of the hearing by publication of
18 a notice thereof once each week for two consecutive weeks in a
19 newspaper of general circulation in Hendry County, Florida,
20 the last publication to be not less than ten (10) nor more
21 than fifteen (15) days before the date of the hearing. After
22 the hearing, and when the Board shall have made any
23 alterations, changes, or amendments in the boundaries of the
24 Units, which it shall have deemed necessary at the hearing, it
25 shall adopt and spread upon its minutes a resolution
26 delineating the revised boundaries of the Units to better
27 serve the lands within the District and to accomplish the
28 purposes for which the District and the Units therein were
29 created.

30 (c) Any property owner who may consider himself or
31 herself to be aggrieved by the action of the Board in revising

1 the Units shall be entitled to have the action of the
2 Supervisors reviewed by certiorari as provided by law.

3 Section 6. Annual levy of maintenance taxes.--

4 (1) For the purpose of providing funds for
5 administering the affairs of the District generally and
6 maintaining, operating, preserving, and rendering efficient
7 the ditches, canals, drains, levees, pumping plants, and other
8 improvements heretofore constructed or hereby authorized to be
9 constructed and to repair and restore the same when needed and
10 for the purpose of defraying current expenses of the District
11 and maintaining and operating the water control works of the
12 District, the Board of Supervisors is authorized to levy a
13 maintenance tax and impose annually, prior to October 1 of
14 each year, upon the lands subject to tax within the boundaries
15 of the District, an amount determined by the Board to be
16 necessary to properly administer, operate, and maintain the
17 District and its facilities and to provide funds for
18 improvements or additions to the facilities of the District as
19 deemed proper by the Board.

20 (2) The taxes shall be apportioned among the lands in
21 each of the three Units in the same ratio as the assessment
22 benefits per acre described by the Water Control Plan adopted
23 by the District. Said taxes necessary to meet the annual
24 budget needs of the District shall be apportioned as follows:

25 (a) The Board of Supervisors shall determine the
26 annual per acre tax rate to be levied upon the lands in Unit
27 No. 1.

28 (b) The annual per acre tax rate levied upon the lands
29 in Unit No. 2 shall be 38.46% of the annual per acre tax rate
30 levied on the lands in Unit No. 1.

31

1 (c) The annual per acre tax rate levied upon the lands
2 in Unit No. 3 shall be 23.08% of the annual per acre tax rate
3 levied upon the lands in Unit No. 1.

4 (3) It is hereby ascertained, determined, and declared
5 that all the lands in Unit No. 1 are and shall be equally
6 benefited, and all lands in Unit No. 2 are and shall be
7 equally benefited, and all lands in Unit No. 3 are and shall
8 be equally benefited from the construction and operation of
9 the works and public improvements constructed and to be
10 constructed by Clewiston Drainage District pursuant to the
11 provisions of the act, and that the works and public
12 improvements will confer benefits upon the lands within the
13 District as to each acre or fraction of an acre in an amount
14 at least equal to its proportionate share of the taxes
15 authorized to be levied by the Board of Supervisors pursuant
16 to the provisions of this act, and that the ratio of benefits
17 conferred upon lands in each of the three (3) Units is in
18 proportion to the taxes and assessments authorized by this act
19 to be levied upon such lands.

20 Section 7. Additional powers of Board of
21 Supervisors.--In addition to the powers set forth herein and
22 as otherwise provided by law, the Board of Supervisors shall
23 also have the authority to assess impact fees for connections
24 to or use of District works, as determined by the Board, to
25 offset direct fiscal impact to the District resulting from
26 increased construction, operation, or maintenance cost to the
27 District.

28 Section 8. Supplemental powers of Board of
29 Supervisors.--

30 (1) In addition to the powers set forth herein and as
31 otherwise provided by law, the Board of Supervisors is also

1 authorized and empowered to enter into arrangements with other
2 drainage or water management districts for the pooling of
3 insurance coverage, purchase, rental, and use of equipment,
4 buildings, and facilities and for services of employees of the
5 District.

6 (2) The Board of Supervisors shall have the power to
7 employ a person to be designated General Manager of the
8 District and to vest in him or her such authority and to
9 delegate to him or her the performance of such duties and to
10 provide such compensation as may be determined by the Board of
11 Supervisors. The Board may require the General Manager to
12 furnish bond with good and sufficient surety in such amount as
13 the Board may by resolution determine.

14 Section 9. Preparation of tax lists.--

15 (1) A separate list of lands owned by railroad
16 companies, telephone, telegraph, and other public utility
17 companies, shall be certified to the State Comptroller by the
18 secretary, one (1) copy of which shall remain on file in the
19 office of the District, and the assessments and taxes herein
20 levied against such lands shall be assessed and collected in
21 the same manner as taxes are levied and collected on such
22 lands for the county, and such moneys, when collected, shall
23 be remitted to the secretary and treasurer of the District.

24 (2) Taxes authorized under the act shall not be levied
25 against rights-of-way dedicated for public thoroughfares, nor
26 against public parks, nor against properties owned by the
27 Federal Government, the state, Hendry County, or the City of
28 Clewiston and used for public purposes, nor against parcels
29 upon which are located houses of worship or parsonages;
30 except, however, the lands owned by Hendry County Hospital
31 Authority and the lands occupied by the golf course and the

1 airport shall not be exempt from taxation under this
2 provision.

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

14 Section 4. Chapter 10435, Laws of Florida, 1925;
15 chapter 17796, Laws of Florida, 1937; chapter 30795, Laws of
16 Florida, 1955; and chapters 65-803, 71-659, 74-486, 75-380,
17 77-560, 82-298, and 87-468, Laws of Florida, are repealed.

18 Section 5. In any case one or more of the sections or
19 provisions of this Act or the application of such sections or
20 provisions to any situation, circumstances, or person shall
21 for any reason be held to be unconstitutional, such
22 unconstitutionality shall not affect any other sections or
23 provisions of this act or the application of such sections or
24 provisions to any other situation, circumstances, or person,
25 and it is intended that this law shall be construed and
26 applied as if such section or provision had not been included
27 herein for any unconstitutional application.

28 Section 6. This act shall take effect upon becoming a
29 law.

30
31