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

10

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

12

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

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 25 Florida, are amended, codified, reenacted, and repealed as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

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

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30 Section 1. For the purposes of comprehensive water
31 management and control and developing the lands hereinafter
32 described; managing said lands and water by means of the
33 construction and maintenance of canals, ditches, levees, dikes,
34 pumping plants, and other water control works and improvements;
35 making the lands within said district available and habitable
36 for settlement and agriculture, and for the public convenience,
37 welfare, utility, and benefit; and for the other purposes stated
38 in this act and chapter 298, Florida Statutes, a water control
39 district is hereby created and established in Polk County,
40 Florida, to be known as the Haines City Water Control District.

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

43 Starting at the SE corner of Section 6, Township 28,
44 Range 27, Drainage District boundary, known
45 hereinafter as "line"; run north 1/4 mile, run east
46 1/4 mile, north approximately 1/2 mile to Winter Haven-
47 Haines City hard road, run northeasterly along hard
48 road to 1/2 mile line of Section 5, Township 28, Range
49 27, run north approximately 1/8 mile to 1/4 corner
50 north boundary Section 5, Township 28, Range 27, run
51 east approximately 200 to 300 feet to the SE corner of
52 SW1/4 of SW1/4 Section 32, Township 27, Range 27, run
53 north 1/4 mile, run east 1/4 mile, run north
54 approximately 1/8 mile to hard surfaced road; thence
55 run along hard surfaced road southeasterly to SW
56 corner Lot 20 Alta Vista Add. (Addition to Haines
57 City), east to SE corner Lot 15 Alta Vista Addition,
58 south to south boundary Alta Vista Addition, thence

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59 run east on south boundary of Alta Vista. Add. To SE
 60 corner same addition, thence north along hard surfaced
 61 road approximately 3/4 mile to northeast corner
 62 Section 32, Township 27, Range 27, thence westerly
 63 approximately 350 feet to SE corner Lot 9, Block 80
 64 (original plat Haines City), thence north 100 feet to
 65 NE corner Lot 8, Block 80, thence westerly to SE
 66 corner Block 61, thence north on east side Block 61 to
 67 NE corner, thence west to NE corner Lot 1, Block 61,
 68 thence north to NE corner Lot 8, Block 62, thence west
 69 to NW corner Lot 8, Block 59, thence north to NW
 70 corner Lot 7, Block 59, thence west to SE corner Lot
 71 8, Block 42 west to SW corner same lot, north to NE
 72 corner Lot 5, Block 42, west to NW corner Lot 5, Block
 73 42, north on west side Block 42 to NW corner, thence
 74 west to NE corner, Block 24, south to SE corner Lot 9,
 75 Block 24, west to NW corner Lot 8, Block 24, south NE
 76 corner, Lot 5, west to NW corner, Lot 5, south to SW
 77 corner, Block 24, west to northeast corner of Lot 12,
 78 Block "A" and west to NW corner, Lot 8, Block "A",
 79 west to NW corner Block 2B, south to NE corner Block 2
 80 (Lake Park Add. John L. Moore's property) in SE1/4 of
 81 SW1/4 Section 29, Township 27, Range 27, thence west
 82 to hard surfaced road (Dixie Highway) thence south
 83 along hard surfaced road to SE corner Lot 5,
 84 Knowlton's Add. To Haines City, thence west to SW
 85 corner, same lot, thence north approximately 5/8 mile
 86 to NE corner SW1/4 of SW1/4 Section 29, Township 27,
 87 Range 27, run north approximately 1/4 mile to center

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88 line to Atlantic Coast Line Rail Road Company's main
 89 line, thence follow line of main line in easterly and
 90 northerly direction to Palmetto Street, thence
 91 westerly on north edge of said street to southwest
 92 corner of Lot 3, Block E, thence northerly to
 93 northwest corner Lot 4, Block E, thence across Cedar
 94 Street to Ash Street, northwest corner of Lot 4, Block
 95 F, thence along Ash Street to southeast corner of Lot
 96 2, Block G, thence to Northwest corner Lot 4, Block G,
 97 thence along Vine Street to southeast corner of Lot
 98 10, thence northerly to SE corner Block 34, thence
 99 north on 5th Street to NE corner Lot 13. Block 34,
 100 thence west to 4th Street, thence to NE corner, Block
 101 31, thence along Haines Avenue to the ½ Section line
 102 of Section 29, (Polk City Road), thence north 3/4 mile
 103 to the NE corner SE1/4 of NW1/4 Section 20, thence
 104 west ½ mile to west boundary Section 20, thence south
 105 1/8 mile, thence west ½ mile. Thence south on center
 106 line of Section 19 and Section 30 to A.C.L. right-of-
 107 way, thence southeast along north boundary of said
 108 right-of-way to a point north of the NE corner of Lot
 109 1, Block 2, Pinehurst Sub-division, thence south
 110 across R.R. right-of-way, and Lee-Jackson Highway to
 111 northeast corner of said Lot 1, thence westerly 153.4
 112 feet to the NW corner Lot 1, Block 2, (same Sub.),
 113 thence southerly 160 feet to Lake Street, thence
 114 easterly along Lake Street to the east boundary
 115 Pinehurst Sub. Thence south along east boundary to
 116 Moss street, thence northwesterly along Moss Street to

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117 Indiana Avenue, (NW cor. Block 5, Pinehurst Sub.),
 118 thence west to NW corner Block 7, Lake Confusion
 119 Height (subdivision), thence south to SW corner Block
 120 7, (same Sub.), thence west to west boundary of
 121 Section 30, thence south to SW corner Section 30,
 122 thence east 1/4 mile to NE corner of NW1/4 of NW1/4
 123 Section 31, thence south 1/4 mile, thence east 3/8
 124 mile, thence south 1/2 mile, thence west 1/8 mile,
 125 thence south 1/4 mile to south boundary Section 31,
 126 Township 27, Range 27, thence jog west 200 to 300 feet
 127 (approximately) to the NW corner of NE1/4 of NE1/4
 128 Section 6, Township 28, Range 27, thence south one
 129 mile, thence east 1/4 mile to place of beginning

130 (2) It is hereby determined, declared, and enacted that
 131 said lands in their present condition require comprehensive
 132 water control and management for proper use and development, and
 133 that water control for the purpose of irrigation, reclamation,
 134 and flood protection of said lands and the creation of the
 135 district with the power vested in it by this act and chapter
 136 298, Florida Statutes, as they may be amended from time to time,
 137 is in the interest of and conducive to public welfare, health,
 138 and convenience.

139 Section 3. The Board of Supervisors of the Haines City
 140 Water Control District of Polk County is hereby authorized to
 141 levy upon all the lands within said district against which
 142 benefits have been assessed for the year 2004 and each year
 143 thereafter, the annual installment of drainage taxes and
 144 maintenance taxes as provided for under chapter 298, Florida
 145 Statutes, and this act, and it shall certify for the year 2004

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146 and each year thereafter said annual installment of drainage
 147 taxes and maintenance taxes in the name of its president and
 148 secretary and under its corporate seal, to the Tax Assessor of
 149 Polk County, the Board of County Commissioners of Polk County,
 150 and the Comptroller of the state, not later than the first
 151 Monday in August. The certificate of said levy shall be
 152 evidenced in substantially the following form:

153 STATE OF FLORIDA

154 COUNTY OF POLK

155 This is to certify that by virtue and authority of chapter 298,
 156 Florida Statutes, and this act, the Board of Supervisors of
 157 Haines City Water Control District has and does hereby levy the
 158 sum of \$(____) as the annual installment of taxes for the year
 159 (____) of the total tax levied under the provisions of chapter
 160 298, Florida Statutes, and this act, which said total tax has
 161 heretofore been certified to the Clerk of the Circuit Court of
 162 Polk County; the said board of supervisors, by and under
 163 authority of chapter 298, Florida Statutes, and this act, has
 164 levied also the sum of \$(____) as maintenance tax for said year
 165 as annual installment of tax and maintenance tax on the lands
 166 within said district against which benefits have been assessed
 167 as set out in the following table in which are:

- 168 1. The name of the present owner of said lands or as they
 169 appear in the records of the Polk County Property Appraiser.
 170 2. The description of said land opposite the name of said
 171 owners.
 172 3. The amount of said annual installment of taxes levied
 173 on each tract of land. \$(_____).
 174 4. The amount of said maintenance tax levied against the

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175 same.

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

177 WITNESS the signature of the president of said board of
 178 supervisors attested by the signature of the secretary of said
 179 board and the seal of said district being affixed, this(_____)
 180 day of(_____)A.D. 20(____).

181
 182 President of said board of supervisors of said district.
 183 (Corporate Seal)

184
 185 Attest:(_____
 186 _____)Secretary of said board of supervisors of
 187 said district.

188 Section 4. (1) It shall be the duty of the Board of
 189 County Commissioners of Polk County to order the tax assessor of
 190 said county to assess and the tax collector of said county to
 191 collect the amount of the annual installment and maintenance
 192 taxes levied for the year 2004 and each subsequent year upon the
 193 lands within said district as the same shall be certified to
 194 said tax assessor by the Board of Supervisors of the Haines City
 195 Water Control District as hereinbefore provided.

196 (2) It shall be the duty of the tax assessor of the county
 197 to assess against each tract of land within said district
 198 against which benefits have been assessed as the same is
 199 certified to him or her each year, the taxes as levied and
 200 certified by said board of supervisors as herein above provided
 201 and to extend the total of said taxes upon the assessment roll
 202 in columns for that purpose and said levy shall be included in
 203 the warrant of said tax assessor attached to the assessment roll

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204 of taxes for said Polk County for the year 2004 and each year
 205 thereafter.

206 (3) It shall be the duty of the Tax Collector and/or the
 207 Clerk of the Circuit Court of Polk County to collect such taxes
 208 so levied and assessed in the same manner and at the same time
 209 as state and county taxes are collected and they shall pay the
 210 same to the treasurer of said district within the same time
 211 prescribed for the payment over of state and county taxes.

212 Section 5. (1) All taxes levied and assessed as provided
 213 herein shall be due and payable at the same time that state and
 214 county taxes are due and payable, shall be delinquent at the
 215 same time that state and county taxes become delinquent, and
 216 shall thereafter bear 2 percent per month penalties until the
 217 tax sale certificate is issued and interest at the rate of 10
 218 percent per annum thereafter. The payment of said taxes shall be
 219 enforced by the Tax Collector of Polk County and/or the Clerk of
 220 the Circuit Court of Polk County, in the same manner and at the
 221 same time as state and county taxes are enforced against said
 222 lands, provided that in case of sale of said land and the
 223 issuance of a tax certificate the said land may be redeemed from
 224 the Clerk of the Circuit Court of Polk County, at any time
 225 within 1 year from the date thereof by the payment of taxes,
 226 penalties, and interest as provided therein, and all costs. If
 227 said land is not redeemed within 1 year after date of said tax
 228 certificate, the clerk of the circuit court shall issue a tax
 229 deed as is now provided for under the general tax law for the
 230 issuance of tax deeds for state and county taxes, except that
 231 lands owned by a railroad company or companies within said
 232 district shall be collected as provided in section 6 of this

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233 act.

234 (2) The Tax Assessor, Tax Collector, and Clerk of the
 235 Circuit Court of Polk County shall have and receive the same
 236 compensation for said assessment and collection of said taxes as
 237 is now allowed by law for the assessment and collection of
 238 special taxes which shall be allowed and paid out of the taxes
 239 so collected.

240 Section 6. It shall be the duty of the Chief Financial
 241 Officer of the state to assess all real estate upon which
 242 benefits have been assessed and within said Haines City Water
 243 Control District belonging to a railroad company or companies,
 244 the amount of each levy made and certified to him or her by said
 245 board of supervisors of said district, and to collect and
 246 enforce the payment of said taxes thereon in the same manner as
 247 he or she is required by law to collect and enforce the payment
 248 of taxes for state and county and special district purposes and
 249 to promptly remit the same to the treasurer of said district.

250 Section 7. Nothing in this act shall be deemed or held to
 251 in any manner impair the obligation of any contract heretofore
 252 entered into by said district with any person, firm, or
 253 corporation, and that any such person, firm or corporation shall
 254 have the same rights and may proceed within the same time that
 255 he or she, it, or they could have done prior to the passage of
 256 this act.

257 Section 8. It is hereby declared to have been the
 258 intention of the Legislature in enacting this act that same
 259 shall be a cumulative and alternative remedy or procedure for
 260 the assessment, collection and enforcement of the payment of
 261 said taxes and shall in no way repeal any of the drainage laws

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262 of the state now existing.

263 Section 9. The Haines City Water Control District hereby
 264 created shall be an independent water control district and a
 265 public corporation of this state. The provisions of state law
 266 applicable to water control districts or subdistricts which are
 267 embodied in chapter 298, Florida Statutes, as it may be amended
 268 from time to time, so far as not inconsistent with this act, are
 269 hereby declared to be applicable to the Haines City Water
 270 Control District. The Haines City Water Control District shall
 271 have all of the powers and authorities conferred in this act and
 272 chapter 298, Florida Statutes, as they may be amended from time
 273 to time.

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

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

281 (2) The powers, functions, and duties of the district,
 282 including, but not limited to, ad valorem taxation, bond
 283 issuance, other revenue-raising capabilities, budget preparation
 284 and approval, liens and foreclosure of liens, use of tax deeds
 285 and tax certificates as appropriate for non-ad valorem
 286 assessments, and contractual agreements, shall be as set forth
 287 in this act and, to the degree that they are consistent with
 288 this act, chapters 189, 197, and 298, Florida Statutes, or any
 289 other applicable general or special law, as they may be amended
 290 from time to time.

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291 (3) The district was created by special act of the Florida
 292 Legislature by chapter 13649 (1929), Laws of Florida, in
 293 accordance with chapter 298, Florida Statutes, and is re-created
 294 by this act.

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

297 (5) In accordance with chapter 189, Florida Statutes, this
 298 act, and section 298.11, Florida Statutes, the district is
 299 governed by a three-member board, elected on a one-acre, one-
 300 vote basis by the landowners in the district. The membership and
 301 organization of the board shall be as set forth in this act and,
 302 to the degree that it is consistent with this act, chapter 298,
 303 Florida Statutes, as they may be amended from time to time.

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

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

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

317 (9) The procedures and requirements governing the issuance
 318 of bonds, notes, and other evidence of indebtedness by the
 319 district shall be as set forth in chapter 298, Florida Statutes,

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320 and applicable general laws, as they may be amended from time to
 321 time.

322 (10) The procedures for conducting district elections and
 323 for qualification of electors shall be pursuant to this act and,
 324 to the degree that they are consistent with this act, chapters
 325 189 and 298, Florida Statutes, as they may be amended from time
 326 to time.

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

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

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

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

343 Section 11. If any provision of this act or the
 344 application thereof to any person or circumstance is held
 345 invalid, the invalidity shall not affect other provisions or
 346 applications of the act which can be given effect without the
 347 invalid provision or application, and to this end the provisions
 348 of this act are declared severable.

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349 Section 12. This act shall be construed as a remedial act
350 and shall be liberally construed to promote the purpose for
351 which it is intended.

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

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