

House Bill No. 857

An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Highland Glades Water Control 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.

Section 2. Chapters 8885 (1921) and 89-466, Laws of Florida, relating to the Highland Glades Water Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Highland Glades Water Control District is re-created and reenacted to read:

Section 1. Status and boundaries of Highland Glades Water Control District.—The Highland Glades Water Control District is hereby declared to be an independent water control district and a public corporation of the State of Florida pursuant to chapter 298, Florida Statutes, as it may be amended from time to time, and the lands lying within the area described as follows in Palm Beach County, Florida, shall hereby constitute the Highland Glades Water Control District:

Begin at the point of intersection of the Township line between Townships forty-two (42) and forty-three (43) with the West bank of the West Palm Beach Canal and run West along said Townships line to the Northwest corner of Section four (4) in Township forty-three (43) South of Range thirty-eight (38) East; thence South along the West lines of Sections four (4), nine (9) sixteen (16) and twenty-one (21) to the Southwest corner of Section twenty-one (21) in said Township forty-three (43) South of Range thirty-eight (38) East; thence West along the North lines of Sections twenty-nine (29) and thirty (30) in said Township to the Northwest corner of said Section thirty (30); thence South along the West lines of Sections thirty (30) and thirty-one (31) in said Township to the Southwest corner of said Section thirty-one (31); thence Southwesterly along

the West line of Lot six (6) between Townships forty-three (43) and forty-four (44) in Range thirty-eight (38) to the Southwest corner of said Lot six (6); thence East along the South line of said Lot six (6) to the Northwest corner of Section five (5) in Township forty-four (44) South of Range thirty-eight (38) East; thence South along the West line of Section five (5) and along the West line of Section eight (8) in said Township forty-four (44) South of Range thirty-eight (38) East, to the point of intersection of said West line of Section eight (8) with the North bank of Okeechobee Road Canal; thence in a Northeasterly direction along the North bank of the Okeechobee Road Canal to the Northeast corner of Section four (4) in said Township; thence East along the North lines of Sections three (3), two (2) and one (1) in said Township, to the Northeast corner of said Section one (1) in said Township; thence in a Northeasterly direction along the East line of Lot one (1) between Townships forty-three (43) and forty-four (44) South of Range thirty-eight (38) East to the Northeast corner of said Lot one (1); thence North along the East line of Township forty-three (43) South of Range thirty-eight (38) East to the South bank of the West Palm Beach Canal; thence in a Northwesterly direction along the South bank of the said West Palm Beach Canal to the place of beginning.

and

Sections 5, 6, 7, 8, 17, 18, 19, and 20, Township 43 South, Range 38 East.

Section 2. In addition to the rights, powers, privileges, duties, liabilities, and responsibilities hereinbefore vested in or imposed upon the Highland Glades Water Control District, the Board of Supervisors of said District is hereby authorized, empowered, and directed to build roads as incidental to the digging of ditches, by leveling the spoil banks of the ditches and canals in said District, and thereafter placing on said roads material excavated from ditches or canals or otherwise obtained and to erect bridges over the ditches, including a bridge or bridges across the Okeechobee Road Canal, as in the judgment of said Board shall be suitable and proper for public use in said District. All work constructed by the District shall thereafter be maintained and kept up by the District. This section does not exempt the district from complying with applicable provisions of Chapters 373 or 403, Florida Statues.

Section 3. The annual meeting of the landowners of said District shall be held in the month of June in each and every year beginning with the year 1922, at some date to be fixed by the Board of Supervisors, but if for any reason such annual meeting shall not be held in the month of June, it shall be held as soon thereafter as practicable. The landowners either in person or represented by proxy present at any annual meeting, adjourned meeting, or special meeting of the landowners of the Highland Glades Water Control District, shall constitute a quorum for such meeting and shall organize at such meeting and determine all questions and elect supervisors for said District regardless of the amount of acreage represented at said meeting. At any such meeting each landowner shall be entitled to one vote for each acre owned by him or her.

Section 4. No action, suit, or proceeding shall be brought to contest, set aside, review, or enjoin the collection of any tax levied under the provision

of this act, unless such suit, action, or proceeding shall begin within 20 days after the final completion and authentication of the assessment roll for that year.

Section 5. Whoever shall wilfully damage any ditch, canal, drain, levee, reservoir, roadway, bridge, culvert, or other works established or constructed under this act, or that may have been heretofore constructed within the territory embraced in said District, or shall fill or obstruct the flow of water in any canal, ditch, drain, or waterway, or shall remove any earth, stone, or material from the banks of any canal, drain, or ditch without first having obtained permission in writing from said Board to remove such material, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding \$500 or be imprisoned in the county jail not longer than 6 months.

Section 6. The Highland Glades Water Control District shall not be liable for personal injuries or injuries to property due to the defective condition of its roads, highways, bridges, or culverts.

Section 7. No suit or any cause of action of whatsoever kind or nature against the Highland Glades Water Control District shall be instituted later than 6 months from the date such cause of action shall have accrued.

Section 8. No suit or action for the recovery of damages upon any claim or demand arising either ex contractu or ex delicto shall be instituted against the Highland Glades Water Control District unless a written statement giving the particulars of the cause of action and containing a notice of intention to sue shall be filed with the Secretary of said District at least 30 days before the suit or action is instituted.

Section 9. In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the minimum charter requirements of the Highland Glades 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.

(2) The powers, functions, and duties of the District regarding ad valorem taxation, 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 170, 189, 197, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

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

(4) In accordance with chapter 189, Florida Statutes, this act, and section 298.11, Florida Statutes, the district is governed by a three-member board, elected on a 1-acre, one-vote basis by the landowners in the district; however, landowners owning less than 1 acre shall be entitled to one vote.

Landowners with more than 1 acre shall be entitled to one additional vote for any fraction of an acre greater than / acre owned, when all of the landowner's acreage has been aggregated for purposes of voting. 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.

(5) 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.

(6) The administrative duties of the Board of Supervisors shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(7) 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.

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

(9) The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, as they may be amended from time to time; however, a quorum for purposes of holding the annual meeting or any special meeting shall consist of those landowners present in person or represented by proxy at said meeting.

(10) The district may be financed by any method established in this act, chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(11) The methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 170, 197, and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

(12) 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.

(13) The district's geographic boundary limitations shall be as set forth in this act.

(14) The district shall have all powers provided to it by this act, chapters 189 and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

Section 10. All acts and proceedings of the circuit court taken by, for, and on behalf of the 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 the District, and of the county, acting for and on behalf

of the District, and any and all tax levies and assessments which have been made by the Board of Supervisors for and on behalf of the District, are each and every one of them, and each and every part thereof, hereby ratified, validated, and confirmed.

Section 4. It is intended that the provisions of this act shall be liberally construed to accomplish the purposes of this act.

Section 5. If any section, subsection, sentence, clause, or phrase of this act is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of the act, the Legislature hereby declaring that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of any other separate section, subsection, sentence, clause, or phrase thereof, and irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases thereof may be declared unconstitutional.

Section 6. Chapter 8885, Laws of Florida (1921), chapter 9564, Laws of Florida (1923), chapter 10615, Laws of Florida (1925), chapter 30199, Laws of Florida (1955), and chapter 89-466, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.