

House Bill No. 999

An act relating to the Troup-Indiantown Water Control District, Martin County; creating a charter; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapter 63-819, Laws of Florida; providing an effective date.

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

Section 1. The charter for the Troup-Indiantown Water Control District is created to read:

Section 1. Status and boundaries of Troup-Indiantown Water Control District.—The Troup-Indiantown Water Control District is hereby declared to be an independent water control district and a public corporation of the State of Florida pursuant to chapter 298, Florida Statutes, as it may be amended from time to time, and the lands lying within the area described as follows in Martin County, Florida, shall hereby constitute the Troup-Indiantown Water Control District:

Beginning at the southeast corner of Section 33, Township 39 South, Range 39 East, run thence East with the South line of Section 34 a distance of 60 feet to a point; run thence North on a line 60 feet East of and parallel to the East lines of Sections 33, 28, 21 and 16 to a point in the North line of Section 15 which is 60 feet East of the Northwest corner of said Section 15; run thence in a straight line to the Northeast corner of Section 9; run thence Northward with the East line of Section 4 to the Northeast corner thereof; thence run Westward with the North lines of Section 4, 5, and 6 to a point in the North line of Section 6, which is 50 feet East of the Northwest corner of said Section 6; run thence Southward with a line which is 50 feet East of and parallel to the West lines of Sections 6 and 7 and the North one-half of Section 18 to a point; run thence Southeastward in a straight line to the Northeast corner of Section 30; run thence Southeastward to the Southwest corner of the East one-half of the Southwest one-quarter of Section 29; run thence Eastward with the South line of Section 29 a distance of 1329.12 feet to the Northwest corner of the East one-half of Section 32; run thence South with the West line of the East one-half of Section 32 a distance of 1675.73 feet to a concrete monument which is on the Southwest bank of a drainage canal; run thence South 23E 49' 29" East a distance of 614.2 feet to a point on the Southwest bank of said drainage canal; run thence South 20E 16' 59" East a distance of 873.6 feet to a point on the Southwest bank of said drainage canal; run thence South 37E 49' 39" East a distance of 1426.46 feet to a point on the Southwest bank of said drainage canal; run thence South 42E 05' 24" East a distance of 429.70 feet to a point on the Southwest bank of said drainage canal; run thence South 22E 51' 04" East a distance of 830.8 feet to a point on the

Southwest bank of said drainage canal; run thence South 32E 45' 39" East a distance of 65.38 feet to an intersection point with the South line of Section 32, which point is 569.23 feet West of the Southeast corner of said Section 32; run thence East with the South lines of Sections 32 and 33 to the point of Beginning.

and

Beginning at a point on the South line of the North ½ of Section 34, Township 39 South, Range 39 East, which point is 60 feet East of the Southwest corner of the North ½ of said Section 34, thence run East along the South boundary line of the North ½ of Sections 34 and 35 to the Southeast corner of the Northwest ¼ of Section 35; thence run North along the East boundary line of the West ½ of Sections 35, 26, 23, 14 and 11, to the North line of Section 11; thence run West along the North lines of Sections 10 and 11 to the Northwest corner of Section 10; thence South in a straight line to a point on the South line of Section 10, which point is 60 feet East of the Southwest corner of Section 10; thence run South parallel to 60 feet East of the West lines of Section 15, 22, 27 and 34 to the point of beginning. All of said lands lying and being in Township 34 South, Range 39 East.

and

Beginning at a point on the South line of the North ½ of Section 34, Township 39 South, Range 39 East, which point is 60 feet East of the Southwest corner of the North ½ of said Section 34, thence run East along the South boundary line of the North ½ of Sections 34 and 35, to the Southeast corner of the Northwest ¼ of Section 35; thence run North along the North-South quarter-section lines of Section 35, 26, 23, 14 and 11, to the North line of Section 11; thence run West along the North lines of Section 11 and 10 to the Northwest corner of Section 10; thence run South in a straight line to a point in the South line of Section 10, which point is 60 feet East of the Southwest corner of Section 10; thence run South parallel to and 60 feet East of the West lines of Sections 15, 22, 27 and 34, to the Point of Beginning. All of said lands lying and being in Township 39 S, Range 39E.

Section 2. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the charter of the Troup-Indiantown Water Control 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.

(2) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance and 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.

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

(4) 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 landowner in the district; however, landowners owning less than one acre shall be entitled to one vote. Landowners with more than one acre shall be entitled to one additional vote for any fraction of an acre greater than ½ acre owned, when all of the landowner's acreage has been aggregated for purposes of voting. 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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; however, a quorum for purposes of holding the annual meeting or any special meeting shall consist of those landowners present in person or represented by proxy at said meeting.

(10) 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.

(11) The methods for 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.

(12) 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.

(13) The district's geographic boundary limitations shall be as set forth in this act.

(14) The district shall have all powers provided to it by this act, chapters 189 and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

(15) The district is hereby permitted, authorized, and empowered to engage in irrigation as well as drainage. The term "irrigation" as herein used is defined to mean the maintaining and controlling of water levels within said district and furnishing, supplying, and providing irrigation water by means of pumps, pumping operations, or gravity flow from reservoirs, wells, or canals and by installing, operating, keeping, and maintaining pumps, pumping stations, dams, floodgates, sluiceways, and such other works as the board of supervisors of said district may deem necessary and proper in order to keep, maintain, and control said water levels and to furnish, supply, and provide irrigation water for all of the lands lying within said district.

The district is hereby permitted, authorized, and empowered to own, construct, maintain, and operate such roads, bridges, culverts, and passageways as the board of supervisors of said district may deem necessary and proper for access to and from all of the drainage and irrigation facilities of the district, as well as to provide access to and from the lands lying within the boundaries thereof.

All pumps, pumping stations, dams, floodgates, sluiceways, wells, reservoirs, roads, bridges, culverts, passageways, and such other works as the board of supervisors of said district may determine necessary shall become and be a part of the plan of reclamation of said district.

Section 3. Ratification of prior acts.—All acts and proceedings of the circuit court taken by, for, and on behalf of the 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 the district, and of the county, acting for and on behalf of the district, and any and all tax levies and assessments which have been made by the board of supervisors for and on behalf of the district, are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. Liberal construction.—It is intended that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for by this act, and where strict construction would permit or assist in the accomplishment of any part of the work authorized by this act, the liberal construction shall be chosen.

Section 5. Invalidity.—If any section, subsection, sentence, clause, or phrase of this act is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of the act, the Legislature hereby declaring that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of any other separate section, subsection, sentence, clause, or phrase thereof, and irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases thereof may be declared unconstitutional.

Section 2. Chapter 63-819, Laws of Florida, is repealed.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 15, 2002.

Filed in Office Secretary of State May 15, 2002.