

By Senator Rich

34-03162-08

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1 A bill to be entitled

2 An act relating to soil and water conservation districts  
3 and watershed improvement districts; amending ss. 582.12  
4 and 582.30, F.S.; revising eligibility requirements to  
5 vote in a referendum on the creation or discontinuance of  
6 a soil and water conservation district; amending s.  
7 582.36, F.S.; revising eligibility requirements to vote in  
8 a referendum on the creation of a watershed improvement  
9 district; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 582.12, Florida Statutes, is amended to  
14 read:

15 582.12 Referendum for creation.--After the Department of  
16 Agriculture and Consumer Services has made and recorded a  
17 determination that there is need, in the interest of the public  
18 health, safety, and welfare, for the organization of a district  
19 in a particular territory and has defined the boundaries thereof,  
20 it shall consider the question whether the operation of a  
21 district within such boundaries with the powers conferred upon  
22 soil and water conservation districts in this chapter is  
23 administratively practicable and feasible. To assist the  
24 department in the determination of such administrative  
25 practicability and feasibility, the department, within a  
26 reasonable time after entry of the finding that there is need for  
27 the organization of the proposed district and the determination  
28 of the boundaries thereof, shall hold a referendum within the  
29 proposed district upon the proposition of the creation of the

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30 district, and cause due notice of such referendum to be given.  
31 The question shall be submitted by ballots upon which the words  
32 "For creation of a soil and water conservation district of the  
33 lands below described and lying in the County (ies) of \_\_\_\_\_,  
34 \_\_\_\_\_, (and) \_\_\_\_\_" and "Against creation of a soil and water  
35 conservation district of the lands below described and lying in  
36 the County (ies) of \_\_\_\_\_ (and) \_\_\_\_\_" shall appear with a square  
37 before each proposition and a direction to insert an X mark in  
38 the square before one or the other of said propositions as the  
39 voter may favor or oppose creation of such district. The ballot  
40 shall set forth the boundaries of such proposed district as  
41 determined by the department. All qualified electors ~~owners of~~  
42 ~~lands lying~~ within the boundaries of the territory, as determined  
43 by the department, are ~~shall be~~ eligible to vote in such  
44 referendum. ~~Only such landowners shall be eligible to vote.~~

45 Section 2. Subsection (1) of section 582.30, Florida  
46 Statutes, is amended to read:

47 582.30 Discontinuance of districts; referendum;  
48 commissioner's authority.--

49 (1) Any time after 5 years from the organization of a  
50 district under the provisions of this chapter, any 10 percent of  
51 owners of land lying within the boundaries of such district may  
52 file a petition with the Department of Agriculture and Consumer  
53 Services praying that the operations of the district be  
54 terminated and the existence of the district discontinued. The  
55 department may conduct such public meetings and public hearings  
56 upon petition as may be necessary to assist it in the  
57 consideration thereof. Within 60 days after such a petition has  
58 been received by the department it shall give due notice of the

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59 holding of a referendum, and shall supervise such referendum, and  
60 issue appropriate regulations governing the conduct thereof, the  
61 question to be submitted by ballots upon which the words "For  
62 terminating the existence of the (Name of the soil and water  
63 conservation district to be here inserted) " and "Against  
64 terminating the existence of the (Name of the soil and water  
65 conservation district to be here inserted) " shall appear with a  
66 square before each proposition and a direction to insert an X  
67 mark in the square before one or the other of said propositions  
68 as the voter may favor or oppose discontinuance of such district.  
69 All qualified electors ~~owners of lands lying~~ within the  
70 boundaries of the district are ~~shall be~~ eligible to vote in such  
71 referendum. ~~Only such landowners shall be eligible to vote.~~ No  
72 informalities in the conduct of such referendum or in any matters  
73 relating thereto shall invalidate said referendum or the result  
74 thereof if notice thereof shall have been given substantially as  
75 herein provided and said referendum shall have been fairly  
76 conducted.

77 Section 3. Section 582.36, Florida Statutes, is amended to  
78 read:

79 582.36 Determination of feasibility of proposed district;  
80 referendum.--After the supervisors have determined that a need  
81 for the proposed watershed improvement district exists, have  
82 defined the boundaries of the proposed district, and have  
83 obtained the approval of the Department of Agriculture and  
84 Consumer Services for the formation of the proposed district, the  
85 supervisors shall consider the question of whether the operation  
86 of the proposed district is administratively practicable and  
87 feasible. To assist the supervisors in determining such question,

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88 a referendum shall be held by the supervisors upon the  
89 proposition of the creation of the proposed district. Due notice  
90 of such referendum shall be given by the supervisors, and ballots  
91 therefor shall be in substantially the form set forth in s.  
92 582.12, but the proposed district and name thereof shall be  
93 substituted for the soil and water conservation district, and the  
94 millage rate to be approved by all qualified ~~the~~ electors ~~who are~~  
95 ~~owners of freeholds~~ within the proposed watershed improvement  
96 ~~district not wholly exempt from taxation~~ shall be included. ~~At~~  
97 ~~such referendum each owner of land lying within the proposed~~  
98 ~~district shall be entitled to cast one vote, in person or by~~  
99 ~~proxy, for each acre or fractional part thereof of land within~~  
100 ~~the proposed district belonging to such owner, except that only~~  
101 ~~one vote may be cast for each such acre or fractional part~~  
102 ~~thereof regardless of whether the legal title thereto is held in~~  
103 ~~single or multiple ownership.~~ The supervisors may prescribe such  
104 rules and regulations governing the conduct of the hearing and  
105 referendum as they deem necessary.

106 Section 4. This act shall take effect July 1, 2008.