

By Senator Dockery

15-1240-04

See HB 465

1                                   A bill to be entitled  
2           An act relating to Haines City Water Control  
3           District, Polk County; codifying the district's  
4           charter pursuant to section 189.429, Florida  
5           Statutes; providing legislative intent;  
6           amending, codifying, repealing, and reenacting  
7           all special acts relating to Haines City Water  
8           Control District as a single act; repealing  
9           chapters 13649 (1929) 14517 (1929), Laws of  
10          Florida, relating to the Haines City Water  
11          Control District; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Pursuant to section 189.429, Florida  
16 Statutes, this act constitutes the codification of all special  
17 acts relating to Haines City Water Control District. It is the  
18 intent of the Legislature in enacting this act to provide a  
19 single, comprehensive special act charter for the district,  
20 including all current legislative authority granted to the  
21 district by its several legislative enactments and any  
22 additional authority granted by this act. It is the further  
23 intent the Legislature that this act preserve all district  
24 authority in addition to any authority contained in chapter  
25 298, Florida Statutes, as amended from time to time.

26           Section 2. Chapters 13649 (1929) and 14517 (1929),  
27 Laws of Florida, are amended, codified, reenacted, and  
28 repealed as herein provided.

29           Section 3. The Haines City Water Control District is  
30 re-created and the charter for the district is re-created and  
31 reenacted to read:

1           Section 1. For the purposes of comprehensive water  
2 management and control and developing the lands hereinafter  
3 described; managing said lands and water by means of the  
4 construction and maintenance of canals, ditches, levees,  
5 dikes, pumping plants, and other water control works and  
6 improvements; making the lands within said district available  
7 and habitable for settlement and agriculture, and for the  
8 public convenience, welfare, utility, and benefit; and for the  
9 other purposes stated in this act and chapter 298, Florida  
10 Statutes, a water control district is hereby created and  
11 established in Polk County, Florida, to be known as the Haines  
12 City Water Control District.

13           Section 2. (1) The territorial boundaries of the  
14 district shall be as follows, to wit:

15           Starting at the SE corner of Section 6,  
16           Township 28, Range 27, Drainage District  
17           boundary, known hereinafter as "line"; run  
18           north 1/4 mile, run east 1/4 mile, north  
19           approximately 1/2 mile to Winter Haven-Haines  
20           City hard road, run northeasterly along hard  
21           road to 1/2 mile line of Section 5, Township  
22           28, Range 27, run north approximately 1/8 mile  
23           to 1/4 corner north boundary Section 5,  
24           Township 28, Range 27, run east approximately  
25           200 to 300 feet to the SE corner of SW1/4 of  
26           SW1/4 Section 32, Township 27, Range 27, run  
27           north 1/4 mile, run east 1/4 mile, run north  
28           approximately 1/8 mile to hard surfaced road;  
29           thence run along hard surfaced road  
30           southeasterly to SW corner Lot 20 Alta Vista  
31           Add. (Addition to Haines City), east to SE

1       corner Lot 15 Alta Vista Addition, south to  
2       south boundary Alta Vista Addition, thence run  
3       east on south boundary of Alta Vista. Add. To  
4       SE corner same addition, thence north along  
5       hard surfaced road approximately 3/4 mile to  
6       northeast corner Section 32, Township 27, Range  
7       27, thence westerly approximately 350 feet to  
8       SE corner Lot 9, Block 80 (original plat Haines  
9       City), thence north 100 feet to NE corner Lot  
10       8, Block 80, thence westerly to SE corner Block  
11       61, thence north on east side Block 61 to NE  
12       corner, thence west to NE corner Lot 1, Block  
13       61, thence north to NE corner Lot 8, Block 62,  
14       thence west to NW corner Lot 8, Block 59,  
15       thence north to NW corner Lot 7, Block 59,  
16       thence west to SE corner Lot 8, Block 42 west  
17       to SW corner same lot, north to NE corner Lot  
18       5, Block 42, west to NW corner Lot 5, Block 42,  
19       north on west side Block 42 to NW corner,  
20       thence west to NE corner, Block 24, south to SE  
21       corner Lot 9, Block 24, west to NW corner Lot  
22       8, Block 24, south NE corner, Lot 5, west to NW  
23       corner, Lot 5, south to SW corner, Block 24,  
24       west to northeast corner of Lot 12, Block "A"  
25       and west to NW corner, Lot 8, Block "A", west  
26       to NW corner Block 2B, south to NE corner Block  
27       2 (Lake Park Add. John L. Moore's property) in  
28       SE1/4 of SW1/4 Section 29, Township 27, Range  
29       27, thence west to hard surfaced road (Dixie  
30       Highway) thence south along hard surfaced road  
31       to SE corner Lot 5, Knowlton's Add. To Haines

1           City, thence west to SW corner, same lot,  
2           thence north approximately 5/8 mile to NE  
3           corner SW1/4 of SW1/4 Section 29, Township 27,  
4           Range 27, run north approximately 1/4 mile to  
5           center line to Atlantic Coast Line Rail Road  
6           Company's main line, thence follow line of main  
7           line in easterly and northerly direction to  
8           Palmetto Street, thence westerly on north edge  
9           of said street to southwest corner of Lot 3,  
10           Block E, thence northerly to northwest corner  
11           Lot 4, Block E, thence across Cedar Street to  
12           Ash Street, northwest corner of Lot 4, Block F,  
13           thence along Ash Street to southeast corner of  
14           Lot 2, Block G, thence to Northwest corner Lot  
15           4, Block G, thence along Vine Street to  
16           southeast corner of Lot 10, thence northerly to  
17           SE corner Block 34, thence north on 5th Street  
18           to NE corner Lot 13. Block 34, thence west to  
19           4th Street, thence to NE corner, Block 31,  
20           thence along Haines Avenue to the 1/2 Section  
21           line of Section 29, (Polk City Road), thence  
22           north 3/4 mile to the NE corner SE1/4 of NW1/4  
23           Section 20, thence west 1/2 mile to west  
24           boundary Section 20, thence south 1/8 mile,  
25           thence west 1/2 mile. Thence south on center  
26           line of Section 19 and Section 30 to A.C.L.  
27           right-of-way, thence southeast along north  
28           boundary of said right-of-way to a point north  
29           of the NE corner of Lot 1, Block 2, Pinehurst  
30           Sub-division, thence south across R.R.  
31           right-of-way, and Lee-Jackson Highway to

1 northeast corner of said Lot 1, thence westerly  
2 153.4 feet to the NW corner Lot 1, Block 2,  
3 (same Sub.), thence southerly 160 feet to Lake  
4 Street, thence easterly along Lake Street to  
5 the east boundary Pinehurst Sub. Thence south  
6 along east boundary to Moss street, thence  
7 northwesterly along Moss Street to Indiana  
8 Avenue, (NW cor. Block 5, Pinehurst Sub.),  
9 thence west to NW corner Block 7, Lake  
10 Confusion Height (subdivision), thence south to  
11 SW corner Block 7, (same Sub.), thence west to  
12 west boundary of Section 30, thence south to SW  
13 corner Section 30, thence east 1/4 mile to NE  
14 corner of NW1/4 of NW1/4 Section 31, thence  
15 south 1/4 mile, thence east 3/8 mile, thence  
16 south 1/2 mile, thence west 1/8 mile, thence  
17 south 1/4 mile to south boundary Section 31,  
18 Township 27, Range 27, thence jog west 200 to  
19 300 feet (approximately) to the NW corner of  
20 NE1/4 of NE1/4 Section 6, Township 28, Range  
21 27, thence south one mile, thence east 1/4 mile  
22 to place of beginning

23 (2) It is hereby determined, declared, and enacted  
24 that said lands in their present condition require  
25 comprehensive water control and management for proper use and  
26 development, and that water control for the purpose of  
27 irrigation, reclamation, and flood protection of said lands  
28 and the creation of the district with the power vested in it  
29 by this act and chapter 298, Florida Statutes, as they may be  
30 amended from time to time, is in the interest of and conducive  
31 to public welfare, health, and convenience.

1           Section 3. The Board of Supervisors of the Haines City  
2 Water Control District of Polk County is hereby authorized to  
3 levy upon all the lands within said district against which  
4 benefits have been assessed for the year 2004 and each year  
5 thereafter, the annual installment of drainage taxes and  
6 maintenance taxes as provided for under chapter 298, Florida  
7 Statutes, and this act, and it shall certify for the year 2004  
8 and each year thereafter said annual installment of drainage  
9 taxes and maintenance taxes in the name of its president and  
10 secretary and under its corporate seal, to the Tax Assessor of  
11 Polk County, the Board of County Commissioners of Polk County,  
12 and the Comptroller of the state, not later than the first  
13 Monday in August. The certificate of said levy shall be  
14 evidenced in substantially the following form:

15                           STATE OF FLORIDA

16                           COUNTY OF POLK

17 This is to certify that by virtue and authority of chapter  
18 298, Florida Statutes, and this act, the Board of Supervisors  
19 of Haines City Water Control District has and does hereby levy  
20 the sum of \$(\_\_\_\_) as the annual installment of taxes for the  
21 year (\_\_\_\_) of the total tax levied under the provisions of  
22 chapter 298, Florida Statutes, and this act, which said total  
23 tax has heretofore been certified to the Clerk of the Circuit  
24 Court of Polk County; the said board of supervisors, by and  
25 under authority of chapter 298, Florida Statutes, and this  
26 act, has levied also the sum of \$(\_\_\_\_) as maintenance tax for  
27 said year as annual installment of tax and maintenance tax on  
28 the lands within said district against which benefits have  
29 been assessed as set out in the following table in which are:

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1           1. The name of the present owner of said lands or as  
2 they appear in the records of the Polk County Property  
3 Appraiser.

4           2. The description of said land opposite the name of  
5 said owners.

6           3. The amount of said annual installment of taxes  
7 levied on each tract of land. \$(\_\_\_\_\_).

8           4. The amount of said maintenance tax levied against  
9 the same.

10           5. The total amount of said tax so levied.

11           WITNESS the signature of the president of said board of  
12 supervisors attested by the signature of the secretary of said  
13 board and the seal of said district being affixed, this(\_\_\_\_\_)   
14 day of( \_\_\_\_\_ )A.D. 20( ).

15  
16           President of said board of supervisors of said  
17 district.(Corporate Seal)

18  
19           Attest:(\_\_\_\_\_)Secretary of  
20 said board of supervisors of said district.

21           Section 4. (1) It shall be the duty of the Board of  
22 County Commissioners of Polk County to order the tax assessor  
23 of said county to assess and the tax collector of said county  
24 to collect the amount of the annual installment and  
25 maintenance taxes levied for the year 2004 and each subsequent  
26 year upon the lands within said district as the same shall be  
27 certified to said tax assessor by the Board of Supervisors of  
28 the Haines City Water Control District as hereinbefore  
29 provided.

30           (2) It shall be the duty of the tax assessor of the  
31 county to assess against each tract of land within said

1 district against which benefits have been assessed as the same  
2 is certified to him or her each year, the taxes as levied and  
3 certified by said board of supervisors as herein above  
4 provided and to extend the total of said taxes upon the  
5 assessment roll in columns for that purpose and said levy  
6 shall be included in the warrant of said tax assessor attached  
7 to the assessment roll of taxes for said Polk County for the  
8 year 2004 and each year thereafter.

9 (3) It shall be the duty of the Tax Collector and/or  
10 the Clerk of the Circuit Court of Polk County to collect such  
11 taxes so levied and assessed in the same manner and at the  
12 same time as state and county taxes are collected and they  
13 shall pay the same to the treasurer of said district within  
14 the same time prescribed for the payment over of state and  
15 county taxes.

16 Section 5. (1) All taxes levied and assessed as  
17 provided herein shall be due and payable at the same time that  
18 state and county taxes are due and payable, shall be  
19 delinquent at the same time that state and county taxes become  
20 delinquent, and shall thereafter bear 2 percent per month  
21 penalties until the tax sale certificate is issued and  
22 interest at the rate of 10 percent per annum thereafter. The  
23 payment of said taxes shall be enforced by the Tax Collector  
24 of Polk County and/or the Clerk of the Circuit Court of Polk  
25 County, in the same manner and at the same time as state and  
26 county taxes are enforced against said lands, provided that in  
27 case of sale of said land and the issuance of a tax  
28 certificate the said land may be redeemed from the Clerk of  
29 the Circuit Court of Polk County, at any time within 1 year  
30 from the date thereof by the payment of taxes, penalties, and  
31 interest as provided therein, and all costs. If said land is



1 not redeemed within 1 year after date of said tax certificate,  
2 the clerk of the circuit court shall issue a tax deed as is  
3 now provided for under the general tax law for the issuance of  
4 tax deeds for state and county taxes, except that lands owned  
5 by a railroad company or companies within said district shall  
6 be collected as provided in section 6 of this act.

7 (2) The Tax Assessor, Tax Collector, and Clerk of the  
8 Circuit Court of Polk County shall have and receive the same  
9 compensation for said assessment and collection of said taxes  
10 as is now allowed by law for the assessment and collection of  
11 special taxes which shall be allowed and paid out of the taxes  
12 so collected.

13 Section 6. It shall be the duty of the Chief Financial  
14 Officer of the state to assess all real estate upon which  
15 benefits have been assessed and within said Haines City Water  
16 Control District belonging to a railroad company or companies,  
17 the amount of each levy made and certified to him or her by  
18 said board of supervisors of said district, and to collect and  
19 enforce the payment of said taxes thereon in the same manner  
20 as he or she is required by law to collect and enforce the  
21 payment of taxes for state and county and special district  
22 purposes and to promptly remit the same to the treasurer of  
23 said district.

24 Section 7. Nothing in this act shall be deemed or held  
25 to in any manner impair the obligation of any contract  
26 heretofore entered into by said district with any person,  
27 firm, or corporation, and that any such person, firm or  
28 corporation shall have the same rights and may proceed within  
29 the same time that he or she, it, or they could have done  
30 prior to the passage of this act.

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1           Section 8. It is hereby declared to have been the  
2 intention of the Legislature in enacting this act that same  
3 shall be a cumulative and alternative remedy or procedure for  
4 the assessment, collection and enforcement of the payment of  
5 said taxes and shall in no way repeal any of the drainage laws  
6 of the state now existing.

7           Section 9. The Haines City Water Control District  
8 hereby created shall be an independent water control district  
9 and a public corporation of this state. The provisions of  
10 state law applicable to water control districts or  
11 subdistricts which are embodied in chapter 298, Florida  
12 Statutes, as it may be amended from time to time, so far as  
13 not inconsistent with this act, are hereby declared to be  
14 applicable to the Haines City Water Control District. The  
15 Haines City Water Control District shall have all of the  
16 powers and authorities conferred in this act and chapter 298,  
17 Florida Statutes, as they may be amended from time to time.

18           Section 10. In accordance with section 189.404(3),  
19 Florida Statutes, the following subsections shall constitute  
20 the charter of the Haines City Water Control District:

21           (1) The district is organized and exists for all  
22 purposes set forth in this act and, to the degree that it is  
23 consistent with this act, chapter 298, Florida Statutes, as  
24 they may be amended from time to time.

25           (2) The powers, functions, and duties of the district,  
26 including, but not limited to, ad valorem taxation, bond  
27 issuance, other revenue-raising capabilities, budget  
28 preparation and approval, liens and foreclosure of liens, use  
29 of tax deeds and tax certificates as appropriate for non-ad  
30 valorem assessments, and contractual agreements, shall be as  
31 set forth in this act and, to the degree that they are

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

4 (3) The district was created by special act of the  
5 Florida Legislature by chapter 13649 (1929), Laws of Florida,  
6 in accordance with chapter 298, Florida Statutes, and is  
7 re-created by this act.

8 (4) The district's charter may be amended by a  
9 majority of the board of supervisors.

10 (5) In accordance with chapter 189, Florida Statutes,  
11 this act, and section 298.11, Florida Statutes, the district  
12 is governed by a three-member board, elected on a one-acre,  
13 one-vote basis by the landowners in the district. The  
14 membership and organization of the board shall be as set forth  
15 in this act and, to the degree that it is consistent with this  
16 act, chapter 298, Florida Statutes, as they may be amended  
17 from time to time.

18 (6) The compensation of board members shall be  
19 governed by this act and, to the degree that it is consistent  
20 with this act, chapter 298, Florida Statutes, as they may be  
21 amended from time to time.

22 (7) The administrative duties of the board of  
23 supervisors shall be as set forth in this act and, to the  
24 degree that it is consistent with this act, and chapter 298,  
25 Florida Statutes, as they may be amended from time to time.

26 (8) Requirements for financial disclosure, meeting  
27 notices, reporting, public records maintenance, and per diem  
28 expenses for officers and employees shall be as set forth in  
29 chapters 112, 119, 189, 286, and 298, Florida Statutes, as  
30 they may be amended from time to time.

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1           (9) The procedures and requirements governing the  
2 issuance of bonds, notes, and other evidence of indebtedness  
3 by the district shall be as set forth in chapter 298, Florida  
4 Statutes, and applicable general laws, as they may be amended  
5 from time to time.

6           (10) The procedures for conducting district elections  
7 and for qualification of electors shall be pursuant to this  
8 act and, to the degree that they are consistent with this act,  
9 chapters 189 and 298, Florida Statutes, as they may be amended  
10 from time to time.

11           (11) The district may be financed by any method  
12 established in this act, chapter 298, Florida Statutes, and  
13 applicable general laws, as they may be amended from time to  
14 time.

15           (12) The methods for collecting non-ad valorem  
16 assessments, fees, or service charges shall be as set forth in  
17 this act, and, to the degree that they are consistent with  
18 this act, chapters 197 and 298, Florida Statutes, and other  
19 applicable general laws, as they may be amended from time to  
20 time.

21           (13) The district's planning requirements shall be as  
22 set forth in this act only, the district shall not be subject  
23 to the additional requirements of chapters 189 and 298,  
24 Florida Statutes, as they may be amended from time to time.

25           (14) The district's geographic boundary limitations  
26 shall be as set forth in this act.

27           Section 11. If any provision of this act or the  
28 application thereof to any person or circumstance is held  
29 invalid, the invalidity shall not affect other provisions or  
30 applications of the act which can be given effect without the  
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1 invalid provision or application, and to this end the  
2 provisions of this act are declared severable.

3 Section 12. This act shall be construed as a remedial  
4 act and shall be liberally construed to promote the purpose  
5 for which it is intended.

6 Section 4. Chapters 13649 (1929) and 14517 (1929),  
7 Laws of Florida, are repealed.

8 Section 5. This act shall take effect upon becoming a  
9 law.

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