

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to Haines City Water Control District,
8 Polk County; codifying the district's charter pursuant to
9 section 189.429, Florida Statutes; providing legislative
10 intent; amending, codifying, repealing, and reenacting all
11 special acts relating to Haines City Water Control
12 District as a single act; repealing chapters 13649 (1929)
13 14517 (1929), Laws of Florida, relating to the Haines City
14 Water Control District; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Pursuant to section 189.429, Florida Statutes,
19 this act constitutes the codification of all special acts
20 relating to Haines City Water Control District. It is the intent
21 of the Legislature in enacting this act to provide a single,
22 comprehensive special act charter for the district, including
23 all current legislative authority granted to the district by its

24 several legislative enactments and any additional authority
 25 granted by this act. It is the further intent the Legislature
 26 that this act preserve all district authority in addition to any
 27 authority contained in chapter 298, Florida Statutes, as amended
 28 from time to time.

29 Section 2. Chapters 13649 (1929) and 14517 (1929), Laws of
 30 Florida, are amended, codified, reenacted, and repealed as
 31 herein provided.

32 Section 3. The Haines City Water Control District is re-
 33 created and the charter for the district is re-created and
 34 reenacted to read:

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

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

48 Starting at the SE corner of Section 6, Township 28,
 49 Range 27, Drainage District boundary, known
 50 hereinafter as "line"; run north 1/4 mile, run east
 51 1/4 mile, north approximately 1/2 mile to Winter Haven-

52 Haines City hard road, run northeasterly along hard
 53 road to ½ mile line of Section 5, Township 28, Range
 54 27, run north approximately 1/8 mile to 1/4 corner
 55 north boundary Section 5, Township 28, Range 27, run
 56 east approximately 200 to 300 feet to the SE corner of
 57 SW1/4 of SW1/4 Section 32, Township 27, Range 27, run
 58 north 1/4 mile, run east 1/4 mile, run north
 59 approximately 1/8 mile to hard surfaced road; thence
 60 run along hard surfaced road southeasterly to SW
 61 corner Lot 20 Alta Vista Add. (Addition to Haines
 62 City), east to SE corner Lot 15 Alta Vista Addition,
 63 south to south boundary Alta Vista Addition, thence
 64 run east on south boundary of Alta Vista. Add. To SE
 65 corner same addition, thence north along hard surfaced
 66 road approximately 3/4 mile to northeast corner
 67 Section 32, Township 27, Range 27, thence westerly
 68 approximately 350 feet to SE corner Lot 9, Block 80
 69 (original plat Haines City), thence north 100 feet to
 70 NE corner Lot 8, Block 80, thence westerly to SE
 71 corner Block 61, thence north on east side Block 61 to
 72 NE corner, thence west to NE corner Lot 1, Block 61,
 73 thence north to NE corner Lot 8, Block 62, thence west
 74 to NW corner Lot 8, Block 59, thence north to NW
 75 corner Lot 7, Block 59, thence west to SE corner Lot
 76 8, Block 42 west to SW corner same lot, north to NE
 77 corner Lot 5, Block 42, west to NW corner Lot 5, Block
 78 42, north on west side Block 42 to NW corner, thence
 79 west to NE corner, Block 24, south to SE corner Lot 9,

80 | Block 24, west to NW corner Lot 8, Block 24, south NE
 81 | corner, Lot 5, west to NW corner, Lot 5, south to SW
 82 | corner, Block 24, west to northeast corner of Lot 12,
 83 | Block "A" and west to NW corner, Lot 8, Block "A",
 84 | west to NW corner Block 2B, south to NE corner Block 2
 85 | (Lake Park Add. John L. Moore's property) in SE1/4 of
 86 | SW1/4 Section 29, Township 27, Range 27, thence west
 87 | to hard surfaced road (Dixie Highway) thence south
 88 | along hard surfaced road to SE corner Lot 5,
 89 | Knowlton's Add. To Haines City, thence west to SW
 90 | corner, same lot, thence north approximately 5/8 mile
 91 | to NE corner SW1/4 of SW1/4 Section 29, Township 27,
 92 | Range 27, run north approximately 1/4 mile to center
 93 | line to Atlantic Coast Line Rail Road Company's main
 94 | line, thence follow line of main line in easterly and
 95 | northerly direction to Palmetto Street, thence
 96 | westerly on north edge of said street to southwest
 97 | corner of Lot 3, Block E, thence northerly to
 98 | northwest corner Lot 4, Block E, thence across Cedar
 99 | Street to Ash Street, northwest corner of Lot 4, Block
 100 | F, thence along Ash Street to southeast corner of Lot
 101 | 2, Block G, thence to Northwest corner Lot 4, Block G,
 102 | thence along Vine Street to southeast corner of Lot
 103 | 10, thence northerly to SE corner Block 34, thence
 104 | north on 5th Street to NE corner Lot 13. Block 34,
 105 | thence west to 4th Street, thence to NE corner, Block
 106 | 31, thence along Haines Avenue to the 1/2 Section line
 107 | of Section 29, (Polk City Road), thence north 3/4 mile

108 | to the NE corner SE1/4 of NW1/4 Section 20, thence
 109 | west ½ mile to west boundary Section 20, thence south
 110 | 1/8 mile, thence west ½ mile. Thence south on center
 111 | line of Section 19 and Section 30 to A.C.L. right-of-
 112 | way, thence southeast along north boundary of said
 113 | right-of-way to a point north of the NE corner of Lot
 114 | 1, Block 2, Pinehurst Sub-division, thence south
 115 | across R.R. right-of-way, and Lee-Jackson Highway to
 116 | northeast corner of said Lot 1, thence westerly 153.4
 117 | feet to the NW corner Lot 1, Block 2, (same Sub.),
 118 | thence southerly 160 feet to Lake Street, thence
 119 | easterly along Lake Street to the east boundary
 120 | Pinehurst Sub. Thence south along east boundary to
 121 | Moss street, thence northwesterly along Moss Street to
 122 | Indiana Avenue, (NW cor. Block 5, Pinehurst Sub.),
 123 | thence west to NW corner Block 7, Lake Confusion
 124 | Height (subdivision), thence south to SW corner Block
 125 | 7, (same Sub.), thence west to west boundary of
 126 | Section 30, thence south to SW corner Section 30,
 127 | thence east 1/4 mile to NE corner of NW1/4 of NW1/4
 128 | Section 31, thence south 1/4 mile, thence east 3/8
 129 | mile, thence south ½ mile, thence west 1/8 mile,
 130 | thence south 1/4 mile to south boundary Section 31,
 131 | Township 27, Range 27, thence jog west 200 to 300 feet
 132 | (approximately) to the NW corner of NE1/4 of NE1/4
 133 | Section 6, Township 28, Range 27, thence south one
 134 | mile, thence east 1/4 mile to place of beginning

135 (2) It is hereby determined, declared, and enacted that
 136 said lands in their present condition require comprehensive
 137 water control and management for proper use and development, and
 138 that water control for the purpose of irrigation, reclamation,
 139 and flood protection of said lands and the creation of the
 140 district with the power vested in it by this act and chapter
 141 298, Florida Statutes, as they may be amended from time to time,
 142 is in the interest of and conducive to public welfare, health,
 143 and convenience.

144 Section 3. The Board of Supervisors of the Haines City
 145 Water Control District of Polk County is hereby authorized to
 146 levy upon all the lands within said district against which
 147 benefits have been assessed for the year 2004 and each year
 148 thereafter, the annual installment of drainage taxes and
 149 maintenance taxes as provided for under chapter 298, Florida
 150 Statutes, and this act, and it shall certify for the year 2004
 151 and each year thereafter said annual installment of drainage
 152 taxes and maintenance taxes in the name of its president and
 153 secretary and under its corporate seal, to the Tax Assessor of
 154 Polk County, the Board of County Commissioners of Polk County,
 155 and the Comptroller of the state, not later than the first
 156 Monday in August. The certificate of said levy shall be
 157 evidenced in substantially the following form:

158 STATE OF FLORIDA

159 COUNTY OF POLK

160 This is to certify that by virtue and authority of chapter 298,
 161 Florida Statutes, and this act, the Board of Supervisors of
 162 Haines City Water Control District has and does hereby levy the

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163 sum of \$(_____) as the annual installment of taxes for the year
 164 (____) of the total tax levied under the provisions of chapter
 165 298, Florida Statutes, and this act, which said total tax has
 166 heretofore been certified to the Clerk of the Circuit Court of
 167 Polk County; the said board of supervisors, by and under
 168 authority of chapter 298, Florida Statutes, and this act, has
 169 levied also the sum of \$(____) as maintenance tax for said year
 170 as annual installment of tax and maintenance tax on the lands
 171 within said district against which benefits have been assessed
 172 as set out in the following table in which are:

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

175 2. The description of said land opposite the name of said
 176 owners.

177 3. The amount of said annual installment of taxes levied
 178 on each tract of land. \$(_____).

179 4. The amount of said maintenance tax levied against the
 180 same.

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

182 WITNESS the signature of the president of said board of
 183 supervisors attested by the signature of the secretary of said
 184 board and the seal of said district being affixed, this(_____)
 185 day of(_____)A.D. 20(____).

187 President of said board of supervisors of said district.
 188 (Corporate Seal)

190 Attest:(_____)

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191)Secretary of said board of supervisors of
192 said district.

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

201 (2) It shall be the duty of the tax assessor of the county
202 to assess against each tract of land within said district
203 against which benefits have been assessed as the same is
204 certified to him or her each year, the taxes as levied and
205 certified by said board of supervisors as herein above provided
206 and to extend the total of said taxes upon the assessment roll
207 in columns for that purpose and said levy shall be included in
208 the warrant of said tax assessor attached to the assessment roll
209 of taxes for said Polk County for the year 2004 and each year
210 thereafter.

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

217 Section 5. (1) All taxes levied and assessed as provided
218 herein shall be due and payable at the same time that state and

219 county taxes are due and payable, shall be delinquent at the
 220 same time that state and county taxes become delinquent, and
 221 shall thereafter bear 2 percent per month penalties until the
 222 tax sale certificate is issued and interest at the rate of 10
 223 percent per annum thereafter. The payment of said taxes shall be
 224 enforced by the Tax Collector of Polk County and/or the Clerk of
 225 the Circuit Court of Polk County, in the same manner and at the
 226 same time as state and county taxes are enforced against said
 227 lands, provided that in case of sale of said land and the
 228 issuance of a tax certificate the said land may be redeemed from
 229 the Clerk of the Circuit Court of Polk County, at any time
 230 within 1 year from the date thereof by the payment of taxes,
 231 penalties, and interest as provided therein, and all costs. If
 232 said land is not redeemed within 1 year after date of said tax
 233 certificate, the clerk of the circuit court shall issue a tax
 234 deed as is now provided for under the general tax law for the
 235 issuance of tax deeds for state and county taxes.

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

242 Section 6. Nothing in this act shall be deemed or held to
 243 in any manner impair the obligation of any contract heretofore
 244 entered into by said district with any person, firm, or
 245 corporation, and that any such person, firm or corporation shall
 246 have the same rights and may proceed within the same time that

247 he or she, it, or they could have done prior to the passage of
 248 this act.

249 Section 7. It is hereby declared to have been the
 250 intention of the Legislature in enacting this act that same
 251 shall be a cumulative and alternative remedy or procedure for
 252 the assessment, collection and enforcement of the payment of
 253 said taxes and shall in no way repeal any of the drainage laws
 254 of the state now existing.

255 Section 8. The Haines City Water Control District hereby
 256 created shall be an independent water control district and a
 257 public corporation of this state. The provisions of state law
 258 applicable to water control districts or subdistricts which are
 259 embodied in chapter 298, Florida Statutes, as it may be amended
 260 from time to time, so far as not inconsistent with this act, are
 261 hereby declared to be applicable to the Haines City Water
 262 Control District. The Haines City Water Control District shall
 263 have all of the powers and authorities conferred in this act and
 264 chapter 298, Florida Statutes, as they may be amended from time
 265 to time.

266 Section 9. If any provision of this act or the application
 267 thereof to any person or circumstance is held invalid, the
 268 invalidity shall not affect other provisions or applications of
 269 the act which can be given effect without the invalid provision
 270 or application, and to this end the provisions of this act are
 271 declared severable.

272 Section 10. This act shall be construed as a remedial act
 273 and shall be liberally construed to promote the purpose for
 274 which it is intended.

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275 | Section 4. Chapters 13649 (1929) and 14517 (1929), Laws of
276 | Florida, are repealed.

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