

House Bill No. 1681

An act relating to Hendry County; providing for codification of special laws relating to the Clewiston Drainage District, a special tax district of the State of Florida composed of the County of Hendry; providing legislative intent; codifying, amending, reenacting, and repealing chapters 10435 (1925), 17796 (1937), 30795 (1955), 65-803, 71-659, 74-486, 75-380, 77-560, 82-298, and 87-468, Laws of Florida; providing for minimum charter requirements; providing for Supervisor qualifications; providing for supplemental powers of Supervisors; providing for ratification of prior actions; providing for repeal of all prior special acts relating to the Clewiston Drainage District; providing for severability; providing an effective date.

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

Section 1. Pursuant to chapters 97-255 and 98-320, Laws of Florida, this act constitutes the codification of all special acts relating to the Clewiston Drainage District, an independent special district and political subdivision of the State of Florida. It is the intent of the Legislature in enacting this law 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 further the intent of this act to preserve all District authority, including the authority to annually assess and levy against the taxable property in the District.

Section 2. Chapter 10435, Laws of Florida, 1925; chapter 17796, Laws of Florida, 1937; chapter 30795, Laws of Florida, 1955; chapter 65-803, Laws of Florida; and chapters 71-659, 74-486, 75-380, 77-560, 82-298, and 87-468, Laws of Florida, relating to the Clewiston Drainage District of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Clewiston Drainage District is re-created and the charter for the district is re-created and reenacted to read:

Section 1. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following shall constitute the minimum charter requirements of the charter of Clewiston Drainage District:

(1) The District is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time, so far as not inconsistent with this act.

(2) The powers, functions, and duties of the District regarding non-ad valorem assessments, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 189, 197, and 298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(3) The District was created by chapter 10435, Laws of Florida, 1925, a special legislative act.

(4) The District's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 298, Florida Statutes, the District is governed by a Board of Supervisors. The membership and organization of the Board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The compensation of Board members shall be governed by this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(7) The administrative duties of the Board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting District elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(11) The District may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(12) In accordance with chapter 298, Florida Statutes, the District may continue to levy upon all of the real taxable property in the District a special tax each year as maintenance tax.

(13) The method for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, as they may be amended from time to time.

(14) The District's planning requirements shall be as set forth in chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(15) The geographic boundary limitations are as set forth in section 2.

Section 2. Purpose and lands.—For the purpose of draining, reclaiming, and irrigating the lands hereafter described and protecting the same from the effects of water and lack of water; for controlling the water in the district

and the water tables with respect to the lands therein, for agricultural and sanitary purposes and for the public health, convenience, welfare, utility, and benefit, Clewiston Drainage District is declared to exist and the creation and existence thereof in all respects ratified, validated, and confirmed, as embracing and including the following described lands in Township 43 South, Range 34 East, Hendry County:

Beginning at the Southeast Corner of Section 15, Township 43 South, Range 34 East; thence Westerly along the South line of Sections 15, 16 and 17 to the Southwest Corner of East one-Half (E /) of Section 17; thence Northerly on the West line of said East One-Half (E /) of Section 17 and Section 8 to the intersection of the West Right of Way line of the Access Road Easement to the Central and Southern Florida Flood Control District's C-21 Canal Right of Way; thence continuing North and Easterly contiguous with said Right of Way line to the intersection of the Southerly Right of Way line of the Central and Southern Florida Flood Control District's Canal 21; thence continuing Southeasterly, contiguous with said canal Southerly Right of Way line, to the East line of Section 10, Township 43 South, Range 34 East; thence Southerly on the East line of Section 10 and 15 to the point of Beginning.

Section 3. Board of Supervisors.—

(1) The governing Board of said District shall be designated the “Board of Supervisors of Clewiston Drainage District” which shall be composed of three persons, who shall be resident freeholders of the State of Florida.

(2) The owners and proxy holders of the District acreage who are present at a duly noticed landowners’ meeting shall constitute a quorum for the purpose of holding such election or any election thereafter.

Section 4. Units established.—

(1) To better enable Clewiston Drainage District to accomplish the purposes and objectives for which it was created and existed, there are created three (3) Units within the District to be known and designated as “Unit No. 1,” “Unit No. 2,” and “Unit No. 3,” respectively.

(2) The facilities of the water control plan of the Clewiston Drainage District will be so constructed that they will provide the following degree of service to the three (3) Units within the District.

(a) Unit No. 1.—Unit No. 1 will be provided first (1st) priority service from the District’s pumping stations at all times. This Unit will be provided a run-off rate from the lands within its boundaries equal to four (4) inches of rainfall in twenty-four (24) hours.

(b) Unit No. 2.—Unit No. 2 will be provided service from the District’s pumping stations second (2nd) only to the requirements of Unit No. 1. This Unit will be provided a run-off rate from the lands within its boundaries up to two and one half (2 /) inches of rainfall in twenty-four (24) hours consistent with the requirements of Unit No. 1.

(c) Unit No. 3.—Unit No. 3 will be provided service from the District's pumping stations subject to the requirements of Unit No. 1 and of Unit No. 2. This Unit, consistent with the requirements of the priority Units, will be provided a run-off rate up to two and one half (2 1/2) inches of rainfall in twenty-four (24) hours.

(3) The boundaries of Unit No. 1 are:

Beginning at the Southeast corner of Section 15, thence Westerly along the Southerly boundary of Section 15 and Section 16 to the Southerly extension of the Western right of way of Olympia Street, thence Northerly along the said extension and said Westerly right of way to a point 90 feet South of the centerline of the Atlantic Coastline Railroad, thence Westerly 90 feet South of and parallel to said railroad to an intersection of the Westerly right of way of San Luiz Avenue, thence Northerly along the Westerly right of way to the South right of way of North Alverdez Avenue, thence Westerly along the South right of way to the Westerly right of way line of Flagler Street, thence Northerly along the Westerly right of way line and its extension to the North line of Section 17, thence East along said North lines of Section 17 and 16 to the intersection with Southerly extension of the Westerly boundary of the "Walmart Tract" as recorded in the Official Records 545, pages 402-405 of the Hendry County records, thence Northerly along said extension and Westerly boundary and its Northerly extension to the Southerly boundary of Ridgeview Subdivision Addition No. 2 thence Westerly along the Southerly boundary to the southwest corner of said subdivision, thence Northerly along the West boundary of said subdivision to the Northwest corner of said subdivision thence Easterly along the North boundaries of Ridgeview Subdivision Additions No. 2 and 1 to the Westerly boundary of Banyan Street, thence Northerly along said Westerly boundary and along the Westerly boundary of Ridgewood Subdivision Addition No 1 to the Northwest corner of said Ridgewood Subdivision, thence Easterly and Southerly along the North boundary of said subdivision to an intersection with the Westerly extension of the Southerly right of way of Okeechobee Boulevard, thence Easterly along said right of way to the West right of way of Francisco Street thence Southerly along said right of way to the Northerly right of way line of Del Monte Avenue thence Easterly along said Northerly right of way to an intersection with the Easterly right of way of San Diego Street, thence due East to the East boundary of Section 10, thence Southerly along the East boundary of Sections 10 and 15 to the Point of Beginning.

(4) The boundaries of Unit No. 2 are:

Beginning at the Southwest corner of the East one-half (E 1/2) of Section 8, thence Northerly on the West line of said East one-half (E 1/2) to the intersection of the West right of way line of the Access Road Easement to the Central and Southern Florida Flood Control District's C-21 right of way, thence continuing contiguous with said right of way line to the intersection of the Southerly right of way line of the Central and Southern Florida Flood Control District's Canal C-21, thence continuing Southeasterly contiguous with said canal right of way line through the Northeast portion of Section 8 and a portion of Section 9 to the intersec-

tion of the Northeasterly extension of the Westerly boundary of Ridgewood Subdivision Addition No. 1, thence Southwesterly along said extension and said Westerly boundary and along the Westerly right of way to Banyan Street, crossing Clewiston Drainage District's Canal No. 2 to the Northerly boundary of Ridgeview Subdivision Addition No. 1, thence Westerly along said subdivision Northerly boundary and continuing along the Northerly boundary of Ridgeview Subdivision Addition No. 2 to the Northwest corner of said Addition No. 2, thence Southerly along the Western boundary of said Addition No. 2 to the Southwest corner of said Addition No. 2, thence Easterly along the South boundary of said Addition No. 2 to the intersection of the Northerly extension of the Westerly boundary of the "Walmart Tract" as recorded in the Official Records 545 pages 402-405 of the Hendry County Records, thence Southerly along said extension and said Westerly boundary to the South boundary of Section 9, thence West along the South boundaries of Section 9 and Section 8 to the intersection of the Northerly extension of the Westerly right of way of Flagler Street, thence Southerly along said extension and Westerly right of way to the intersection of the Southerly right of way of North Alverdez Avenue, thence Easterly along said Southerly right of way to the intersection of the Westerly right of way of San Luiz Avenue, thence Southerly along the said Westerly right of way to a Point lying 90 feet South of the centerline of the Atlantic Coastline Railroad, thence Westerly along a line 90 feet South of and parallel to said centerline to the intersection with the West boundary of the East one-half (E /) of Section 17, thence North along said West boundary to the Point of Beginning.

(5) The boundaries of Unit No. 3 are:

a. Beginning at the Northwest corner of Ridgewood Subdivision Addition No. 1, also being the Northwest corner of Lot 11, Block D, of said subdivision, thence Easterly and Southerly along the boundary of said subdivision to the intersection of the extension of the Southerly right of way of Okeechobee Boulevard thence Easterly along said extension and Southerly right of way line to the Westerly right of way line of Francisco Street, thence southerly along said Westerly right of way to the northerly right of way line of Del Monte Avenue thence Easterly along said Northerly right of way to the intersection with the Easterly right of way of San Diego Street thence due East to the East boundary of Section 10 thence North along said East Section line to Southerly right of way of the Central and Southern Florida Flood Control District's Canal 21 thence Westerly along said Southerly right of way line to the intersection of the Northeasterly extension of the West boundary of Ridgewood Subdivision-Addition No. 2, thence Southwesterly along said extension to the Point of Beginning.

b. Beginning at the Southwest corner of the East one-half (E /) of Section 17, thence Easterly along the South boundaries of Sections 17 and 16 to the Southerly extension of the Westerly right of way of Olympia Street, thence Northerly along said Westerly right of way to a Point 90 feet South of the centerline of the Atlantic Coastline Railroad thence Westerly along a line parallel to and 90 feet Southerly of the centerline

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of said railroad to the intersection of the West boundary of the East one-half (E /) of Section 17, thence Southerly along said West boundary to the Point of Beginning.

(6) All aforesaid canal numbers, streets, lots, and blocks are according to the general plan of Clewiston as revised September 7, 1937, recorded in plat book 2, pages 71 to 78, inclusive, of the public records of Hendry County.

(7) Changes in unit boundaries.—

(a) The Board of Supervisors of Clewiston Drainage District on or before January 1 of each year shall make a study of the land within the District and the water control afforded to them to make a determination whether there should be any changes made in the boundaries of any of the Units of the District so as to bring additional lands into a Unit and thereby provide better drainage for such lands or to eliminate lands from a Unit in which the lands are then placed, and if the Board, after such study, finds that there should be any change made in the boundaries of a Unit of the District, the Board shall by resolution, accompanied by findings of fact, cause to be prepared a revised description of the boundaries of the Unit or Units changed to better serve the lands within the District and accomplish the purposes for which the District was created and exists.

(b) The Board shall call a public hearing to hear and consider any and all objections which any property owner affected by the change may have to the resolution and give notice of the time and place of the hearing by publication of a notice thereof once each week for two consecutive weeks in a newspaper of general circulation in Hendry County, Florida, the last publication to be not less than ten (10) nor more than fifteen (15) days before the date of the hearing. After the hearing, and when the Board shall have made any alterations, changes, or amendments in the boundaries of the Units, which it shall have deemed necessary at the hearing, it shall adopt and spread upon its minutes a resolution delineating the revised boundaries of the Units to better serve the lands within the District and to accomplish the purposes for which the District and the Units therein were created.

(c) Any property owner who may consider himself or herself to be aggrieved by the action of the Board in revising the Units shall be entitled to have the action of the Supervisors reviewed by certiorari as provided by law.

Section 5. Annual levy of maintenance taxes.—

(1) For the purpose of providing funds for administering the affairs of the District generally and maintaining, operating, preserving, and rendering efficient the ditches, canals, drains, levees, pumping plants, and other improvements heretofore constructed or hereby authorized to be constructed and to repair and restore the same when needed and for the purpose of defraying current expenses of the District and maintaining and operating the water control works of the District, the Board of Supervisors is authorized to levy a maintenance tax and impose annually, prior to October 1 of each year, upon the lands subject to tax within the boundaries of the District, an amount determined by the Board to be necessary to properly administer, operate, and maintain the District and its facilities and to provide

funds for improvements or additions to the facilities of the District as deemed proper by the Board.

(2) The taxes shall be apportioned among the lands in each of the three Units in the same ratio as the assessment benefits per acre described by the Water Control Plan adopted by the District. Said taxes necessary to meet the annual budget needs of the District shall be apportioned as follows:

(a) The Board of Supervisors shall determine the annual per acre tax rate to be levied upon the lands in Unit No. 1.

(b) The annual per acre tax rate levied upon the lands in Unit No. 2 shall be 38.46% of the annual per acre tax rate levied on the lands in Unit No. 1.

(c) The annual per acre tax rate levied upon the lands in Unit No. 3 shall be 23.08% of the annual per acre tax rate levied upon the lands in Unit No. 1.

(3) It is hereby ascertained, determined, and declared that all the lands in Unit No. 1 are and shall be equally benefited, and all lands in Unit No. 2 are and shall be equally benefited, and all lands in Unit No. 3 are and shall be equally benefited from the construction and operation of the works and public improvements constructed and to be constructed by Clewiston Drainage District pursuant to the provisions of the act, and that the works and public improvements will confer benefits upon the lands within the District as to each acre or fraction of an acre in an amount at least equal to its proportionate share of the taxes authorized to be levied by the Board of Supervisors pursuant to the provisions of this act, and that the ratio of benefits conferred upon lands in each of the three (3) Units is in proportion to the taxes and assessments authorized by this act to be levied upon such lands.

Section 6. Additional powers of Board of Supervisors.—In addition to the powers set forth herein and as otherwise provided by law, the Board of Supervisors shall also have the authority to assess impact fees for connections to or use of District works, as determined by the Board, to offset direct fiscal impact to the District resulting from increased construction, operation, or maintenance cost to the District.

Section 7. Supplemental powers of Board of Supervisors.—

(1) In addition to the powers set forth herein and as otherwise provided by law, the Board of Supervisors is also authorized and empowered to enter into arrangements with other drainage or water management districts for the pooling of insurance coverage, purchase, rental, and use of equipment, buildings, and facilities and for services of employees of the District.

(2) The Board of Supervisors shall have the power to employ a person to be designated General Manager of the District and to vest in him or her such authority and to delegate to him or her the performance of such duties and to provide such compensation as may be determined by the Board of Supervisors. The Board may require the General Manager to furnish bond with good and sufficient surety in such amount as the Board may by resolution determine.

Section 8. Preparation of tax lists.—

(1) A separate list of lands owned by railroad companies, telephone, telegraph, and other public utility companies, shall be certified to the State Comptroller by the secretary, one (1) copy of which shall remain on file in the office of the District, and the assessments and taxes herein levied against such lands shall be assessed and collected in the same manner as taxes are levied and collected on such lands for the county, and such moneys, when collected, shall be remitted to the secretary and treasurer of the District.

(2) Taxes authorized under the act shall not be levied against rights-of-way dedicated for public thoroughfares, nor against public parks, nor against properties owned by the Federal Government, the state, Hendry County, or the City of Clewiston and used for public purposes, nor against parcels upon which are located houses of worship or parsonages; except, however, the lands owned by Hendry County Hospital Authority and the lands occupied by the golf course and the airport shall not be exempt from taxation under this provision.

Section 9. That all other acts and proceedings of the Circuit Court of said Hendry County taken by, for, and on behalf of said District since the creation thereof; and all of the acts and proceedings of the Board of Supervisors, the Commissioners, and all other officers and agents of said District, and of said Hendry County, acting for and on behalf of said District and any and all tax levies and assessments which have been made by the said Board of Supervisors for and behalf of said District, are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. Chapter 10435, Laws of Florida, 1925; chapter 17796, Laws of Florida, 1937; chapter 30795, Laws of Florida, 1955; and chapters 65-803, 71-659, 74-486, 75-380, 77-560, 82-298, and 87-468, Laws of Florida, are repealed.

Section 5. In any case one or more of the sections or provisions of this Act or the application of such sections or provisions to any situation, circumstances, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstances, or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.