

House Bill No. 1707

An act relating to Palm Beach County; providing for codification of special laws regarding independent special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the East Shore Water Control District, a special tax district of the State of Florida composed of lands in Palm Beach County; providing legislative intent; codifying, reenacting, and amending chapter 20694, Laws of Florida, 1941; chapter 23621, Laws of Florida, 1947; chapter 25151, Laws of Florida, 1949; chapter 26697, Laws of Florida, 1951; chapter 28419, Laws of Florida, 1953; chapter 30150, Laws of Florida, 1955; and chapters 57-434, 61-1640, 77-621, and 82-351, Laws of Florida; providing powers, functions, and duties of the district with respect to non-ad valorem assessments, bond issuance, revenue-raising, budget preparation and approval, liens and foreclosure of liens, specified use of tax deeds and tax certificates, and contractual agreements; providing for governance of the district by a Board of Supervisors; providing for membership, organization, compensation, and administrative duties of the board; specifying requirements for financial disclosure, meeting notices, reporting, public records, maintenance, and per diem expenses; specifying procedures and requirements governing the issuance of bonds, notes, and other forms of indebtedness; providing procedures for District elections and qualification of electors; providing for method of financing the District; authorizing the District to continue to levy a special annual maintenance tax upon all taxable real property in the District; specifying the method for collecting non-ad valorem assessments, fees, and service charges; providing for District planning requirements; setting the geographic boundary limits of the District; providing for election of the members of the Board of Supervisors; providing for quorum for purpose of holding elections; authorizing the Board of Supervisors to enter into arrangements with other drainage and water control districts for specified purposes; increasing the District maintenance tax cap; authorizing the Board of Supervisors to employ a General Manager of the District; authorizing the Board to require the General Manager to furnish a bond; providing for ratification of prior actions; providing severability; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, this act constitutes the codification of all special acts relating to the East Shore Water Control District, an independent special district. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all District authority, including the authority to annually assess and levy against the taxable property in the District.

Section 2. Chapter 20694, Laws of Florida, 1941; chapter 23621, Laws of Florida, 1947; chapter 25151, Laws of Florida, 1949; chapter 26697, Laws of Florida, 1951, chapter 28419, Laws of Florida, 1953, chapter 30150, Laws of Florida, 1955, and chapters 57-434, 61-1640, 77-621, and 82-351, Laws of Florida, relating to the East Shore Water Control District of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The East Shore Water Control District is re-created and the charter for said district is re-created and reenacted to read:

Section 1. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following shall constitute the minimum charter requirements of East Shore Water Control District:

(a) 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, so far as not inconsistent with this act.

(b) The powers, functions, and duties of the District regarding non-ad valorem assessments, bond issuance, 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 189, 197, and 298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(c) The District was created by chapter 20694, Laws of Florida, 1941, a special legislative act.

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

(e) In accordance with chapter 298, Florida Statutes, the District is governed by a Board of Supervisors. 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.

(f) 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.

(g) The administrative duties 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.

(h) 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.

(i) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(j) The procedures for conducting District elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(k) The District may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(l) In accordance with chapter 298, Florida Statutes, the District may continue to levy upon all of the real taxable property in the District a special tax each year as maintenance tax.

(m) The method for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, as they may be amended from time to time.

(n) 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.

(o) The geographic boundary limitations are as set forth in section 2.

Section 2. That for the purpose of draining and reclaiming the lands hereinafter described and protecting the same from the effects of water, for controlling 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, a drainage and water control district is hereby established to be known as "East Shore Water Control District," the territorial boundaries of which shall be as follows:

Beginning at a point, being in the Center Line of the South boundary levee of the Pahokee Water Control District and being the Northeast corner of Township Forty-three (43) South, Range Thirty-seven (37) East; thence running South along the range line and the East boundaries of Sections One (1), Twelve (12) and Thirteen (13) to the Southeast corner of said Section Thirteen (13); thence running West along the south boundaries of Sections Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) to the Southwest corner of said Section Sixteen (16), being a point of inter-section with the West boundary levee of Pump Unit No. Six (6), South Florida Conservancy District; thence running North along the West boundaries of Sections Sixteen (16) and Nine (9), being the center line of the said South Florida Conservancy District levee, to a point being one hundred (100) feet South of the West quarter corner of said Section Nine (9); thence running West along a line one hundred (100) feet South of, and parallel to the East and West quarter section line of Sections Eight (8) and Seven (7) to a point being four thousand seven hundred (4,700) feet West of the East boundary of Section Seven (7) and being a point of intersection; thence running North Westerly along a line which bears North fifty-two (52) degrees West to a point being the intersection with the center line of the U.S. Engineers War Department Lake Okeechobee Levee, said point of intersection being one hundred (100) feet Southwest of the center line of the Federal Levee Culvert No. Twelve (12); thence running at right angles along the center line of said Federal Levee a distance of two hundred (200) feet, to a point of intersection;

thence running at right angles to the center line of said Federal Levee along a line which bears South fifty-two (52) degrees East to a point of intersection; thence running East along a line one hundred (100) feet North of and parallel to, the East and West quarter section line of Sections Seven (7) and Eight (8), to a point being the intersection with the center line of the Everglades Drainage District's Lake shore levee; thence running Northerly along the meander line of the said Everglades Drainage District Levee to a point of intersection with the North boundary of Section Five (5), being the center line of the South boundary levee of the East Beach Water Control District and the Pahokee Water Control District; thence running East along the Township line and the North boundaries of Sections Five (5), Four (4), Three (3), Two (2) and One (1), being the center line of said Pahokee Water Control District to the point of beginning.

Section 3.(a) The governing Board of said District shall be designated the "Board of Supervisors of East Shore Water Control District" which shall be composed of three persons, who shall be resident freeholders of the State of Florida.

(b) A meeting of the landowners of said District shall be held during the month of April each year for the purpose of electing Supervisors of said District and transacting such other business as may properly come before the meeting. At the meetings of the landowners of the District, to be held in the month of April in each year, Supervisors shall be elected for a period of three (3) years and until his or her successor shall be elected or appointed and shall have qualified, such Supervisor to fill the office of the member whose term shall expire on said date.

(c) The owners and proxy holders of District acreage who are present at a duly noticed landowners' meeting shall constitute a quorum for the purpose of holding such election or any election thereafter.

Section 4. The members of the Board of Supervisors shall be entitled to the maximum compensation now or hereafter authorized to be paid by section 298.14, Florida Statutes, and shall be reimbursed for their traveling expenses pursuant to section 112.061, Florida Statutes, or as such statutes may hereafter be amended.

Section 5. The Board of Supervisors is authorized and empowered to enter into arrangements with other drainage or water control districts for the pooling of insurance coverage, purchase, rental, and use of supplies, equipment, buildings, and facilities and for services of employees.

Section 6. 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 herein authorized to be constructed, 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 of the lands, including lands held by the Trustees of the Internal Improvement Fund of Florida, and lands acquired by the State of Florida under the provisions of chapter 18296, Laws

of Florida, 1937, lying and being situate within the boundaries of said District, as described in this Act, a tax of not to exceed the sum of \$30.00 per acre per annum, and such tax shall be known and designated as the Maintenance Tax.

Section 7. The Board of Supervisors shall have the power to employ a person to be designated General Manager of the District and to vest in him or her such authority and to delegate to him or her the performance of such duties and to provide such compensation as may be determined by the Board of Supervisors. The Board may require the General Manager to furnish bond with good and sufficient surety in such amount as the Board may by resolution determine.

Section 8. That all other acts and proceedings of the Circuit Court of said Palm Beach County taken by, for, and on behalf of said 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 said District, and of said Palm Beach County, acting for and on behalf of said District and any and all tax levies and assessments which have been made by the Board of Supervisors for and behalf of said District, by and they are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. Chapter 20694, Laws of Florida, 1941; chapter 23621, Laws of Florida, 1947; chapter 25151, Laws of Florida, 1949; chapter 26697, Laws of Florida, 1951, chapter 28419, Laws of Florida, 1953; chapter 30150, Laws of Florida, 1955; chapters 57-434, 61-1640, 77-621, and 82-351, Laws of Florida, relating to the East Shore Water Control District of Florida, are hereby repealed.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.