

House Bill No. 1709

An act relating to Palm Beach County; providing for codification of special acts relating to special districts pursuant to chapters 97-255 and 98-320, Laws of Florida, relating to the Pelican Lake Water Control District, a special tax district of the State of Florida composed of the County of Palm Beach; providing legislative intent, and codifying, reenacting, and repealing chapter 11087, Laws of Florida, 1925; chapter 12118, Laws of Florida, 1927; chapter 18044, Laws of Florida, 1937; chapter 26739, Laws of Florida, 1951; and chapters 77-625, 80-564, and 97-321, Laws of Florida; providing for minimum charter requirements; providing for a District maintenance tax cap; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Pelican Lake Water Control District; providing for severability; providing an effective date.

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

Section 1. Pursuant to chapters 97-255 and 98-320, Laws of Florida, this act constitutes the codification of all special acts relating to the Pelican Lake 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 11087, Laws of Florida, 1925; chapter 12118, Laws of Florida, 1927; chapter 18044, Laws of Florida, 1937; chapter 26739, Laws of Florida, 1951; and chapters 77-625, 80-564, and 97-321, Laws of Florida, relating to the Pelican Lake Water Control District of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Pelican Lake Water Control District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. In accordance with section 189.404(3), Florida Statutes, the following shall constitute the minimum charter requirements of Pelican Lake 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, so far as not inconsistent with this act.

(2) 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.

(3) The District was created by chapter 11087, Laws of Florida, 1925, a special legislative act.

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

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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 agricultural and sanitary purposes, and for the public health, convenience, welfare, utility, and benefit, Pelican Lake Water Control District is hereby declared to exist, and the creation thereof is in all things ratified, validated, and confirmed; and the boundaries of said Pelican Lake Water Control District are declared to be as follows:

Beginning at a point where the south boundary of Section 33, Township 41 South, Range 37 East, intersects the east right-of-way boundary line of the Lake Okeechobee Federal Levee;

Thence in a north easterly direction along the east right-of-way boundary line of said Federal Levee to a point where the said right-of-way boundary line intersects the north line of Section 23, Township 41 South, Range 37 East;

Thence east along the north line of said Section 23 to the northeast corner thereof;

Thence south along the east boundary of Sections 23, 26 and 35 to the southeast corner of Section 35;

Thence in Township 42 South, Range 37 East, continuing south along the East boundary of Sections 2 and 11 to a point where the east line of said Section 11 intersects the south right-of-way line of State Road No. 700;

Thence in a southeasterly direction along the south right-of-way line of State Road No. 700 to a point where said right-of-way line intersects the South line of Section 12, Township 42 South, Range 37 East;

Thence in Township 42 South, Range 37 East, west along the south boundary of Sections 12 and 11 to the southeast corner of Section 10;

Thence west along the south boundary of said Section 10 a distance of 4,620 feet;

Thence north-northwesterly a distance of approximately 1,580 feet to intersect the west boundary of said Section 10 at a distance of 3,844.5 feet south of the northwest corner thereof;

Thence north along the west boundary of said Section 10 a distance of 3,844.5 feet to the northwest corner thereof;

Thence west along the south boundary of Section 4 to the southwest corner thereof;

Thence north along the west boundary of said Section 4 to a point where the west line of Section 4 intersects the east right-of-way line of the Federal Levee aforementioned;

Section 3. The Board of Supervisors of Pelican Lake Water Control District shall be composed of three citizens of the United States, who shall be resident freeholders of the State of Florida.

Section 4. The Board of Supervisors of Pelican Lake Water Control District 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 Trust Fund of Florida, or its successor, lying and being situate within the boundaries of said District, a tax of not to exceed the sum of \$30.00 per acre, per annum, and such tax shall be known and designated a maintenance tax. The proceeds of said maintenance tax shall be used for purposes for which maintenance taxes are authorized to be levied by the provisions of chapter 298, Florida Statutes.

Section 5. 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 6. 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 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 said Board of Supervisors for and on behalf of said District, are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. Chapter 11087, Laws of Florida, 1925; chapter 12118, Laws of Florida, 1927; chapter 18044, Laws of Florida, 1937; chapter 26739, Laws of Florida, 1951; and chapters 77-625, 80-564, and 97-321, Laws of Florida, are repealed.

Section 5. In any case one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstance, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance, or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

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.