

ENROLLED
HB 465, Engrossed 1

2004 Legislature

A bill to be entitled

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

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

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

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 Chapters 13649 (1929) and 14517 (1929), Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

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

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

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

Starting at the SE corner of Section 6, Township 28, Range 27, Drainage District boundary, known hereinafter as "line"; run north 1/4 mile, run east 1/4 mile, north approximately 1/2 mile to Winter Haven-Haines City hard road, run northeasterly along hard road to 1/2 mile line of Section 5, Township 28, Range 27, run north approximately 1/8 mile to 1/4 corner north boundary Section 5, Township 28, Range 27, run east approximately 200 to 300 feet to the SE corner of SW1/4 of SW1/4 Section 32, Township 27, Range 27, run north 1/4 mile, run east 1/4 mile, run north approximately 1/8 mile to hard surfaced road; thence

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

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

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

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

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

STATE OF FLORIDA

COUNTY OF POLK

This is to certify that by virtue and authority of chapter 298, Florida Statutes, and this act, the Board of Supervisors of Haines City Water Control District has and does hereby levy the sum of \$(_____) as the annual installment of taxes for the year (____) of the total tax levied under the provisions of chapter 298, Florida Statutes, and this act, which said total tax has heretofore been certified to the Clerk of the Circuit Court of Polk County; the said board of supervisors, by and under authority of chapter 298, Florida Statutes, and this act, has levied also the sum of \$(____) as maintenance tax for said year as annual installment of tax and maintenance tax on the lands

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within said district against which benefits have been assessed
as set out in the following table in which are:

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

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

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

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

5. The total amount of said tax so levied.

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

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

Attest:(_____)Secretary of said board of supervisors of
said district.

Section 4. (1) It shall be the duty of the Board of
County Commissioners of Polk County to order the tax assessor of
said county to assess and the tax collector of said county to
collect the amount of the annual installment and maintenance
taxes levied for the year 2004 and each subsequent year upon the
lands within said district as the same shall be certified to

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said tax assessor by the Board of Supervisors of the Haines City Water Control District as hereinbefore provided.

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

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

Section 5. (1) All taxes levied and assessed as provided herein shall be due and payable at the same time that state and county taxes are due and payable, shall be delinquent at the same time that state and county taxes become delinquent, and shall thereafter bear 2 percent per month penalties until the tax sale certificate is issued and interest at the rate of 10 percent per annum thereafter. The payment of said taxes shall be enforced by the Tax Collector of Polk County and/or the Clerk of the Circuit Court of Polk County, in the same manner and at the same time as state and county taxes are enforced against said

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lands, provided that in case of sale of said land and the issuance of a tax certificate the said land may be redeemed from the Clerk of the Circuit Court of Polk County, at any time within 1 year from the date thereof by the payment of taxes, penalties, and interest as provided therein, and all costs. If said land is not redeemed within 1 year after date of said tax certificate, the clerk of the circuit court shall issue a tax deed as is now provided for under the general tax law for the issuance of tax deeds for state and county taxes.

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

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

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

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

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

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

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

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