

VII

NELL L. COWAN BOSTWICK LEGISLATIVE BUREAU
328 SOUTH ADAMS STREET P.O. BOX 303
TALLAHASSEE, FLORIDA

SMOAK OF CHARLOTTE

HOUSE BILL NO. 2711

PASSED

READ 1ST. TIME 6-1-65

A bill to be entitled

An act relating to East Charlotte Drainage District created under Chapter 298 Florida Statutes; Ratifying, restating, extending and approving the district boundaries; Making applicable to such district the provisions of Chapter 298 Florida Statutes; Finding a public benefit; Finding that all lands in said district are benefited; providing for the levy, collection and enforcement of all taxes levied by said district at the same time and in like manner as County taxes; providing for the same discount and penalties as County taxes; declaring that waters in said district are a common enemy; Providing for severability of the provisions of the act; Providing that the act shall take precedence over any conflicting law to the extent of such conflict; Approving the manner of giving notice of intention to apply for this legislation; Enacting other provisions relating to this subject; And providing that this act shall take effect upon its approval by the Governor or upon its becoming a law without such approval.

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

Section 1. 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 2. 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 13. When Act to Take Effect. This Act shall take effect immediately upon its approval by the Governor or upon its becoming a law without such approval.

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 3. Provisions of Chapter 298, Florida Statutes Made Applicable. East Charlotte Drainage District, a public corporation of this State, created under Chapter 298, Florida Statutes shall be governed by provisions of the general drainage laws of Florida applicable to such drainage districts or sub-drainage 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 East Charlotte Drainage District.

Section 4. Installment taxes and the Collection thereof. The provisions of Section 298.37, Section 298.38, Section 298.39, Section 298.40, Section 298.41 and Section 298.42 Florida Statutes and Amendments thereto, shall not be applicable to said District. In lieu thereof the following provisions shall apply to said District.

Annual installment taxes which are levied under Section 298.36 Florida Statutes, shall become due and be collected during each year at the same time that county taxes are due and collected, and said annual installment and levy shall be evidenced to and certified to by the Board of Supervisors not later than August 31st of each year, to the Tax Assessor of Charlotte County. Said tax shall be extended by the said Tax Assessor of Charlotte County and shall be collected by the Tax Collector of Charlotte County in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

Section 5. Maintenance Tax. For the purpose of paying the cost of administering the affairs of the District generally, and for the purpose of maintaining, operating, preserving and rendering efficient ditches, canals, drains, dikes, levees and other improvements, and for the purpose of defraying expenses of the District, the Board is hereby empowered to levy a tax upon the lands within the drainage district, not to exceed the sum of \$12.50 per acre per year.

Maintenance taxes as provided herein and under Section 298.54 Florida Statutes, shall be apportioned as determined by the Board of Supervisors and shall be evidenced to and certified by the Board of Supervisors not later than August 31st of each year, to the Tax Assessor of Charlotte County and upon the county tax roll and shall be collected by the Tax Collector of Charlotte County in the same manner and time as county taxes and the proceeds therefrom paid to such District. Such tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

Section 6. The County Tax Assessor shall receive his compensation for the duties required of him by the provisions of this Act at a commission of three percent (3%) upon the amount of taxes of the District by him assessed, except errors, and one percent (1%) on delinquent taxes when redeemed, and the County Tax Collector shall receive his compensation for the duties required of him by the provisions of this Act a commission of three percent (3%) upon the amount of taxes of the District by him collected and one percent (1%) on delinquent taxes when collected.

Section 7. Enforcement of Taxes. The provisions of Section 298.43, Section 298.44, Section 298.45 and Section 298.46 Florida Statutes and Amendments thereto, shall not be

applicable to said District. In lieu thereof, the following shall apply to said District.

The collection and enforcement of all taxes levied by said District shall be at the same time and in like manner as County taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith, shall be applicable to said District and the delinquent and unpaid taxes of said District to the same extent as if said Statutory provisions were expressly set forth in this Act. All taxes shall be subject to the same discounts as County taxes.

Section 8. When Unpaid Taxes Delinquent; Penalty.

All taxes provided for in this Act shall become delinquent and bear penalties on the amount of said taxes in the same manner as County Taxes.

Section 9. Water a Common Enemy. It is hereby

determined, declared and enacted that the lands in the District in their natural condition are wet and subject to overflow, and that the drainage, reclamation and protection of said lands from the effect of water and thereby the making of said lands available for agricultural, settlement, urban and subdivision purposes by drainage, reclamation and improvement, and the creation of said District with the powers vested in it by this Act, are in the interest of and conducive to public welfare, health and convenience. It is further declared that in said District, surface waters, which shall

include rainfall from the overflow of rivers and streams are a common enemy, and said District and any individual or agency holding a permit to do so from said District, shall have the right to dike, dam and construct levees to protect the said District or any part thereof, or the property of said individual or agency against the same, and thereby divert the course and flow of such surface waters and/or pump the water from within such dikes and levees.

Section 10. 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 11. 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 12. Notice of Intention. It is found and determined that Notice of Intention to apply for this Legislation was given in the time, form and manner required by the Constitution and the Laws. Said Notice is found to be sufficient and is hereby validated and approved.