

House Bill No. 1667

An act relating to the Pahokee Water Control District, Palm Beach County; providing for codification of special laws regarding special districts pursuant to chapters 97-255 and 98-320, Laws of Florida, relating to the Pahokee Water Control District, a special tax district of the State of Florida composed of the County of Palm Beach; providing legislative intent; codifying, reenacting, and amending chapter 10002, Laws of Florida, 1923; chapter 13715, Laws of Florida, 1929; chapter 14779, Laws of Florida, 1931; chapter 18042, Laws of Florida, 1937; chapter 19607, Laws of Florida, 1939; chapters 20652 and 20695, Laws of Florida, 1941; chapter 23622, Laws of Florida, 1947; chapter 28440, Laws of Florida, 1953; chapter 30151, Laws of Florida, 1955; and chapters 57-433, 63-877, 71-817, 77-618, 80-563, 82-354, and 97-335, Laws of Florida; providing for minimum charter requirements; amending the district's maintenance tax cap; providing for repeal of all prior special acts related to the district; providing for precedence over conflicting law to the extent of such conflict; providing 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 Pahokee 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 10002, Laws of Florida, 1923; chapter 13715, Laws of Florida, 1929; chapter 14779, Laws of Florida, 1931; chapter 18042, Laws of Florida, 1937; chapter 19607, Laws of Florida, 1939; chapters 20652 and 20695, Laws of Florida, 1941; chapter 23622, Laws of Florida, 1947; chapter 28440, Laws of Florida, 1953; chapter 30151, Laws of Florida, 1955; and chapters 57-433, 63-877, 71-817, 77-618, 80-563, 82-354, and 97-335, Laws of Florida, relating to the Pahokee Water Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Pahokee 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 are the minimum requirements for the charter of the Pahokee 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 10002, Laws of Florida, 1923, 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.

Section 2. The creation and organization of the Pahokee Water Control District, as created and organized by the Circuit Court of Palm Beach County under the provisions of former Article I, Chapter III, Title VII, First Division of the Revised General Statutes of Florida, 1920, is hereby ratified, validated, and confirmed.

Section 3. The Pahokee Water Control District so created and organized, and by this act ratified, validated, and confirmed, shall embrace and include all the lands within the following boundaries:

Commencing at the northwest corner of Section Fifteen (15), Township Forty-two (42) South, Range Thirty-seven (37) East, and running thence southerly and along the West Section Line of said Section to the Southwest corner of said Section Fifteen (15), which is also the Northeast corner of Section Twenty-one (21) same Township and Range; thence westerly along the north line of said Section Twenty-one (21) to the northwest corner of said Section, which is also the northeast corner of Section Twenty (20), same Township and Range; thence southerly and along the lines dividing the aforesaid Sections Twenty-one (21) and Twenty (20), and continuing in the same line which divides Sections Twenty-eight (28) and Twenty-nine (29), and Thirty-three (33) and Thirty-two (32), same Township and Range, to the southerly line of said Township Forty-two (42) South; thence due East along said Township line to the Palm Beach Canal; thence following the West bank of said Palm Beach Canal in a northwesterly direction to the section line dividing Sections 12 and 13, Township 42, Range 37; thence West along said section line to the Northwest corner of Section 15, Township 42, Range 37, the point of beginning.

Section 4. For the purpose of providing a necessary outlet for the drainage of the East Beach Water Control District, formerly the West Unit of the Pahokee Water Control District, and the disposal of the same by gravity into the West Palm Beach Canal, the Board of Supervisors of the Pahokee Water Control District is hereby authorized to acquire and maintain a right-of-way 100 feet wide, necessary for the canal and spoil bank thereof, which will constitute the outlet, the same to commence at a point where the north line of the Pahokee Water Control District intersects the eastern shore of Pelican Lake and from thence to run eastwardly along the northerly line of the Pahokee Water Control District to a point where the same intersects and will empty into the West Palm Beach Canal, and to provide in connection with said outlet drainage canal whatever flood gates may be necessary, sluices, and other works pertinent to the same and as may be necessary to accomplish the objective and purpose for which it is constructed.

Section 5. The Board of Supervisors of the Pahokee Water Control District shall be composed of three citizens of the United States, who shall be resident freeholders of the State of Florida.

Section 6. The Board of Supervisors of the Pahokee Water Control District is hereby authorized, empowered, and directed to levy and impose upon all of the lands, including lands held by the Board of Trustees of the Internal Improvement Trust Fund of Florida, or its successor, lying and being situate within the boundaries of the District, a tax not to exceed the sum of \$40 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 7. All other acts and proceedings of the Circuit Court of Palm Beach County 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 Palm Beach 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 8. The action of the Board of Supervisors, officers, and receivers of the Pahokee Water Control District and of the Tax Collector of Palm Beach County, in accepting bonds, interest coupons, and other obligations of the District, and each unit thereof, in the payment of taxes and assessments, and all compromises, adjustments, and settlements of delinquent taxes or assessments heretofore made, are hereby ratified, confirmed, validated, and declared to be legal, valid, and binding.

Section 9. The Board of Supervisors shall have the power to employ a person to be designated the General Manager of the District and to vest in him or her such authority, to delegate to him or her the performance of such duties, and to provide such compensation as may be determined by the Board. 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 10. The Board of Supervisors is authorized and empowered to enter into arrangements with other drainage and water control districts in the Everglades area for the pooling of insurance coverage, for the purchase, rental, and use of equipment, buildings, and facilities, and for the services of employees of the District.

Section 4. Chapter 10002, Laws of Florida, 1923; chapter 13715, Laws of Florida, 1929; chapter 14779, Laws of Florida, 1931; chapter 18042, Laws of Florida, 1937; chapter 19607, Laws of Florida, 1939; chapters 20652 and 20695, Laws of Florida, 1941; chapter 23622, Laws of Florida, 1947; chapter 28440, Laws of Florida, 1953; chapter 30151, Laws of Florida, 1955; and chapters 57-433, 63-877, 71-817, 77-618, 80-563, 82-354, and 97-335, Laws of Florida, are hereby repealed, except to the extent inconsistent herewith.

Section 5. In the event of a conflict of the provisions of this act with the provisions or any other act, the provisions of this act shall control to the extent of such conflict.

Section 6. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstances, 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,

circumstances, or person, and it is intended that this act shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 7. 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.