

1 A bill to be entitled
 2 An act relating to the East Mulloch Drainage District;
 3 amending ch. 63-930, Laws of Florida, as amended;
 4 increasing the membership of the board of supervisors
 5 on a specified date; revising the qualifications for
 6 supervisors; providing and revising requirements
 7 relating to terms of supervisors; requiring
 8 supervisors to be elected by registered voters
 9 residing in the district; authorizing the Governor to
 10 appoint supervisors in certain situations; authorizing
 11 reimbursement of supervisors for travel and other
 12 necessary expenses; authorizing the board to levy
 13 certain assessments and taxes; deleting a provision
 14 relating to a cap on maintenance taxes; repealing ch.
 15 83-455, Laws of Florida; providing an effective date.

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

18
 19 Section 1. Section 3 and sections 5 through 23 of chapter
 20 63-930, Laws of Florida, as amended, are amended to read:

21 Section 3. (1) The governing board of said district shall
 22 be designated the "Board of Supervisors of East Mulloch Drainage
 23 District" which until November 6, 2018, shall be composed of
 24 three ~~(3)~~ persons but as of November 6, 2018, shall be composed
 25 of five persons, each of whom shall own real property located in

26 | the district and who shall be ~~need not be district tax paying~~
27 | ~~freeholders nor residents of the state for the first~~
28 | ~~appointment, but must thereafter.~~

29 | (2) The term of each supervisor serving on the board as of
30 | the effective date of this act shall be continued, extended, and
31 | shall terminate on November 3, 2020. Beginning with the general
32 | election in 2018, supervisors shall be elected to 4-year terms
33 | except as otherwise provided in this subsection.

34 | (a) The five seats on the board shall be identified as
35 | Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5. Seat 1, Seat 2, and
36 | Seat 3 shall be allocated to the three supervisors serving on
37 | the board as of the effective date of this act.

38 | (b) The procedures for conducting district elections or
39 | referenda and for qualification of electors shall be pursuant to
40 | chapter 189, Florida Statutes. Unless otherwise provided in s.
41 | 189.04, Florida Statutes, all elections for district supervisors
42 | shall be held on the first Tuesday after the first Monday in
43 | November of even-numbered years. The district supervisors shall
44 | be elected at large by nonpartisan plurality vote with the
45 | candidate who receives the highest number of votes for each seat
46 | winning the election. Only registered voters residing within the
47 | district shall be permitted to vote. The cost of any election
48 | shall be borne by the district. The term of each supervisor
49 | shall begin 10 days after that supervisor's election.

50 (c) Qualifying for the position of district supervisor
51 shall be coordinated by the Supervisor of Elections of Lee
52 County. Methods of qualifying shall be uniform pursuant to s.
53 99.061, Florida Statutes. Candidates shall be required to open
54 depositories and appoint treasurers before accepting any
55 contributions or expending any funds.

56 (d) At the general election in 2018, Seat 4 and Seat 5
57 shall be added to the board and the supervisors so elected shall
58 each serve a 4-year term. At the general election in 2020, the
59 supervisors elected to Seat 1, Seat 2, and Seat 3 shall each
60 serve a 4-year term. All supervisors elected after 2020 shall
61 serve 4-year terms.

62 ~~(2) That Jules Freeman, Charles I. McClelland and Warren~~
63 ~~Pope are hereby appointed supervisors of said district and shall~~
64 ~~hold office until the first meeting of the landowners of the~~
65 ~~district, as hereinafter provided, and until their successors~~
66 ~~are elected and shall have qualified.~~

67 ~~(3) A meeting of the landowners of said district shall be~~
68 ~~held during the month of February, 1964, and during the same~~
69 ~~month each year thereafter for the purpose of electing~~
70 ~~supervisors of said district and transacting such other business~~
71 ~~as may properly come before the meeting. Notice of a landowners'~~
72 ~~meeting shall be given by causing publication thereof to be made~~
73 ~~for two (2) successive weeks in some newspaper published in Lee~~
74 ~~County, the first publication to be made at least fifteen (15)~~

75 ~~days prior to the date of such meeting. The meeting shall be~~
76 ~~held at some public place in the county of Lee, and the time and~~
77 ~~place for the holding of such meeting shall be stated in the~~
78 ~~said notice. The landowners, when assembled, shall organize by~~
79 ~~the election of a chairman and secretary of said meeting, who~~
80 ~~shall conduct the election. At such election each and every acre~~
81 ~~of land in the district, except as hereinafter provided, shall~~
82 ~~represent one (1) share, and each owner shall be entitled to one~~
83 ~~(1) vote, in person or by proxy, in writing duly executed, for~~
84 ~~each acre of land or residential lot owned by him in said~~
85 ~~district. At the meeting of the owners of land in said district,~~
86 ~~to be held in the month of February, 1964, three (3) supervisors~~
87 ~~shall be elected for terms of one (1), two (2) and three (3)~~
88 ~~years, respectively, and until their successors are elected or~~
89 ~~appointed and have qualified, said three (3) members to be voted~~
90 ~~for separately and for the respective terms, aforesaid. At the~~
91 ~~meeting of the landowners of the district, to be held in the~~
92 ~~month of February, 1965, and at the meetings to be held in the~~
93 ~~month of February in each year thereafter, one (1) supervisor~~
94 ~~shall be elected for a period of three (3) years and until his~~
95 ~~successor shall be elected or appointed and shall have~~
96 ~~qualified, such supervisor shall fill the office of the member~~
97 ~~whose term shall expire on said date.~~

98 ~~(4) More than fifty (50) per cent of the land owners in~~
99 ~~said district entitled to vote as herein set forth shall be~~

100 ~~necessary to constitute a quorum for the purpose of holding an~~
101 ~~election and in case a majority of the owners are not present in~~
102 ~~person or duly represented by proxy at the time and place stated~~
103 ~~in the notice calling such a meeting of landowners, the~~
104 ~~landowners present may adjourn the meeting for not to exceed one~~
105 ~~(1) month until a quorum is present. If, because of lack of a~~
106 ~~quorum, no election is held in any year, notice of such failure~~
107 ~~to elect may be given in writing by any person interested to the~~
108 ~~board of drainage commissioners of the state, which shall, as~~
109 ~~soon as practicable, appoint a person as a member of the board~~
110 ~~of supervisors of said district to fill the office of the member~~
111 ~~whose terms shall have expired. Any such supervisor so appointed~~
112 ~~by the said state board of drainage commissioners may be removed~~
113 ~~by the said board of drainage commissioners for dishonesty,~~
114 ~~incompetency or failure to perform the duties imposed upon him~~
115 ~~by this act.~~

116 (3)~~(5)~~ In case of a vacancy in any office of supervisor
117 during the term for which such supervisor was elected or
118 appointed, the Governor ~~remaining supervisors~~ may fill such
119 vacancy by appointment until the next general election ~~annual~~
120 ~~meeting of the landowners of the district as herein provided.~~
121 Any supervisor appointed by the Governor ~~remaining supervisors~~
122 shall have the same powers and duties as are hereby conferred
123 upon the members of said board of supervisors so elected by the
124 electors ~~landowners~~.

125 ~~(6) At any meeting of landowners, guardians may represent~~
 126 ~~their wards, executors and administrators may represent estates~~
 127 ~~of deceased persons, trustees and other fiduciaries may~~
 128 ~~represent their beneficiaries, and such representation may be by~~
 129 ~~proxy, and private corporations may be represented by their~~
 130 ~~officers or duly authorized agents; provided, however, lands~~
 131 ~~which are delinquent in the payment of East Mulloch drainage~~
 132 ~~district taxes for two (2) years or more after tax sale shall~~
 133 ~~not be considered as lands entitling anyone to vote in said~~
 134 ~~elections and meetings as owners thereof, and such lands shall~~
 135 ~~not be considered within the district for the purpose of~~
 136 ~~determining whether a quorum is present.~~

137 ~~(7) Each supervisor, before entering upon his official~~
 138 ~~duties, shall take and subscribe to an oath before some officer~~
 139 ~~authorized by law to administer oaths that he will honestly,~~
 140 ~~faithfully and impartially perform the duties devolving upon him~~
 141 ~~in office as supervisor of said district and that he will not~~
 142 ~~neglect any of the duties imposed upon him by this act.~~

143 ~~(4)~~(8) Each supervisor shall be entitled to receive a per
 144 diem of five dollars (\$5.00) for attending meetings of the said
 145 board of supervisors, ~~proved,~~ however, the compensation of any
 146 supervisor shall not exceed the sum of twenty-five dollars
 147 (\$25.00) during any one (1) month. Members of the board of
 148 supervisors shall, ~~in addition,~~ be reimbursed for their expenses
 149 pursuant to s. 112.061, Florida Statutes, ~~from time to time for~~

150 traveling and other necessary expenses incurred incident to the
151 performance of their duties as such supervisors.

152 ~~Section 5. The board may, in its reasonable discretion,~~
153 ~~let any part or all of the work to be performed within said~~
154 ~~district by contract. The board shall have the right to require~~
155 ~~a bond with a surety, to be approved by the board, in such~~
156 ~~amount as the board may determine, conditioned that the~~
157 ~~contractor will well and truly carry out the contract in~~
158 ~~accordance with the terms thereof. Nothing in this section shall~~
159 ~~prevent the board of supervisors from undertaking and performing~~
160 ~~the work without a contract and by labor operating under the~~
161 ~~direction of the board, its engineer or employees.~~

162 ~~Section 5. 6. (1) The board of supervisors shall divide the~~
163 ~~drainage district into four (4) nearly equal sections,~~
164 ~~designating which lands shall be in each section. Each section~~
165 ~~shall be clearly designated as section A, section B, section C~~
166 ~~or section D. Work performed in section A shall not be charged~~
167 ~~or assessed against lands located in section B, C or D. Work~~
168 ~~performed in section B shall not be charged or assessed against~~
169 ~~lands located in section A, C or D. Work performed in section C~~
170 ~~shall not be charged or assessed against lands located in~~
171 ~~section A, B or D. Work performed in section D shall not be~~
172 ~~charged or assessed against lands located in section A, B or C.~~
173 ~~Where work is performed which directly or indirectly benefits~~
174 ~~lands in more than one section, the cost of such work shall be~~

175 ~~apportioned to each section affected or benefited by such work~~
176 ~~to the extent of such benefit.~~

177 (1)~~(2)~~ That for the purpose of paying the cost of
178 administering the affairs of the district generally, and for the
179 purpose of maintaining, operating, preserving, and rendering
180 efficient the ditches, canals, drains, levees and other
181 improvements in the district ~~therein~~, and to repair and to
182 restore the same when needed, and for the purpose of defraying
183 current expenses of the district, the board is ~~hereby~~
184 authorized, empowered, and directed to levy and impose upon all
185 the lands lying and being situated within the boundaries of said
186 district, non-ad valorem assessments and maintenance taxes
187 pursuant to chapter 298, Florida Statutes, as subsequently
188 amended. ~~, a tax not to exceed the sum of \$30.10 per acre, per~~
189 ~~annum, for the year 1986, and for each year thereafter; and such~~
190 ~~tax shall be known and designated as the "Maintenance Tax."~~

191 (2)~~(3)~~ ~~That notwithstanding the provisions contained in~~
192 ~~this section of this act, The board of supervisors of East~~
193 ~~Mulloch drainage district shall have the power and authority,~~
194 ~~until the need arises, to determine not to levy any taxes for~~
195 ~~any year or years; provided, however, said board shall levy and~~
196 ~~impose annually (within the limits herein fixed) a sufficient~~
197 ~~amount of maintenance taxes to pay promptly, when due, all~~
198 ~~obligations incurred or to be incurred by said district.~~

199 (3)~~(4)~~ The Legislature has ~~It is hereby~~ ascertained,
 200 determined, and declared that the East Mulloch Drainage District
 201 confers,~~confer~~ benefits upon the lands within said district in
 202 an amount at least equal to the taxes authorized to be levied by
 203 ~~the provisions of~~ this act for the year 1963, and subsequent
 204 years, and that all lands within the district ~~each section~~ will
 205 be benefited equally by said drainage works although each parcel
 206 ~~section~~ may be benefited differently by such improvements.

207 Section 6.7. ~~(1)~~ There are hereby established for the East
 208 Mulloch Drainage District:

209 (1)~~(a)~~ A maintenance fund, into which shall be paid the
 210 proceeds of the maintenance taxes authorized to be levied upon
 211 the lands within said district for the year 1963, and subsequent
 212 years, by the provisions of this act.

213 (2)~~(b)~~ The board is hereby authorized and empowered to
 214 establish from time to time such other funds for the moneys of
 215 the district as it may determine to be necessary, advisable or
 216 expedient.

217 (3)~~(c)~~ Each of the funds created by or pursuant to the
 218 provisions of this act shall be held inviolate, and the moneys
 219 from time to time in each of such funds shall be used only for
 220 the purposes for which said funds, respectively, are required to
 221 be devoted in accordance with the provisions of this act.

222 (4)~~(d)~~ The maintenance fund shall be used for the purposes
 223 for which the maintenance taxes are authorized by this act to be
 224 levied.

225 Section 7.8. (1) As soon as practicable after this act
 226 becomes effective and prior to July 1 in each year thereafter,
 227 beginning with the year 1964, the board shall cause to be
 228 prepared a budget of the maintenance requirements of the
 229 district for the year beginning on the first (1st) day of the
 230 next November and ending on the thirty-first (31st) day of the
 231 succeeding October. The budget shall show in detail the
 232 following:

233 (a) The amount of money which will be needed in such year
 234 for the purposes for which moneys in the maintenance fund may be
 235 expended, including an amount for emergencies and contingencies
 236 not to exceed twenty-one per cent (21%) of the estimated cost
 237 thereof.

238 (b) The amount of money, if any, in the maintenance fund
 239 of the district representing an unexpended balance in the budget
 240 for any previous year or years.

241 (c) Amount estimated to be collected during such year from
 242 delinquent maintenance taxes.

243 (d) Estimated percentage of delinquencies in maintenance
 244 tax collections for such year.

245 (e) The amount of maintenance tax per acre necessary to be
 246 levied upon the lands in said district for such year.

247 (2) Upon presentation of such budget to the board, the
248 same shall be placed on file in the office of the secretary of
249 the district, and the board shall cause the same to be published
250 in a newspaper published in Lee County, once a week for two (2)
251 consecutive weeks, the same may be examined at the office of the
252 secretary; and a notice that the board will meet at a time and
253 place to be designated in said notice, being not less than
254 fifteen (15) days nor more than thirty-five (35) days from the
255 date of the first publication thereof, for the purpose of
256 hearing objections and complaints with respect to said budget.
257 At the time and place specified in said notice, the board shall
258 meet for the purpose of hearing objections and complaints
259 concerning said budget, and for such purpose may adjourn from
260 day to day, and said budget may be altered, changed or amended
261 in any respect by said board during or at the hearing.

262 (3) After the hearing aforesaid, and when the board shall
263 have made any alterations, changes or amendments in said budget
264 which it shall have deemed necessary at said hearing, the board
265 shall adopt the same and it shall be spread upon the minutes of
266 the board; and the board shall also adopt and spread upon its
267 minutes a resolution levying and imposing the amount of
268 maintenance tax ~~for such year upon the lands within said~~
269 ~~district.~~

270 Section 8.9. (1) It shall be the duty of the board of
271 county commissioners of Lee County to order the assessor of the

272 county to assess, and the collector of the county to collect the
273 taxes or assessments levied pursuant to this act and certified
274 to the board of county commissioners as provided by this act.
275 All of said taxes or assessments shall be included in the
276 warrant of the tax assessor which is attached to the assessment
277 roll of taxes in each year. The tax assessor shall make such
278 assessment and the tax collector shall collect such taxes or
279 assessments so levied in the same manner and at the same time as
280 county taxes and other taxes which are assessed upon the general
281 county tax roll, and with respect to which a separate tax
282 receipt is not required to be issued, or a separate tax sale
283 made, or a separate tax sale certificate issued, are assessed
284 and collected; and no separate tax receipt shall be issued, or
285 separate tax sale held, or separate tax sale certificate issued
286 with respect to said taxes and assessments. The tax collector
287 shall not accept payment of state and county taxes without also,
288 at the same time, receiving payment of the East Mulloch Drainage
289 District taxes. The provisions of s. sections 298.42, 298.43,
290 ~~298.44~~ and 298.73, Florida Statutes, shall not be applicable to
291 this district.

292 (2) The tax collector of Lee County shall pay all moneys
293 collected from such taxes and assessments to the treasurer of
294 the East Mulloch Drainage District, in the same manner and at
295 the same time that he or she is required to pay county taxes
296 collected by him or her. If any such taxes or assessments are

297 | not paid within the time fixed by law for the payment of county
298 | taxes and other taxes which are assessed upon the general county
299 | tax roll, the property upon which the same shall have been
300 | levied shall be sold by the tax collector and certificates shall
301 | be issued in the same manner as is provided by law with respect
302 | to county taxes, and such taxes and assessments shall be
303 | included in tax sale certificates which shall be issued in
304 | pursuance of sales for the nonpayment of county taxes and other
305 | taxes which are assessed upon the general county tax roll.

306 | (3) No act of omission or commission on the part of any
307 | person or board charged with any of the duties of determining,
308 | levying, assessing and collecting taxes of the East Mulloch
309 | Drainage District shall operate to defeat the payment of said
310 | taxes; but any such acts of omission or commission may be
311 | corrected at any time by the officer or board responsible for
312 | the same in like manner as is provided herein for performing
313 | such acts in the first instance, and when so corrected they
314 | shall be construed as valid ab initio, and shall in no way
315 | affect any proceedings provided by law for the enforcement of
316 | the collection of any such tax. A substantial compliance with
317 | the provisions of this act shall be required and no tax shall be
318 | held invalid; provided, at some time prior to the final
319 | determination thereof, reasonable notice is given and a hearing
320 | held substantially in accordance with the provisions hereof.

321 (4) The county tax assessor shall receive as compensation
322 for the duties required of him or her by the provisions of this
323 act a commission of three per cent (3%) upon the amount of taxes
324 of the district by him or her assessed, except errors, and one
325 per cent (1%) on delinquent taxes when redeemed, and the county
326 tax collector shall receive as compensation for the duties
327 required of him or her by the provisions of this act a
328 commission of three per cent (3%) upon the amount of taxes of
329 the district by him or her collected and one per cent (1%) upon
330 delinquent taxes when collected.

331 ~~Section 10. The provisions of sections 298.43, 298.44,~~
332 ~~298.45 and 298.46, Florida Statutes, shall not be applicable to~~
333 ~~said district. In lieu thereof, the following shall apply to~~
334 ~~said district: The collection and enforcement of all taxes~~
335 ~~levied by the district shall be at the same time and in like~~
336 ~~manner as county taxes and the provisions of the Florida~~
337 ~~Statutes relating to the sale of lands for unpaid and delinquent~~
338 ~~county taxes, the issuance, sale and delivery of tax~~
339 ~~certificates for such unpaid and delinquent county taxes, the~~
340 ~~redemption thereof, the issuance to individuals of tax deeds~~
341 ~~based thereon, and all other procedures in connection therewith,~~
342 ~~shall be applicable to the district and the delinquent and~~
343 ~~unpaid taxes of the district to the same extent as if said~~
344 ~~statutory provisions were expressly set forth in this act. All~~
345 ~~taxes shall be subject to the same discounts as county taxes.~~

346 Section ~~9.11~~. It shall be the duty of the comptroller, the
347 tax assessor, the tax collector and the clerk of the circuit
348 court of Lee County, and any other person charged with the
349 responsibility for the assessment and collection of the taxes or
350 assessments levied pursuant to this act, to assess and collect
351 such taxes or assessments and make remittances of the proceeds
352 thereof to the treasurer of the East Mulloch Drainage District.

353 Section ~~10.12~~. The board of supervisors of the East
354 Mulloch Drainage District shall have the power and authority to
355 purchase, with moneys in the maintenance fund of the district,
356 any tax sale certificates held by the state, a county or other
357 governmental agency, which include therein taxes levied by or
358 for the East Mulloch Drainage District. In purchasing such tax
359 sale certificates the board shall not be required to pay for the
360 part of the certificate representing taxes levied and assessed
361 for the East Mulloch Drainage District, together with interest
362 and costs thereon, but shall only be required to pay for such
363 certificates the amount required to purchase such certificates,
364 exclusive of the East Mulloch Drainage District taxes, interest
365 and penalties included therein; provided, however, that in
366 addition to the foregoing powers, the board is also authorized
367 and empowered to acquire by partial assignment, without paying
368 therefor, that part of any tax sale certificate representing the
369 East Mulloch Drainage District taxes and interest and costs
370 thereon, without having to purchase or acquire that part of said

371 certificate representing county taxes and other taxes assessed
372 upon the general county tax roll, and upon the request of the
373 board, the clerk of the circuit court of Lee County, may make
374 partial assignments of any such tax sale certificates to said
375 board. The board shall have all the rights and remedies with
376 respect to tax sale certificates, or partial assignments
377 thereof, so purchased or acquired by it as a county or any
378 individual purchaser or holder would have, including, without
379 limiting the generality of the foregoing, the right to sell such
380 certificates or the part thereof acquired by the board,
381 institute foreclosure proceedings thereon or proceedings to
382 quiet title, or to apply for and obtain a tax deed to the lands
383 covered thereby. In enforcing the lien of the district's taxes,
384 the district may proceed under the general equity powers of the
385 court or under and pursuant to the provisions of Chapter 173 or
386 Chapter 298, Florida Statutes, as now or hereafter amended. The
387 cost of enforcing the lien of taxes or of obtaining a deed for
388 the nonpayment of taxes and all other expenses in connection
389 therewith, shall be paid with any moneys in the maintenance fund
390 of the district.

391 If the board acquires title to any land through tax deed,
392 foreclosure or otherwise, as herein provided, said board may
393 sell and dispose of the same in the same manner as provided by
394 law for similar functions by boards of county commissioners.

395 All revenue or proceeds derived from the sale or leasing of
396 any parcel of such lands shall be paid into the maintenance fund
397 of the district.

398 The purpose of this section is to enable the board to
399 better enforce the collection of the East Mulloch Drainage
400 District taxes.

401 Section 11.13. The board of supervisors of the district
402 shall have the power to borrow for the account of the
403 maintenance fund and may issue the promissory note or other
404 negotiable evidence of debt of said district bearing interest at
405 a rate not to exceed eight per cent (8%) per annum for such
406 loan. As security for said loan, the board may pledge the
407 maintenance tax levied or to be levied for any year or years,
408 but not to exceed five (5) years.

409 Section 12.14. (1) ~~As soon as convenient after this act~~
410 ~~becomes law~~ The board ~~of supervisors of the district~~ shall
411 assemble annually to ~~and~~ organize by choosing one of their
412 number president of the board and selecting a ~~electing some~~
413 ~~suitable person~~ secretary of the district who may or may not be
414 a member of the board ~~of supervisors~~. The board may, in its
415 discretion, require the secretary to execute a bond for the
416 faithful performance of the secretary's ~~his~~ duties. The board
417 shall adopt a seal with a suitable device and shall keep a
418 record of its proceedings in a substantially bound book kept for
419 that purpose.

420 (2) Two (2) members of the board of supervisors shall
421 constitute a quorum. The board of supervisors shall, by
422 resolution, fix the time and place for holding regular meetings
423 but special meetings may be called at any time or place by the
424 president or any two (2) members of the board of supervisors.
425 The meeting place of said board may be either within or without
426 the district.

427 (3) The board of supervisors may employ some competent
428 person or some bank or trust company as treasurer of said
429 district if the board shall deem it to be advisable. The
430 treasurer shall execute a bond in such sum as shall be fixed by
431 the board and with a surety approved by the board, conditioned
432 that he will well and truly perform the duties imposed upon him
433 or her by this act and that he or she will account for all
434 moneys coming into his or her hands as treasurer of the
435 district. The treasurer shall pay out funds of the district only
436 upon checks, drafts or warrants issued by the district, which
437 checks, drafts or warrants shall be signed by the treasurer and
438 countersigned by at least one member of the board of
439 supervisors, or signed by two (2) members of the board of
440 supervisors.

441 (4) At the organization meeting of the board, or as soon
442 thereafter as is practicable, the board may select and appoint
443 some competent person as chief engineer of the district. The
444 board may require the chief engineer to enter into a bond with

445 | good and sufficient surety in a sum to be named by the board,
446 | conditioned that he or she will faithfully and honestly perform
447 | all of the duties required of him or her by the board of
448 | supervisors and deliver to his successor all instruments,
449 | papers, maps, documents and other articles which may come into
450 | his or her hands by virtue of his or her employment.

451 | Section ~~13.15~~. The board of supervisors of the East
452 | Mulloch Drainage District shall have the power and authority to
453 | levy and impose upon the lands within the boundaries of the
454 | district, as described in section 1 of this act, a uniform tax
455 | of not to exceed the sum of one dollar (\$1.00) per acre for the
456 | purpose of raising funds to pay the preliminary expenses of such
457 | district. If the board shall determine to levy such uniform tax
458 | it shall make up a budget of expenses to be paid from the
459 | proceeds thereof and shall give notice by publication of a
460 | hearing upon the question of whether the said uniform tax should
461 | be levied and the amount necessary to be levied for the purpose
462 | of paying the preliminary expenses of said district. Notice of
463 | such hearing shall be published once a week for two (2)
464 | consecutive weeks in a newspaper published in Lee County, the
465 | first publication to be not less than fifteen (15) days from the
466 | date of such hearing. The time and place of such hearing shall
467 | be stated in the notice. At such hearing all landowners within
468 | the district shall be entitled to be heard and at the conclusion
469 | of said hearing, the board shall adopt a resolution, if it shall

470 be determined to levy such uniform tax, fixing the rate per acre
471 of such tax. The assessment and collection of such uniform tax
472 shall conform, in all matters, to the assessment and collection
473 of other taxes authorized to be levied by the provisions of this
474 act. Immediately after the adoption of a resolution levying such
475 uniform tax or at any time thereafter the board may pledge the
476 receipts from such taxes for the repayment of money borrowed by
477 the board.

478 Section ~~14.16~~. All taxes or assessments levied pursuant to
479 the provisions of this act shall constitute a lien upon said
480 lands as of January first of each year in which the assessments
481 are made, which liens shall be superior in dignity to all other
482 liens upon said lands, except liens for state and county taxes
483 and shall be equal in dignity to the lien for said state and
484 county taxes.

485 Section ~~15.17~~. Whoever shall willfully damage any ditch,
486 canal, drain, levee, reservoir or other works established or
487 constructed under this act or shall obstruct the flow of water
488 in any canal, ditch, drain or waterway or shall remove any
489 earth, rock or material from the banks of any canal, drain or
490 ditch without having first obtained permission in writing from
491 the board of supervisors so to do, shall be deemed guilty of a
492 misdemeanor.

493 Section ~~16.18~~. The provisions of the general drainage and
494 water control act (Chapter 298, Florida Statutes) as now or

495 hereafter amended, when not in conflict with the provisions of
496 this act, shall be applicable to East Mulloch Drainage District.
497 ~~The provisions set forth in chapter 298.30 through 298.33,~~
498 ~~inclusive shall not apply to East Mulloch drainage district.~~

499 ~~Section 19. All taxes provided for in this act shall~~
500 ~~become delinquent and bear penalties on the amount of said taxes~~
501 ~~in the same manner as county taxes.~~

502 ~~Section 2.20.~~ It is hereby determined, declared and
503 enacted that the lands in the district in their natural
504 condition are wet and subject to overflow, and that the
505 drainage, reclamation and protection of said lands from the
506 effect of flood water and thereby the making of said lands
507 available for agricultural, settlement, urban and subdivision
508 purposes by drainage, reclamation and improvement, and the
509 creation of the district with the powers vested in it by this
510 act, are in the interest of and conducive to public welfare,
511 health and convenience. It is further declared that in said
512 district, surface waters, which shall include rainfall and the
513 overflow of rivers and streams, are a common enemy, and the
514 district and any individual or agency holding a permit to do so
515 from the district, shall have the right to dike, dam and
516 construct levees to protect the district or any part thereof, or
517 the property of said individual or agency against the same, and
518 thereby divert the course and flow of such surface waters or
519 pump the water from within such dikes and levees.

520 Section ~~18.21~~. In case any one or more of the sections or
521 provisions of this act or the application of such sections or
522 provisions to any situation, circumstances or persons shall for
523 any reason be held to be unconstitutional, such
524 unconstitutionality shall not affect any of the sections or
525 provisions of this act or the application of such sections or
526 provisions to any other situation, circumstances or persons and
527 it is intended that this law shall be construed and applied as
528 if such section or provision had not been included herein for
529 any unconstitutional application.

530 Section ~~19.22~~. In the event of a conflict between the
531 provisions of this act and the provisions of any other act, the
532 provisions of this act shall control to the extent of such
533 conflict.

534 Section ~~20.23~~. It is found and determined that notice of
535 intention to apply for this legislation was given in the time,
536 form and manner require by the constitution and the laws. Said
537 notice is found to be sufficient and is hereby validated and
538 approved.

539 Section 3. Chapter 83-455, Laws of Florida, is repealed.

540 Section 4. This act shall take effect upon becoming a law.