

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.

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

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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
 20 thereof, it shall consider the question whether the operation of
 21 a 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
 27 for the organization of the proposed district and the
 28 determination of the boundaries thereof, shall hold a referendum

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

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

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

50 | (1) Any time after 5 years from the organization of a
 51 | district under the provisions of this chapter, any 10 percent of
 52 | owners of land lying within the boundaries of such district may
 53 | file a petition with the Department of Agriculture and Consumer
 54 | Services praying that the operations of the district be
 55 | terminated and the existence of the district discontinued. The
 56 | department may conduct such public meetings and public hearings

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

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

80 582.36 Determination of feasibility of proposed district;
 81 referendum.--After the supervisors have determined that a need
 82 for the proposed watershed improvement district exists, have
 83 defined the boundaries of the proposed district, and have
 84 obtained the approval of the Department of Agriculture and

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

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