

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 25 Florida, are amended, codified, reenacted, and repealed as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:

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
 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
 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 1/2 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 1/2 mile to west boundary Section 20, thence south
 105 | 1/8 mile, thence west 1/2 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
 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
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 Chief Financial Officer, 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
 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
 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.

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

237 Section 6. Nothing in this act shall be deemed or held to
238 in any manner impair the obligation of any contract heretofore
239 entered into by said district with any person, firm, or
240 corporation, and that any such person, firm or corporation shall
241 have the same rights and may proceed within the same time that
242 he or she, it, or they could have done prior to the passage of
243 this act.

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

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

261 Section 9. If any provision of this act or the application
262 thereof to any person or circumstance is held invalid, the
263 invalidity shall not affect other provisions or applications of
264 the act which can be given effect without the invalid provision
265 or application, and to this end the provisions of this act are
266 declared severable.

267 Section 10. This act shall be construed as a remedial act
268 and shall be liberally construed to promote the purpose for
269 which it is intended.

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

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