A bill to be entitled

An act relating to the East Mulloch Drainage District; amending chapter 63-930, Laws of Florida, as amended by chapters 65-912, 84-464, and 86-425, Laws of Florida; increasing the number of members on the district board of supervisors; amending the qualifications for members of the district board of supervisors; providing the present term of each supervisor shall terminate in 2018; providing the supervisors shall serve staggered 4-year terms beginning in 2018; providing supervisors will be elected by qualified electors in the district; making conforming changes; providing supervisors will be reimbursed for expenses as provided in chapter 112, Florida Statutes; providing the district is authorized to levy assessments and taxes as provided by chapter 298, F.S.; removing a cap on maintenance taxes; repealing chapter 63-930, sections 10, 19, and 23, Laws of Florida, as amended or created by ch. 65-912, Florida Statutes; renumbering sections of chapter 63-930, Laws of Florida; repealing chapter 83-455, Laws of Florida; providing an effective date.

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

 Section 1. Section 3 of chapter 63-930, Laws of Florida, as amended by chapters 65-912, 84-464, and 86-425, Laws of Florida, is amended to read:

Section 3. (1) The governing board of said district shall be designated the “Board of Supervisors of East Mulloch DrainageDistrict” which until November 6, 2018, shall be composed of three (3) persons but as of November 6, 2018, shall be composed of five (5) persons, each of whom shall own real property located in the district and who shall be ~~need not be district tax paying freeholders nor~~ residents of the state ~~for the first appointment, but must thereafter~~.

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

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

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

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

(d) At the general election in 2018, Seat 4 and Seat 5 shall be added to the board and the supervisors so elected shall each serve a 4-year term. At the general election in 2020, the supervisors elected to Seat 1, Seat 2, and Seat 3 shall each commence a 4-year term. All supervisors elected after 2020 shall serve 4-year terms. ~~That Jules Freeman, Charles I. McClelland and Warren Pope are hereby appointed supervisors of said district and shall hold office until the first meeting of the landowners of the district, as hereinafter provided, and until their successors are elected and shall have qualified.~~

 (3) ~~A meeting of the landowners of said district shall be held during the month of February, 1964, and during the same month each year thereafter for the purpose of electing supervisors of said district and transacting such other business as may properly come before the meeting. Notice of a landowners’ meeting shall be given by causing publication thereof to be made for two (2) successive weeks in some newspaper published in Lee County, the first publication to be made at least fifteen (15) days prior to the date of such meeting. The meeting shall by held at some public place in the county of Lee, and the time an place for the holding of such meeting shall be stated in the said notice. The landowners, when assembled, shall organize by the election of a chairman and secretary of said meeting, who shall conduct the election. At such election each and every acre of land in the district, except as hereinafter provided, shall represent one (1) share, and each owner shall be entitled to one (1) vote, in person or by proxy, in writing duly executed, for each acre of land or residential lot owned by him in said district. At the meeting of the owners of land in said district, to be held in the month of February, 1964, three (3) supervisors shall be elected for terms of one (1), two (2) and three (3) years, respectively, and until their successors are elected or appointed and have qualified, said three (3) members to be voted for separately and for the respective terms, aforesaid. At the meeting of the landowners of the district, to be held in the month of February, 1965, and at the meetings to be held in the month of February in each year thereafter, one (1) supervisor shall be elected for a period of three (3) years and until his successor shall be elected or appointed and shall have qualified, such supervisor shall fill the office of the member whose term shall expire on said date.~~

 ~~(4) More than fifty (50) per cent of the land owners in said district entitled to vote as herein set forth shall be necessary to constitute a quorum for the purpose of holding an election and in case a majority of the owners are not present in person or duly represented by proxy at the time and place stated in the notice calling such a meeting of landowners, the landowners present may adjourn the meeting for not to exceed one (1) month until a quorum is present. If, because of lack of a quorum, no election is held in any year, notice of such failure to elect may be given in writing by any person interested to the board of drainage commissioners of the state, which shall, as soon as practicable, appoint a person as a member of the board of supervisors of said district to fill the office of the member whose terms shall have expired. Any such supervisor so appointed by the said state board of drainage commissioners may be removed by the said board of drainage commissioners for dishonesty, incompetency or failure to perform the duties imposed upon him by this act.~~

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

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

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

 (4) ~~(8)~~ Each supervisor shall be entitled to receive a per diem of five dollars ($5.00) for attending meetings of the said board of supervisors, proved, however, the compensation of any supervisor shall not exceed the sum of twenty-five dollars ($25.00) during any one (1) month. Members of the board of supervisors shall~~, in addition,~~ be reimbursed for their expenses pursuant to s. 112.061, Florida Statutes, ~~from time to time~~ for traveling and other necessary expenses incurred incident to the performance of their duties as such supervisors.

 Section 2. Section 6 of chapter 63-930, Laws of Florida, as amended by chapters 65-912, 84-464, and 86-425, Laws of Florida, is amended to read:

Section 6. (1) ~~The board of supervisors shall divide the drainage district into four (4) nearly equal sections, designating which lands shall be in each section. Each section shall be clearly designated as section A, section B, section C, section D. Work performed in section A shall not be charged or assessed against lands located in sections B, C, or D. Work performed in section B shall not be charged or assessed against lands located in sections A, C, or D. Work performed in section C shall not be charged or assessed against lands located in sections A, B, or D. Work performed in section D shall not be charged or assessed against lands located in sections A, B, or C. Where work is performed which directly or indirectly benefits lands in more than one (1) section, the cost of such work shall be apportioned to each such section affected or benefited by such work to the extent of such benefit.~~

 ~~(2)~~ That 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 the ditches, canals, drains, levees and other improvements in the district ~~therein~~, and to repair and to restore the same when needed, and for the purpose of defraying current expenses of the district, the board is ~~hereby~~ authorized, empowered, and directed to levy and impose upon all the lands lying and being situated within the boundaries of said district, non-ad valorem assessments and maintenance taxes pursuant to chapter 298, Florida Statutes, as subsequently amended. ~~a tax not to exceed the sum of $30.10 per acre, per annum, for the year 1986, and for each year thereafter; and such tax shall be known and designated as the “Maintenance Tax.”~~

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

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

 Section 3. Section 10, chapter 63-930, Laws of Florida, as amended by section 5, chapter 65-912, Laws of Florida, is repealed.

 Section 4. Subsection (1) of section 14 of chapter 63-930, Laws of Florida, is amended to read:

1. ~~As soon as convenient after this act becomes law the~~

The board ~~of supervisors of the district~~ shall assemble annually to ~~and~~ organize by choosing one of their number president of the board and selecting a ~~some suitable person~~ secretary of the district who may or may not be a member of the board ~~of supervisors~~. The board may, in its discretion, require the secretary to execute a bond for the faithful performance of the secretary’s ~~his~~ duties. The board shall adopt a seal with a suitable device and shall keep a record of its proceedings in a substantially bound book kept for that purpose.

 Section 5. Section 18 of chapter 63-950, Laws of Florida, is amended to read:

 Section 18. The provisions of the general drainage and water control act (Chapter 298, Florida Statutes) as now or hereafter amended, when not in conflict with the provisions of this act, shall be applicable to East Mulloch D~~d~~rainage D~~d~~istrict. ~~The provisions set forth in chapter 298.30 through 298.33, inclusive shall not apply to East Mulloch drainage district.~~

 Section 6. Section 19 of chapter 63-950, Laws of Florida, as amended by section 6 of chapter 65-912, Laws of Florida, and section 23 of chapter 63-950, as created by section 10, chapter 65-912, Laws of Florida, are repealed.

 Section 7. Sections 5, 6, and 10 of chapter 65-912, Laws of Florida, are repealed.

 Section 8. Sections 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, and 22, of chapter 63-930, as amended by chapters 65-912, 84-464, and 86-425, Laws of Florida, are renumbered as sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of chapter 63-930, as amended.

 Section 9. Chapter 83-455, Laws of Florida, is repealed.

 Section 10. This act shall take effect upon becoming a law.