

CHAPTER 57-1115 LAWS OF FLORIDA

provisions of this Act are hereby repealed insofar as the same conflict herewith.

Section 4. That if any part of this law is declared unconstitutional it shall not affect any other part thereof.

Section 5. That this act shall become effective immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 29, 1957.

CHAPTER 57-1115

HOUSE BILL NO. 2052

AN ACT relating to Gulf and Calhoun Counties; creating and establishing a Dead Lakes Water Management District; providing qualification and appointment of the members of said District; providing the authority and duties of said District; authorizing said District to levy a special tax and issue certificates of indebtedness of a certain amount; creating special fund to finance projects and construction authorized by this Act; providing no referendum need be held to exercise powers granted to said District; providing an effective date.

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

Section 1. There is created and established in Gulf and Calhoun counties a special water control district to be known as the "Dead Lakes water management district" hereinafter called the "district" which shall consist of five (5) members, at least two (2) of whom shall be residents of Gulf county and at least two (2) shall be residents of Calhoun county. The members shall be appointed by the governor and their term of office shall be concurrent with that of the governor. The clerk of the circuit court of Gulf county shall be ex-officio secretary-treasurer of the district.

Section 2. The members of the district shall receive no compensation for their services while attending to the official work of the district.

Section 3. The said district is authorized to manage, control and engage in the conservation, development, utilization and dis-

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posal of water in that body of water in Gulf and Calhoun counties described as that portion of the Dead Lakes and Chipola River and all the tributaries of said water lying south of the point where state road 71 crosses the Chipola River and Scotts Ferry in Calhoun county and north of a point known as the old railroad crossing which is located approximately two hundred (200) feet south of the south line of section 18, township 4 south, range 9 west in Gulf county and engage in flood prevention in said area.

Section 4. To carry out the purposes of this act, the Dead Lakes water management district shall have the following duties and authority:

(1) To make all rules and regulations necessary to carry out studies and investigations of present conditions of the water resources in the area described in section 3 of this act in Gulf and Calhoun counties and to provide for the necessary action to conserve, develop, utilize and dispose of any water in said area, to prevent floods in said area and to maintain and operate any projects or facilities which may be constructed or created to carry out the provisions of this act.

(2) To call to its assistance any engineers or other employees in any state department or in the state universities or other educational institution financed wholly or in part by the state for the purpose of making surveys, studies, maps and plans for projects for the purpose of devising the most effective and economical method of conserving, developing, utilizing and disposing of the water resources of and preventing floods in the said area.

(3) To perform any other duties necessary to further carry out the purposes of this act.

(4) To participate in and take advantage of any federal, state, county, municipal or private funds or programs made available to develop, conserve, utilize or dispose of the water resources of and prevent floods in said area.

(5) To make and enter into any contracts or agreements necessary to carry out the provisions of this act.

(6) To employ and compensate the clerk of the circuit court for his services as ex-officio secretary-treasurer of said district and to employ and compensate any other necessary stenographic, administrative or technical assistance.

(7) To require all persons, except children under the age of fifteen (15) years and residents of Florida exceeding the age of sixty-five (65) years, to purchase an annual permit at a cost not exceeding two dollars (\$2.00) for the privilege of taking or attempting to take fish from that portion of the Dead Lakes and Chipola River and all the tributaries of said waters lying south of the point where state road 71 crosses the Chipola River at Scotts Ferry in Calhoun county and north of a point known as the old railroad crossing which is located approximately two hundred (200) feet south of the south line of section 18, township 4 south, range 9 west, in Gulf county. The said permit shall be issued in the same manner as fishing licenses are issued and the fee to the official issuing said permit shall not exceed fifteen cents (15¢) per permit issued. Any person who takes or attempts to take fish from said lakes without having purchased said permit shall be guilty of a misdemeanor and upon conviction shall be punishable according to law.

(8) The wildlife officers of the game and fresh water fish commission shall have authority to enforce all provisions of this act relating to special fishing permits.

(9) This district may employ special officers to enforce the rules of this act.

Section 5. The district shall prepare and publish a report of their activities on or before April 1, and on or before October 1, each year and copy of said report shall be submitted to the governor and copies filed with the clerk of the circuit court of Gulf and Calhoun counties. Such report shall contain an itemized account of total funds collected, from what source collected and of the total funds expended and for what such expenditures were made. The reports shall also contain any other information necessary to clearly reveal the activities of the district for the period of said report. The fiscal year of said district shall run from October 1 until September 30 of each year.

Section 6. The said district shall have the necessary authority to finance any projects or the construction of any facilities they deem necessary to carry out the purposes of this act, including the following:

(1) To levy a special tax not to exceed one (1) mill annually on all taxable property in Gulf and Calhoun counties. The district

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shall determine by resolution the necessity of levying the said tax and shall adopt a resolution calling for the tax, and the amount of millage of said tax. A certified copy of such resolution shall thereupon be filed with the boards of county commissioners of Gulf and Calhoun counties and the said boards shall thereupon order the tax assessors of said counties to assess the millage certified by the district against the taxable property in the said counties. The tax assessors shall then assess the tax as ordered by the said boards of county commissioners and the tax collectors of the said counties shall collect the said tax and pay over the same promptly as collected to the district to be deposited according to the provisions of this act. All the proceeds from said taxes shall be used and applied as security for the payment of any certificates of indebtedness issued and sold as hereinafter provided. Provided, however, when all certificates of indebtedness are discharged no further taxes shall be levied pursuant to this act.

(2) To issue certificates of indebtedness to provide funds to finance and provide funds for the construction of any projects or facilities necessary to develop, conserve, utilize or dispose of water resources in said counties and to prevent floods in said area described in section 3 above. Said certificates may be in coupon form in such denomination and bear such a rate of interest not exceeding six per cent (6%) per annum until paid, as the Dead Lakes water management district shall determine. The total amount of certificates of indebtedness issued under the provisions of this act shall not exceed one hundred thousand dollars (\$100,000.00) on any single project. Such certificates of indebtedness shall bear such date of issue and maturity, bear such redemption provisions and registration provisions, and may be payable at such place within or without the state as the district shall determine. Any provisions made as to date of issue, maturity, redemption and registration shall be printed on each certificate issued pursuant to this act. The principal and interest of the aforesaid certificates of indebtedness shall be payable only from the proceeds of the special tax to be levied and pledged for the payment of said indebtedness pursuant to subsection (1) of section 6 of this act and from the proceeds of sale of the special fishing permits provided for in subsections (7) and (8) of section 4 of this act and the certificates shall contain provisions to such effect. The said certificates of indebtedness may contain such other terms, provisions, covenants and conditions, not inconsistent with the provisions of this act,

as the district may deem proper. Provided, however, these certificates of indebtedness shall not be general obligations of said counties.

(3) To sell the said certificates of indebtedness or such amount thereof as the district shall deem necessary. Such sale shall be made only upon sealed bids after advertisement for at least two (2) weeks in newspapers of general circulation published in Gulf and Calhoun Counties and elsewhere, if desired by the district. Said sale shall be made to the bidder naming the lowest net interest cost to the said district; said interest cost to be figured to the date of maturity of the certificates of indebtedness so offered for sale and naming a price of not less than par value of the total amount of said certificates offered for sale, plus accrued interest from the date of issue to the date of delivery of said certificates; provided, however, the district shall have and reserve the right to reject any and all bids and to call for further sealed bids after another advertisement, made as provided hereinbefore.

(4) Said certificates of indebtedness shall be and are hereby constituted as legal investments for any state, county, municipal or public funds or for any bank, savings bank, trustees, executors, guardians or any other trust or fiduciary funds whatsoever. Said certificates of indebtedness shall also be and constitute legal securities which may be deposited by any bank or trust company for the security of state, county, municipal, or the public funds.

(5) The district is authorized to create a special fund to be known as the "Dead Lakes water management district special fund" to be kept in any banks or federal savings and loan associations located in Gulf or Calhoun counties. There shall be deposited into such fund all moneys derived from the special tax levy provided for in subsection (1) of this section and the proceeds from the certificates of indebtedness issued and sold pursuant to subsection (2) of this section and all moneys derived from the sale of special fishing permits hereinbefore provided. The fund so constituted shall be appropriated for the purpose of financing any projects or constructing any facilities necessary to further the purposes of this act.

(6) No referendum or election of freeholders of qualified electors of Gulf or Calhoun counties shall be required for the exercise

of any of the provisions of this act unless such referendum or election is required by the Constitution of Florida.

Section 7. The boards of county commissioners of Gulf and Calhoun counties are authorized and empowered to contribute any funds they may have available to the Dead Lakes water management district fund.

Section 8. All laws or parts of laws in conflict herewith are hereby repealed.

Section 9. It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of this act is held invalid or unconstitutional, the remainder of the act shall not be affected.

Section 10. This act shall take effect June 15, 1957.

Approved by the Governor June 20, 1957.

Filed in Office Secretary of State June 21, 1957.



DCA/Spec. Dist / D.L.W.M.D.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

March 15, 2000

FILED FOR RECORD
BENNY G. LISTER
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
20 MAR 22 PM 4:51

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Donald Butler, Chief Administrator
Gulf County
1000 Fifth Street
Port St. Joe, Florida 32456

Re: Dead Lakes Water Management District (the "district")

Dear Mr. Butler:

Thank you for taking the time on February 29, 2000 to discuss the above referenced special district with me. This letter is a summary of our conversation and the events that have since occurred. Please note that I am sending a copy of this letter to Mr. Willie D. Wise, Calhoun County, Clerk of the Court, since a small portion of the district is in Calhoun County.

The Joint Legislative Auditing Committee recently recommended that the Department of Community Affairs, Special District Information Program, (the "department") take steps to dissolve special districts no longer in operation. This district appears not to be in operation since it has not complied with the statutory required annual financial reporting and fee requirements in two years. In addition, you and Mr. Timothy J. McFarland, attorney for the district, sent letters to the department stating the district has served its purpose and is no longer needed. You have also written to Representative Bev Kilmer requesting her assistance in dissolving the district. When we spoke, we discussed two ways we could dissolve the district:

The first method would be for the department to follow the procedures for inactive districts set forth in Section 189.4044, *Florida Statutes*. This would require publishing a "Notice of Declaration of Inactive Status" once a week for four weeks in the local newspapers of general circulation in Gulf and Calhoun counties. If no sustained objections are filed, the department would declare the district inactive and request legislative dissolution during the 2001 legislative session.

The second method would be for Gulf and/or Calhoun County to pursue a legislative dissolution through Representative Kilmer's office. Section 189.4042(2), *Florida Statutes*, provides for the Legislature to effectuate the dissolution of a district created by special act. To dissolve the district by this method, Representative Kilmer must sponsor a local bill repealing the special act that created the district. According to our records, the special act that created this district was Chapter 57-1115, *Laws of Florida, 1957*, as amended.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Mr. Donald Butler
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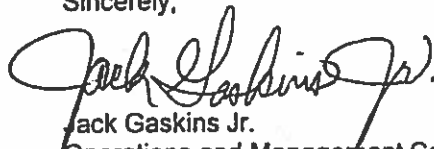
You chose to pursue the second method. On March 6, 2000, Ms. Debbie Dennis from Representative Kilmer's office called me to request an example of language to include in the bill repealing a special district. I provided this information to her. In addition, Ms. Dennis said she had notified your office that Gulf County would need to advertise for the local bill and hold a hearing on the bill. However, the next day, Ms. Dennis called back to say she just found out it is too late to file a local bill this session.

Therefore, by June 9, 2000, please let me know in writing whether you would like for the department to pursue dissolution for noncompliance under Section 189.4044, *Florida Statutes*, or if you would like to pursue the dissolution through Representative Kilmer's office. I will be happy to work with you either way.

If you decide to pursue the dissolution through Representative Kilmer's office, please contact her office to find out about the requirements for filing a local bill next year. Then, within 30 days of the dissolution effective date, please provide a copy of the dissolution document to the Department of Community Affairs, Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Your efforts to help dissolve this district will help Florida's Local Government Financial Reporting System operate more efficiently and will save taxpayer resources. Thank you very much for your time. If you have any questions, please call me directly at (850) 922-1457.

Sincerely,



Jack Gaskins Jr.
Operations and Management Consultant II
SPECIAL DISTRICT INFORMATION PROGRAM

cc: Mr. Nathan Pete, Registered Agent ✓
Mr. Willie D. Wise, Clerk of the Court, Calhoun County
Mr. Timothy J. McFarland, P.A.
Mr. Rip Colvin, Joint Legislative Auditing Committee

Conners, Atty, file