

REGULAR SESSION 1963

# GENERAL ACTS AND RESOLUTIONS

ADOPTED BY THE

## LEGISLATURE OF FLORIDA

At its Thirty-Ninth Regular Session

April 2nd to June 19th, 1963

UNDER THE CONSTITUTION OF A. D. 1885



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CHAPTER 63-980 LAWS OF FLORIDA

CHAPTER 63-929

SENATE BILL NO. 883

AN ACT repealing the following Session Laws of Florida enacted through a population classification, which are now inapplicable, ineffective, obsolete, expired, superseded or undesirable for any county; Chapter 57-924 and Chapter 61-1337 relating to the compensation of certain county officials; Chapter 57-1055 and Chapter 61-1097 relating to the compensation of the supervisor of registration ; providing an effective date.

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

Section 1. Chapter 57-924 and chapter 61-1337 relating to the compensation of certain county officials; chapter 57-1055 and chapter 61-1097 relating to the compensation of the supervisor of registration, Laws of Florida, are repealed.

Section 2. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1963.

CHAPTER 63-930

SENATE BILL NO. 965

AN ACT creating the East Mulloch Drainage District in Lee County; providing for taxation, financing, powers and duties of the district and its board; providing penalty: providing effective date.

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

Section 1. For the purpose of draining and conserving the lands hereinafter described, and protecting the same from the effects of water, for controlling and conserving 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, and for the purpose of making the lands

within the district available and habitable for settlement and agriculture, a drainage district is hereby established to be known as "East Mulloch Drainage District", the territorial boundaries of which shall be as follows:

Commencing at the Northwest corner of the Northeast 1/4 of Section 9, Township 46 South, Range 25 East, in Lee County, Florida, run south to the center of Section 9; thence run west on the centerline of Section 9, parallel to the North Line of said Section 9 to a point, the same being the Southeast corner of the West 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 9; thence run North along a line comprising the center of the Southwest 1/4 of the Northwest 1/4 of Section 9 to a line running East and West, comprising the center line of the Northwest 1/4 of Section 9; thence run East, to a point being the Southeast corner of the West 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 9; thence run North to an East-West line comprising the centerline of the Northeast 1/4 of the Northwest 1/4 of Section 9; thence run East along said centerline to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 9; thence run North along the east line of the Northwest 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 9 to the North line of said section; thence run West along said North line to the Northwest corner of said Section 9; thence run South along the West line of said Section 9 to the Northeast corner of the South 1/4 of the Southeast 1/4 of Section 8; thence run West along the North line of said South 1/4 of the Southeast 1/4 of Section 8 to the Northwest corner of the South 1/4 of the Southeast 1/4 of Section 8; thence run South along the West line of the South 1/4 of the Southeast 1/4 of Section 8 to the Southwest corner of the South 1/4 of the Southeast 1/4 of Section 8; thence run East along the South line of Section 8 to the Northwest corner of Section 16; thence run South along the West line of Section 16 to the center of said West line of Section 16; thence run West along the North line of the South 1/4 of Section 17 to the Northwest corner of the East 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 17; thence run South along the West line of the East 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 17, to the Southwest corner of the East 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 17, thence run East to the North-South centerline of Section 17; thence run South along the centerline of Section 17 to the Southwest corner of the Southeast 1/4 of Section 17; 1;hence

run West on the South line of Section 17 to the Easterly Right of way of U.S. Highway 41; thence run Southeasterly along the Easterly right of way of U.S. Highway 41 to a point 200.27 feet Northwesterly of a point on said Right of way due West from the center of the East line of Section 20; thence run East to the East line of Section 20; thence run North along said East line of Section 20 the Southwest corner of Section 16; thence run East along the South line of Section 16 to the Southeast corner of Section 16; thence run South along the West line of Section 22 to the Southwest corner of the Northwest 1/4 of Section 22; thence run East along the South line of the Northwest 1/4 of Section 22 to the Southeast corner of the Northwest 1/4 of Section 22; thence run North along the East line of the Northwest 1/4 of Section 22 to the Northeast corner of the Southwest 1/4 of Section 15; thence run West along the North line of the Southwest 1/4 of Section 15 to the Southeast corner of the West 1/4 of the Northwest 1/4 of Section 15; thence run North along the East line of the West 1/4 of the Northwest 1/4 of Section 15 to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 15; thence East along the South line of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 15 to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 15; thence run North along the East line of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 15 to the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 15; thence West on the North line of Section 15 to the Southeast corner of Section 9; thence run North on the East line of Section 9 to the Northeast corner of Section 9; thence West on the North line of Section 9 to the point of beginning.

It is hereby determined, declared and enacted that said lands without the maintenance of presently existing drainage facilities are and will be wet and subject to overflow, and that the drainage, and protection of said lands from the effects of water, and the conservation of water, and thereby the making of said lands available for habitation and agricultural 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, and said district hereby created shall be a public corporation of this state.

Section 2. (1) Whenever the term "District" or "Drainage District" is used and not otherwise specified it shall be construed to mean "East Mulloch Drainage District."

(2) Whenever the term "Board" is used and not otherwise specified it shall be construed to mean "Board of Supervisors of East Mulloch Drainage District."

(3) Whenever the word "Secretary" or the term "Secretary of the District" or the term "Secretary of the Board" is used and not otherwise specified it shall be construed to mean "Secretary of the East Mulloch Drainage District."

(4) Whenever the word "Treasurer" or the term "Treasurer of the District" or the term "Treasurer of the Board" is used and not otherwise specified it shall be construed to mean "Treasurer of the East Mulloch Drainage District."

Section 3. (1) The governing board of said district shall be designated the "Board of Supervisors of East Mulloch Drainage District" which shall be composed of three (3) persons, who need not be district tax paying freeholders nor residents of the state for the first appointment, but must thereafter.

(2) That Jules Freeman, Charles L. 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 be held at some public place in the county of Lee, and the time and 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 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 term 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 remaining supervisors may fill such vacancy by appointment until the next annual meeting of the landowners of the district as herein provided. Any supervisor appointed by the 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 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.

(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, provided, 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 from time to time for traveling and other necessary expenses incurred incident to the performance of their duties as such supervisors.

Section 4. (1) In addition to all of the powers specifically conferred by this act and such powers as may be incidental to the enumerated powers, the board of supervisors of East Mulloch drainage district shall have the power to make contracts, to sue and be sued in the name of the district in any court of law or equity; to adopt and use a common seal and alter the same at pleasure; to acquire, hold and control by gift, exchange, purchase, or otherwise, any real or personal property, either within or without the district, which may be needed to carry out the provisions of this act, or which may be useful in the accomplishment of any of the purposes for which said district is created, and to sell, lease or otherwise dispose of any such property; to appoint or employ such agents, engineers, attorneys and employees as the business of the board may require; operate and maintain pumping plants and stations including pumping machinery, motive equipment and all appurtenant or auxiliary machines, devices or equipment, and to contract for the operation and maintenance of the said pumping plants and stations, including

the purchase and supply of electric and other power and energy for the operation of the same; to grant permits to owners of land within the district for the installation of water control structures upon such terms and conditions as the board may determine and to supervise and regulate the operation of same, and to borrow money and to issue notes therefor, as hereinafter provided, in order to enable the said board to carry out and perform any powers conferred by this act.

(2) The board of supervisors is hereby authorized and empowered to maintain and operate its drainage works in such manner as shall be most advantageous to the improvement and development of the lands in said district, and adjoining lands, and to accomplish the foregoing objects; to clean out, straighten, open up, widen or change the course and flow, alter or deepen any canal, ditch, drain or water-course in said district that said board may deem necessary to be done to facilitate the drainage, reclamation, conservation and improvement of the lands in said district, including navigation facilities, making the lands within said district available for agricultural purpose, habitation, settlement and general utilities; to concentrate, divert, or divide the flow of water in or out of said district; all such powers set forth, above or below, to be exercised in a reasonable manner and civil liability for negligence on the part of the district shall be specifically available under the general law of the state of Florida pertaining thereto.

(3) Said board shall have the power and authority to pump water into or out of the canals, ditches, drains and other works of the district, or on or from the lands in said district to regulate and control the flow of water into and out of said district; to maintain such water tables with respect to the lands in said district as in the judgment of the board shall be to the best interests of the district and of the landowners therein and without; and to do or cause to be done or permit others to do all things which may be necessary, desirable or convenient in order to accomplish any of the foregoing objects.

(4) In maintaining and operating the canals, drains, levees, dikes, dams, locks, reservoirs, pumping stations, water control structures, and other works and improvements, the board of supervisors of the district, its agents and employees shall have the authority at all reasonable times to enter upon the lands adjacent to any of such



drainage works in order to reasonably transport and use equipment, machinery and materials necessary to properly maintain, preserve and operate such drainage works.

(5) In addition to the powers herein conferred upon the board of supervisors of East Mulloch drainage district, said board shall have all of the powers and responsibilities conferred upon the board of supervisors of drainage district created under the provisions of chapter 298, Florida Statutes, (General Drainage Law) and act amendatory thereof and supplemental thereto, except eminent domain and such other as may be in conflict or inconsistent with the provisions of this act.

(6) The board shall have the power and authority to make such changes therein or additions thereto as shall be reasonably necessary in order to adequately maintain the drainage system installed by others on the lands in said district, protect the same from the effects of water, or lack of water, and control the water in said district and the water tables with respect to the lands therein.

Section 5. The board may, in its reasonable discretion, let any part or all of the work to be performed within said district by contract. The board shall have the right to require a bond with a surety to be approved by the board in such amount as the board may determine, conditioned that the contractor will well and truly carry out the contract in accordance with the terms thereof. Nothing in this section shall prevent the board of supervisors from undertaking and performing the work without a contract and by labor operating under the direction of the board, its engineer or employees.

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 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, therein, and to repair and to restore the same when needed, and for the purpose of defraying current eenses of the district, the board is hereby authorized, empowered and directed to levy and impose upon all of the lands lying and being situated within the boundaries of said district, as described in section 1of this act, a tax of not to exceed the sum of fifteen dollars (\$15.00) per acre, per annum, for the year 1963, and for each year thereafter, and such tax shall be known and designated as the "Maintenance Tax."

(3) That notwithstanding the provisions contained in this section of this act, the board of supervisors of East Mulloch drainage district shall have the power and authority, until the need arises, to ~~drmine~~ 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.

(4) It is hereby ascertained, determined and declared that East Mulloch drainage district, confer 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 each section will be benefited equally by said drainage works although each section may be benefited differently by such improvements.

Section 7. (1) There are hereby established for East Mulloch drainage district:

(a) Maintenance fund, into which shall be paid the proceeds of the maintenance taxes authorized to be levied upon the lands within said district for the year 1963, and subsequent years, by the provisions of this act.

(b) The board is hereby authorized and empowered to establish from time to time such other funds for the moneys of the district as it may determine to be necessary, advisable or expedient.

(c) Each of the funds created by or pursuant to the provisions of this act shall be held inviolate and the moneys from time to time

in each of Such funds shall be used only for the purposes for which said funds, respectively, are required to be devoted in accordance with the provisions of this act.

(d) The maintenance fund shall be used for the purposes for which the maintenance taxes are authorized by this act to be levied.

Section 8. (1) As soon as practicable after this act becomes effective and prior to May 1 in each year thereafter, beginning with the year 1964, the board shall cause to be prepared a budget of the maintenance requirements of the district for the year beginning on the first day of the next November and ending on the 31st day of the succeeding October. The said budget shall show in detail the following:

The amount of money which will be needed in such year for the purposes for which moneys in the maintenance fund may be expended, including an amount for emergencies and contingencies not to exceed twenty per cent (20%) of the estimated cost thereof .

The amount of money, if any, in the maintenance fund of the district representing an unexpended balance in the budget for any previous year or years.

. Amount estimated to be collected during such year from delinquent maintenance taxes.

Estimated percentage of delinquencies in maintenance tax collections for such year.

The amount of maintenance tax per acre necessary to be levied upon the lands in said district for such year.

(2) Upon presentation of such budget to the board the same shall be placed on file in the office of the secretary of the district, and the board shall cause same to be published in a newspaper published in Lee County, once a week for two (2) consecutive weeks, the same may be examined at the office of the secretary; and a notice that the board will meet at a time and place to be designated in said notice, being not less than fifteen (15) days nor more than 35 days from the date of the first publication thereof, for the purpose of hearing objections and complaints with respect to said budget. At the time and place specified in said notice the board shall meet for the purpose of hearing objections and complaints

concerning the said budget and for the purpose may adjourn from day to day, and the said budget may be altered, changed or amended in any respect by the said board during or at the said hearing.

(3) After the hearing aforesaid, and when the board shall have made any alterations, changes or amendments in said budget which it shall have deemed necessary at said hearing, the board shall adopt the same and it shall be spread upon the minutes of the board; and the board shall also adopt and spread upon its minutes a resolution levying and imposing the amount of maintenance tax for such year upon the lands within the said district.

Section 8. (1) After such taxes or assessments have been levied and imposed by the board as provided in section 9 of this act, and prior to September 1, 1963, and prior to June 1 in each year thereafter the secretary shall prepare a list of lands lying within Lee county upon which such taxes or assessments are imposed for such year. The said lands, when convenient so to do, may be described by sections, townships and ranges or by lot, block and subdivision. It shall not be necessary to set forth in said list the name or names of the owner or owners of any lands, nor the names of any persons interested therein. The said list shall show with respect to each section, piece or parcel of land described therein, in separate columns, properly designated, the total amount of such taxes or assessments levied upon such lands for such year.

(2) There shall be appended to such list, a certificate to be signed by the president of the board and attested by the secretary or an assistant secretary, under the seal of the district, directing the Lee county assessor of taxes to assess the taxes or assessments imposed upon said lands.

(3) Immediately upon the completion of such list the board shall meet, examine such list, and after collecting any errors or *omissions* therein shall adopt a resolution confirming and approving the said list. After the adoption of such resolution the certificate appended to said list shall be signed by the president of the board, attested by the secretary, or any assistant secretary, under the seal of the district. The secretary shall then transmit to the board of county commissioners of Lee county the list showing the lands upon which such taxes or assessments are levied. Duplicate original of said list so transmitted shall be forwarded to the comptroller of the state.

Section 9. (1) It shall be the duty of the board of county commissioners of Lee county to order the assessor of the county to assess, and the collector of the county to collect the taxes or assessments levied pursuant to this act and certified to the board of county commissioners as provided by this act. All of said taxes or assessments shall be included in the warrant of the tax assessor which is attached to the assessment roll of taxes in each year. The tax assessor shall make such assessment and the tax collector shall collect such taxes or assessments so levied in the same manner and at the same time as county taxes and other taxes which are assessed upon the general county tax roll and with respect to which a separate tax receipt is not required to be issued, or a separate tax sale made, or a separate tax sale certificate issued, are assessed and collected; and no separate tax receipt shall be issued, or separate tax sale held, or separate tax sale certificate issued with respect to said taxes and assessments. The tax collector shall not accept payment of state and county taxes without also at the same time receiving payment of East Mulloch drainage district taxes. The provisions of sections 298.42, 298.43, 298.44 and 298.73, Florida Statutes, shall not be applicable to this district.

(2) The tax collector of Lee county shall pay all moneys collected from such taxes and assessments to the treasurer of East Mulloch drainage district, in the same manner and at the same time that he is required to pay county taxes collected by him. If any such taxes or assessments are not paid within the time fixed by law for the payment of county taxes and other taxes which are assessed upon the general county tax roll, the property upon which the same shall have been levied shall be sold by the tax collector and certificates shall be issued in the same manner as is provided by law with respect to county taxes, and such taxes and assessments shall be included in tax sale certificates which shall be issued in pursuance of sales for the nonpayment of county taxes and other taxes which are assessed upon the general county tax roll.

(3) No act of omission or commission on the part of any person or board charged with any of the duties of determining, levying, assessing and collecting taxes of East Mulloch drainage district shall operate to defeat the payment of said taxes; but any such acts of omission or commission may be corrected at any time by the officer or board responsible for the same in like manner as is provided herein for performing such acts in the future instance, and when so

corrected they shall be construed as valid ab initio and shall in no way affect any proceedings provided by law for the enforcement of the collection of any such tax. A substantial compliance with the provisions of this act shall be required and no tax shall be held invalid provided, at some time prior to the final determination thereof, reasonable notice is given and a hearing held substantially in accordance with the provisions hereof.

(4) The county tax assessor shall receive as compensation for the duties required of him by the provisions of *this* act a commission of one per cent (1%) upon the amount of taxes of the district by him assessed, except errors, and one per cent (1%) on delinquent taxes when redeemed, and the county tax collector shall receive ~~as~~ compensation for the duties required of him by the provisions of this act a commission of one per cent (1%) upon the amount of taxes of the district by him collected and one per cent (1%) upon delinquent taxes when collected.

Section 10. The comptroller shall have power and authority from time to time to promulgate such rules and regulations as shall be necessary to effectuate the purposes of this act with respect to the assessment and collection of taxes and assessments, and, particularly, to harmonize the system of assessment and collection of taxes and assessments levied for East Mulloch drainage district, as provided by this act, with the system which is now or which may hereafter be provided by law for the assessment and collection of county taxes. Any such rules and regulations which may be promulgated by the said comptroller shall have the force and effect of law.

Section 11. It shall be the duty of the comptroller, the tax assessor, the tax collector and the clerk of the circuit court of Lee county, and any other person charged with responsibility for the assessment and collection of the taxes or assessments levied pursuant to this act, to assess and collect such taxes or assessments and make remittances of the proceeds thereof to the treasurer of East Mulloch drainage district.

Section 12. The board of supervisors of East Mulloch drainage district shall have the power and authority to purchase, with moneys in the maintenance fund of the district, any tax sale certificates held by the state, a county or other governmental agency, which include therein taxes levied by or for East Mulloch drainage dis-

trict. In purchasing such tax sale certificates the board shall not be required to pay for the part of the certificate representing taxes levied and assessed for East Mulloch drainage district, together with interest and costs thereon, but shall only be required to pay for such certificates the amount required to purchase such certificates, exclusive of East Mulloch drainage district taxes, interest and penalties included therein; provided, however, that in addition to the foregoing powers the board is also authorized and empowered to acquire by partial assignment, without paying therefor, that part of any tax sale certificate representing East Mulloch drainage district taxes and interest and costs thereon, without having to purchase or acquire that part of said certificate representing county taxes and other taxes assessed upon the general county tax roll, and upon the request of the board, the clerk of the circuit court of Lee County, may make partial assignments of any such tax sale certificates to said board. The board shall have all the rights and remedies with respect to tax sale certificates, or partial assignments thereof, so purchased or acquired by it as a county or any individual purchaser or holder would have, including, without limiting the generality of the foregoing, the right to sell such certificates or the part thereof acquired by the board, institute foreclosure proceedings thereon or proceedings to quiet title, or to apply for and obtain a tax deed to the lands covered thereby. In enforcing the lien of the district's taxes the district may proceed under the general equity powers of the court or under and pursuant to the provisions of chapter 173 or chapter 298, Florida Statutes, as now or hereafter amended. The cost of enforcing the lien of taxes or of obtaining a deed for the nonpayment of taxes and all other expenses in connection therewith shall be paid with any moneys in the maintenance fund of the district.

If the board acquires title to any land through tax deed, foreclosure or otherwise, as herein provided, said board may sell and dispose of same in the same manner as provided by law for similar functions by boards of county commissioners.

All revenue or proceeds derived from the sale or leasing of any parcel of such lands shall be paid into the maintenance fund of the district.

The purpose of this section is to enable the board to better enforce collection of East Mulloch drainage district taxes.

Section 13. The board of supervisors of the district shall have the power to borrow for the account of the maintenance fund and may issue the promissory note or other negotiable evidence of debt of said district bearing interest at a rate not to exceed eight per cent (8%) per annum for such loan. As security for said loan the board may pledge the maintenance tax levied or to be levied for any year or years, but not to exceed five (5) years.

Section 14. (1) As soon as convenient after this act becomes law the board of supervisors of the district shall assemble and organize by choosing one of their number president of the board and electing 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 in such amount as it may determine for the faithful performance of 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 to be kept for that purpose.

(2) Two (2) members of the board of supervisors shall constitute a quorum. The board of supervisors shall, by resolution, fix the time and place for holding regular meetings but special meetings may be called at any time or place by the president or any two (2) members of the board of supervisors. The meeting place of said board may be either within or without the district.

(3) The board of supervisors may employ some competent person or some bank or trust company as treasurer of said district if the board shall deem it to be advisable. The treasurer shall execute a bond in such sum as shall be fixed by the board and with a surety approved by the board, conditioned that he will well and truly perform the duties imposed upon him by this act and that he will account for all moneys coming into his hands as treasurer of the district. The treasurer shall pay out funds of the district only upon checks, drafts or warrants issued by the district, which checks, drafts or warrants shall be signed by the treasurer and countersigned by at least one (1) member of the board of supervisors, or signed by two (2) members of the board of supervisors.

(4) At the organization meeting of the board, or as soon thereafter as is practicable, the board may select and appoint some competent person as chief engineer of the district. The board may require the chief engineer to enter into a bond with good and suffi-



cient surety in a sum to be named by the board conditioned that he will faithfully and honestly perform all of the duties required of him by the board of supervisors and deliver to his successor all instruments, papers, maps, documents and other articles which may come into his hands by virtue of his employment.

Section 15. The board of supervisors of East Mulloch drainage district shall have the power and authority to levy and impose upon the lands within the boundaries of the district, as described in section 1 of this act, a uniform tax of not to exceed the sum of one dollar (\$1.00) per acre for the purpose of raising funds to pay the preliminary expenses of such district. If the board shall determine to levy such uniform tax it shall make up a budget of ~~enses~~ to be paid from the proceeds thereof and shall give notice by publication of a hearing upon the question of whether the said uniform tax should be levied and the amount necessary to be levied for the purpose of paying the preliminary expenses of said district. Notice of such hearing shall be published once a week for two (2) consecutive weeks in a newspaper published in Lee county, the first publication to be not less than fifteen (15) days from the date of such hearing. The time and place of such hearing shall be stated in the notice. At such hearing all landowners within the district shall be entitled to be heard and at the conclusion of said hearing the board shall adopt a resolution, if it shall be determined to levy such uniform tax, fixing the rate per acre of such tax. The assessment and collection of such uniform tax shall conform, in all matters, to the assessment and collection of other taxes authorized to be levied by the provisions of this act. Immediately after the adoption of a resolution levying such uniform tax or at any time thereafter the board may pledge the receipts from such taxes for the repayment of money borrowed by the board.

Section 16. All taxes or assessments levied pursuant to the provisions of this act shall constitute a lien upon said lands as of January 1 of each year in which the assessments are made, which liens shall be superior in dignity to all other liens upon said lands except liens for state and county taxes and shall be equal in dignity to the lien for said state and county taxes.

Section 17. Whoever shall wilfully damage any ditch, canal, drain, levee, reservoir or other works established or constructed under this act or shall obstruct the flow of water in any canal, ditch,

drain or waterway or shall remove any earth, rock or material from the banks of any canal, drain or ditch without having first obtained permission in writing from the board of supervisors so to do shall be deemed guilty of a misdemeanor.

Section 18. The provisions of the general drainage 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 drainage district. The provisions set forth in chapter 298.30 through 298.33, inclusive shall not apply to East Mulloch drainage district.

Section 19. Notice of intention to apply for the passage of this act by the legislature has been published as required by section 21 of article III of the constitution of the state of Florida, and affidavit of proof of such publication, together with a true copy of such notice, was duly attached to this act when the bill therefor was introduced in the legislature, and accompanied said bill throughout the legislature, as required by sections 11.02 and 11.03, Florida Statutes, and the legislature hereby declares that said notice and affidavit are sufficient in form and in substance, and that said section 21 of article III of the constitution and that said sections 11.02 and 11.03 have been complied with in every respect.

Section 20. If any section, paragraph, clause or provision shall be held to be unconstitutional or void it shall not affect or render invalid or inoperative any other *section*, paragraph, clause or provision of this act.

Section 21. All laws or parts of laws *in* conflict herewith are hereby repealed.

Section 22. This act shall take effect on the 1st day of August, 1963.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1963.

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CHAPTER 63-931  
HOUSE BILL NO. 1373

AN ACT relating to that portion of State Road 690 known and designated as Corey Causeway, changing the name and designation of said Causeway to St. Petersburg Beach Causeway; providing an effective date.