

House Bill No. 859

An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing 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; 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 Gladeview 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 9982 (1923), 13648 (1929), and 57-850, Laws of Florida, relating to the Gladeview Water Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Gladeview Water Control District is recreated and reenacted to read:

Section 1. Status and boundaries of Gladeview Water Control District.—The Gladeview 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 Gladeview Water Control District:

Section Ten (10) and the West Half of Township Forty-four (44) South of Range Thirty-nine (39) East, in Palm Beach County, Florida.

Section 2. 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 1924, 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 Gladeview 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 3. No suit or any cause of action of whatsoever kind or nature against the Gladeview Water Control District shall be instituted later than 6 months from the date such cause of action shall have accrued.

Section 4. 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 Gladeview 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 5. Qualifications of board of supervisors.—All three members of the Board of Supervisors of Gladeview Water Control District shall be residents of the State of Florida but only one of such supervisors need be a landowner of Gladeview Water Control District. An officer or director of a corporation owning land in Gladeview Water Control District shall be deemed a landowner for purposes of this section.

Section 6. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the charter of the Gladeview 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 one-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 $\frac{1}{4}$ 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 7. 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 for accomplishing the work authorized and provided for or intended to be provided for by this act, and where strict construction would permit or assist in the accomplishment of any part of the work authorized by this act, the liberal construction shall be chosen.

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 9982 (1923), chapter 13648 (1929), and chapter 57-850, Laws of Florida, relating to the Gladeview Water Control District shall be 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 30, 2001.

Filed in Office Secretary of State May 30, 2001.