

House Bill No. 803

An act relating to Charlotte County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the East Charlotte Drainage District, an independent special tax district in Charlotte County; providing legislative intent; codifying and reenacting special acts relating to District's charter; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; repealing chapter 65-664, Laws of Florida, chapter 80-472, Laws of Florida, chapter 85-395, Laws of Florida, and s. 1(1)(b) of chapter 91-361, Laws of Florida, relating to the East Charlotte Drainage District; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the East Charlotte Drainage District. 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.

Section 2. Chapter 65-664, Laws of Florida, chapter 80-472, Laws of Florida, chapter 85-395, Laws of Florida, and paragraph (b) of subsection (1) of section 1 of chapter 91-361, Laws of Florida, relating to the East Charlotte Drainage District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. District formation ratified, restated, and approved.—The decree of the circuit court in and for the Twelfth Judicial Circuit, Charlotte County, Florida, entered in Chancery No. 4694 with respect to TROPICAL RIVER GROVES WATER CONTROL DISTRICT, a public corporation of this state, subsequent decrees of the Circuit Court in and for the Twelfth Judicial Circuit, Charlotte County, Florida, entered in Chancery No. 4694 changing the name of said district to EAST CHARLOTTE DRAINAGE DISTRICT, and all subsequent proceedings taken in said circuit court concerning said district including the provisions setting the boundaries of said drainage district are ratified, confirmed, and approved.

Section 4. The East Charlotte Drainage District, an independent special district, is organized and exists for all purposes set forth in this act and Chapter 298, Florida Statutes, as may be amended from time to time.

Section 5. Provisions of chapter 298, Florida Statutes, made applicable.—The East Charlotte Drainage District, a public corporation of this state, created under chapter 298, Florida Statutes, shall be governed by provisions of the water control laws of Florida applicable to such water control districts which are embodied in chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far

as not inconsistent with this act or any subsequent special acts relating to the East Charlotte Drainage District. However, the provisions of s. 298.11, Florida Statutes, requiring that members of the board of supervisors be residents of Charlotte County, shall not be applicable to said district. The members of the board of supervisors shall reside within the State of Florida.

Section 6. Boundaries of the district.—The territorial boundaries of the district shall be as stated in the various orders and decrees of the circuit court of the Twelfth Judicial Circuit in and for Charlotte County, entered in Chancery No. 4694 and shall include all of the following described property all located in Township 40 South, Range 26 East, in Charlotte County, Florida:

In Section 14: The West one-half of Section 14 and the West one-half of the Northeast one-quarter.

Section 15: The Southeast one-quarter of the Northeast one-quarter.

Section 21: The South one-half.

All of Sections 16 and 22.

Section 23: The Northwest one-quarter of the Southwest one-quarter.

All of sections 27 and 34, together with all easements and rights-of-way heretofore acquired by East Charlotte Drainage District.

All are ratified, confirmed and approved.

The boundaries are legally described as follows:

Commencing at the Southeast corner of Section 34 run north on the east lines of Section 34, Section 27 and Section 22, to a point on the east line of Section 22, comprising the Southwest corner of the Northwest one-quarter of the Southwest one-quarter of Section 23, thence run east along the south line of the Northwest one-quarter of the Southwest one-quarter of Section 23 to the southeast corner of the Northwest one-quarter of the Southwest one-quarter of said section, thence run north on the east line of the Northwest one-quarter of the Southwest one-quarter of Section 23 to the northeast corner of the Northwest one-quarter of the Southwest one-quarter of Section 23, thence run west on the north line of the Northwest one-quarter of the Southwest one-quarter of Section 23 to the east line of Section 22, thence run north to the Northeast corner of Section 22 and the Southwest corner of Section 14, thence run east on the south line of Section 14 to the Southeast corner of the Southwest one-quarter of Section 14, thence run north on the east line of the Southwest one-quarter of Section 14 to the northeast corner of the Southwest one-quarter of Section 14, thence run east on the south line of the west one-half of the Northeast one-quarter of Section 14 to the Southeast corner of the West one-half of the Northeast one-quarter of Section 14, thence run north on the east line of the West one-half of the Northeast one-quarter of Section 14 to the northeast corner of the West one-half of the Northeast one-quarter of Section 14, thence run west on the north line of Section 14 to the Northwest corner of Section 14, thence

run south on the west line of Section 14 to the Northeast corner of the Southeast one-quarter of the Northeast one-quarter of Section 15, thence run west on the north line of the Southeast one-quarter of the Northeast one-quarter of Section 15 to the northwest corner of the Southeast one-quarter of the Northeast one-quarter of Section 15, thence run south along the west line of the Southeast one-quarter of the Northeast one-quarter of Section 15 to the southwest corner of the southeast one-quarter of the northeast one-quarter of Section 15, thence run easterly on the south line of the northeast one-quarter of Section 15 to the west line of Section 14, thence run south along the west line of Section 14 to the northeast corner of Section 22, thence run west along the north line of Section 22 to the Southeast corner of Section 16, thence run north on the east line of Section 16 to the Northeast corner of Section 16, thence run west on the north line of Section 16 to the Northwest corner of section 16, thence run south on the west line of Section 16 to the Southwest corner of Section 16, thence run east on the south line of Section 16 to the Southeast corner of Section 16, thence run south on the west line of Section 22 and the east line of Section 21 to the Northeast corner of the South one-half of Section 21, thence run west on the north line of the South one-half of Section 21 to the Northwest corner of the South one-half of Section 21, thence run south on the west line of Section 21 to the Southwest corner of Section 21, thence run east on the south line of Section 21 to the Southeast corner of Section 21 and the Southwest corner of Section 22, thence run south on the west line of Section 27 and Section 34 to the Southwest corner of Section 34, thence run east on the south line of Section 34 to the point of beginning.

Section 7. Revenue Raising Powers and Duties.—The powers, functions, and duties of the district regarding ad valorem taxation, 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 170, 189, 197, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

Section 8. Charter Amendments.—The district's charter may be amended only by special act of the Legislature.

Section 9. Governing Body.—In accordance with chapter 189, Florida Statutes, this act, and section 298.11, Florida Statutes, the district is governed by a three-member board, elected on a one-acre, one-vote basis by the landowners in the district. 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.

Section 10. Board Member Compensation.—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.

Section 11. Duties of Governing Board.—The administrative duties of the board of supervisors shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

Section 12. Financial Disclosure, Noticing, and Reporting Requirements.—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.

Section 13. Issuance of Bonds.—The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

Section 14. Elections.—The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

Section 15. District Financing.—The district may be financed by any method established in this act, chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

Section 16. Non-Ad valorem Assessments, Fees, and Charges.—The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 170, 197, and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

Section 17. Planning Requirements.—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.

Section 18. Severability.—In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances, or persons shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any of the sections or provisions of this act or the application of such sections or provisions to any other situation, circumstances, or persons 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 19. Effect of conflict.—In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 20. Chapter 65-664, Laws of Florida, chapter 80-472, Laws of Florida, chapter 85-395, Laws of Florida, and paragraph (b) of subsection (1) of section 1 of chapter 91-361, Laws of Florida, shall be repealed 10 days after the effective date of this act.

Section 21. This act shall take effect upon becoming a law.

Approved by the Governor May 11, 1999.

Filed in Office Secretary of State May 11, 1999.