

By Senator Geller

29-1740-00

See HB 1663

1                                   A bill to be entitled  
2           An act relating to the Disston Island  
3           Conservancy District in Hendry and Glades  
4           Counties; providing for codification of special  
5           laws regarding special districts pursuant to  
6           chapter 97-255, Laws of Florida, and chapter  
7           98-320, Laws of Florida, relating to a special  
8           tax district of the State of Florida composed  
9           of the Counties of Hendry and Glades; providing  
10          legislative intent, and codifying, amending,  
11          and reenacting chapter 9977, Laws of Florida,  
12          1923; chapter 14709, Laws of Florida, 1931;  
13          chapter 75-383, Laws of Florida; and chapter  
14          77-561, Laws of Florida; providing for minimum  
15          charter requirements; providing powers,  
16          functions, and duties of the District;  
17          providing purpose and boundaries of the  
18          District; providing for tax assessment for  
19          services; providing authority to levy a  
20          rehabilitation tax; providing for Supervisor  
21          qualifications; providing for a quorum for  
22          landowners' meetings; providing for  
23          ratification of prior actions; providing for  
24          repeal of all prior special acts related to the  
25          Disston Island Conservancy District; providing  
26          for severability; providing for effect of  
27          conflicting laws; providing an effective date.

28  
29   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Pursuant to chapter 97-255, Laws of  
2 Florida, and chapter 98-320, Laws of Florida, this act  
3 constitutes the codification of all special acts relating to  
4 the Disston Island Conservancy District, an independent  
5 special district and political subdivision of the State of  
6 Florida. It is the intent of the Legislature in enacting this  
7 law to provide a single, comprehensive special act charter for  
8 the District, including all current legislative authority  
9 granted to the District by its several legislative enactments  
10 and any additional authority granted by this act. It is  
11 further the intent of this act to preserve all District  
12 authority, including the authority to annually assess and levy  
13 against the taxable property in the District.

14           Section 2. Chapter 9977, Laws of Florida, 1923;  
15 chapter 14709, Laws of Florida, 1931; and chapters 75-383 and  
16 77-561, Laws of Florida, relating to the Disston Island  
17 Conservancy District of Florida, are codified, reenacted,  
18 amended, and repealed as herein provided.

19           Section 3. The Disston Island Conservancy District is  
20 re-created and the charter for such district is re-created and  
21 reenacted to read:

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

26           (2) The powers, functions, and duties of the District  
27 regarding non-ad valorem assessments, bond issuance, other  
28 revenue-raising capabilities, budget preparation and approval,  
29 liens and foreclosure of liens, use of tax deeds and tax  
30 certificates as appropriate for non-ad valorem assessments,  
31 and contractual agreements shall be as set forth in chapters

1 189, 197, and 298, Florida Statutes, this act, or any other  
2 applicable general or special law, as they may be amended from  
3 time to time.

4 (3) The District was created by chapter 9977, Laws of  
5 Florida, 1923, a special legislative act.

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

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

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

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

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

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

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

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

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

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

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

18 (15) The geographic boundary limitations are as set  
19 forth in section 2 following.

20 Section 2. That for the purpose of drainage,  
21 irrigation, water control, and reclaiming the land hereinafter  
22 described and protecting the same from the effects of water,  
23 for agricultural and sanitary purposes, and for public  
24 convenience and welfare for public utility and benefit, a  
25 drainage and water control district is hereby created and  
26 established, to exist and to be known as the Disston Island  
27 Conservancy District, the territory boundary of which shall be  
28 as follows to wit:

29  
30 Beginning at a point of intersection of the  
31 landward boundary of the right-of-way of

1           Central and Southern Florida Flood Control  
2           District LD-3, as recorded in Plat Book 2, page  
3           88 of the public records of Glades County,  
4           Florida and the easterly boundary of the S-77  
5           discharge canal right-of-way as shown on the  
6           Central and Southern Florida Flood Control  
7           District right-of-way map, sheet 5 of 5 of  
8           Drawing C-43-45, said point of intersection  
9           being in fractional Section 12, Township 42,  
10           South, Range 32 East as surveyed by the State  
11           of Florida March 1918; thence proceeding in a  
12           southeasterly direction along the said landward  
13           boundary of the right-of-way of LD-3, through  
14           said section 12; thence continue along the said  
15           landward boundary of the right-of-way of LD-3  
16           and LD-1 including all additional right-of-way  
17           acquired this date forward through Sections 7,  
18           18, 17, 16, 15, 14, 23 and 24 all in Township  
19           42 south, Range 33 East; thence through  
20           Sections 19 and 30, Township 42 South, Range 34  
21           East to an intersection with the westerly  
22           right-of-way of Central and Southern Florida  
23           Flood Control District Canal C20 as shown on  
24           Drawing C-20-5 of the C. & S. F. C. D.  
25           right-of-way map, thence southeasterly along  
26           the said westerly right-of-way of Canal C20  
27           through Sections 30, 31 and 32, Township 42  
28           South, Range 34 East to an intersection with  
29           the westerly bank of the presently existing  
30           SUGARLAND DRAINAGE DISTRICT OUTFALL CANAL in  
31           Section 32, Township 42, South, Range 34 East;

1        thence southwesterly to an intersection with  
2        the boundary between Townships 42 and 43 South,  
3        said line also being the boundary between  
4        Glades and Hendry County and the north boundary  
5        of the SUGARLAND DRAINAGE DISTRICT; thence  
6        westerly along the said township line to a  
7        point on the northwest bank of the presently  
8        existing nine-mile canal in section 7, Township  
9        43 South, Range 34 East; thence following the  
10       said north bank of the nine-mile canal  
11       southwesterly, northwesterly and westerly, and  
12       coinciding with the north boundaries of the  
13       SUGARLAND DRAINAGE DISTRICT and the FLAGHOLE  
14       DRAINAGE DISTRICT respectively, through Section  
15       7, Township 43 South, Range 34 East, Sections  
16       12 and 11, Township 43 South, Range 33 East,  
17       Sections 34, 33, 32 and 31, Township 42 South,  
18       Range 33 East, Sections 36 and 35, Township 42  
19       South, Range 32 East to an intersection with  
20       the westerly toe of the existing Lake Hicpochee  
21       East Levee in Section 35, Township 42 South,  
22       Range 32 East; thence following the westerly  
23       toe of said levee along the shores of Lake  
24       Hicpochee in a northerly, northeasterly and  
25       northwesterly direction through Sections 35,  
26       34, 27, 26, 23 and 22, Township 42 South, Range  
27       32 East to an intersection with the south and  
28       east boundary of the right-of-way of the  
29       Caloosahatchee Canal (C-43) as existing in  
30       Section 22, Township 42 South, Range 32 East;  
31       thence northeasterly along the said

1           right-of-way through Sections 22, 15, 14, 11  
2           and 12, Township 42 South, Range 32 East to the  
3           Point of Beginning.

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5           Section 3. Additional Powers of the District.--In  
6           addition to the powers provided for under chapter 298,  
7           Drainage and Water Management Law, Florida Statutes, which  
8           apply to the Disston Island Conservancy District, said  
9           District shall have the following powers:

10           The District is hereby authorized to construct or  
11           acquire all works and improvements as shall be necessary to  
12           rehabilitate, improve, or conserve the works and facilities  
13           heretofore constructed or acquired by said District and to  
14           reconstruct, improve, clean, or renovate any of such works or  
15           facilities heretofore constructed or acquired, in order to  
16           properly provide for the drainage, irrigation, and water  
17           control of the lands in said District, under the Water Control  
18           Plan for said District now in effect, or as may be hereafter  
19           revised or amended for said District. The powers conferred by  
20           this Act shall include the right to clean out, straighten,  
21           open up, widen, or change the course and flow, alter or deepen  
22           any canal, ditch, or lateral in said District that the Board  
23           of Supervisors thereof may deem necessary to be done to  
24           facilitate the drainage, irrigation, and water control of the  
25           lands in said District, and to generally perform any work or  
26           construct or acquire any works or facilities which in the  
27           judgment of the Board of Supervisors of said District is  
28           necessary or desirable in connection with the rehabilitation  
29           of the drainage works and facilities of said District as they  
30           now exist.

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1           Section 4. Additional Powers.--The Supervisors of  
2 Disston Island Conservancy District shall have the power to  
3 designate maintenance areas within the District, and to levy  
4 variable maintenance tax rates apportioned upon the basis of  
5 benefits received by lands within the maintenance areas, and  
6 to provide for special and additional services to any  
7 particular area in the District which may require such special  
8 or additional services as a result of the use of the land in  
9 the area.

10           Section 5. Benefits Assessed.--It is hereby found and  
11 determined that all lands receiving services within the  
12 boundaries of the District receive equally benefits from the  
13 water management works, facilities, and improvements as  
14 constructed and maintained under existing water control plans  
15 of the District; and, therefore, all said lands receiving  
16 services shall be taxed equally for the maintenance,  
17 rehabilitation, and improvement of the District's works,  
18 facilities, and improvements.

19           Section 6. Rehabilitation Tax.--In order to implement  
20 and carry out the additional powers of the District as  
21 provided for in this Act, the District shall have the  
22 authority to levy a rehabilitation tax from time to time  
23 against all lands receiving services within the District. Such  
24 tax shall be levied equally against all land receiving  
25 services in the District and in the same manner as provided  
26 for the levy of the maintenance tax. Any rehabilitation tax  
27 levy shall be subject to the approval of the landowners at any  
28 regular or special meeting called and the landowners voting as  
29 provided for in section 298.11, Florida Statutes.

30           Section 7. The governing Board of Disston Island  
31 Conservancy District shall be designated "Board of Supervisors



1 of Disston Island Conservancy District" and shall be composed  
2 of three persons, who shall be resident Freeholders of the  
3 State of Florida.

4 Section 8. Quorum for Landowners' Meeting.--The owners  
5 and proxy holders of District acreage who are present at a  
6 duly noticed landowners' meeting shall constitute a quorum for  
7 the purpose of holding such election or any election  
8 thereafter.

9 Section 9. That all other acts and proceedings of the  
10 Circuit Court of said Hendry and Glades Counties taken by, for  
11 and on behalf of said District since the creation thereof; and  
12 all of the acts and proceedings of the Board of Supervisors,  
13 the Commissioners, and all other officers and agents of said  
14 District, and of said Hendry and Glades Counties, acting for  
15 and on behalf of said District and any and all tax levies and  
16 assessments which have been made by the said Board of  
17 Supervisors for and on behalf of said District, and they are  
18 each and every one of them, and each and every part thereof,  
19 hereby ratified, validated, and confirmed.

20 Section 4. Chapter 9977, Laws of Florida, 1923,  
21 chapter 14709, Laws of Florida, 1931; chapter 75-383, Laws of  
22 Florida, and chapter 77-561, Laws of Florida are repealed.

23 Section 5. In the event any section or provision of  
24 this act is determined to be invalid or unenforceable, such  
25 determination shall not affect the validity of or  
26 enforceability of each other section and provision of this  
27 act.

28 Section 6. In the event of a conflict of the  
29 provisions of this act with the provisions of any other act  
30 the provisions of this act shall control to the extent of such  
31 conflict.

1           Section 7. This act shall take effect upon becoming a  
2 law.  
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