

CHAPTER 2000-486

House Bill No. 1837

An act relating to the South Shore Drainage District, Palm Beach County; codifying the district's charter, chapter 11138, Laws of Florida, (1925), as amended; providing legislative intent; providing for minimum charter requirements; specifying the boundaries of the district; providing for a district board of governors; providing for meetings of district landowners; specifying a quorum; providing for a grant of property and property rights to the district for district purposes; providing supplemental powers of the district governing board; authorizing the governing board to employ a district general manager; providing for taxation of district lands; adopting a district water control plan of reclamation; providing for equal assessment of district lands; providing for ratification of certain prior actions; repealing all prior special acts relating to the South Shore Drainage District; providing for 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 South Shore Drainage 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 Chapter 11138, Laws of Florida, 1925, as amended, is codified, reenacted, amended, and repealed as herein provided.

Section 3. Pursuant to s. 189.404(3), Florida Statutes, the South Shore Drainage District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. (1) The South Shore Drainage 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's charter may be amended only by special act of the Legislature.

(4) 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.

(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 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 chapters 189 and 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, and applicable general laws as they may be amended from time to time.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

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

Section 2. That for the purpose of reclaiming and draining the lands hereinafter described and improving said lands by means of the construction of canals and ditches and making said lands available and habitable, and for the maintenance thereof, and authorizing the cutting and construction of canals, ditches, dikes, and reservoirs for the benefit of said lands, and protecting the same from the effect of excess water, and making them available for agricultural and sanitary purposes, and for the public convenience and welfare and for public utility and benefit, a drainage and water control

district is hereby established and declared to exist, to be known and designated as South Shore Drainage District, the territorial boundaries of which shall be as follows:

Commencing at a point being the intersection of the west right-of-way line of the Everglades Drainage District's North New River Canal with the east and west half section line of Section 14, Township 44 South, Range 36 East;

Thence west along the aforesaid half section line of Section 14, 3,722 feet, more or less, to a point whence the quarter corner between Section 14 and Section 15, Township 44 South, Range 36 East, bears west 50 feet distant;

Thence north 0° 7' east along a line parallel to and 50 feet east of the section line between the aforesaid Section 14 and Section 15, a distance of 2,561 feet, more or less, to a point being the intersection with the South boundary of Florida East Coast Railway right-of-way, said point lying 50 feet east, and 81.6 feet south of the section corner common to Sections 10, 11, 14 and 15, Township 44 South, Range 36 East;

Thence south 89° 57' west along the south boundary of the Florida East Coast Railway right-of-way, a distance of 15,915.8 feet, more or less, through Sections 15, 16, and 17 to a point on the section line between Sections 17 and 18, said point lying 94.5 feet south of the section corner common to Sections 7, 8, 17, and 18, Township 44 South, Range 36 East;

Thence north 0° 5' east along said section line between Sections 17 and 18 and Sections 7 and 8 to a point on the section line between Sections 7 and 8, said point being 105.8 feet north of the section corner common to Sections 7, 8, 17, and 18, Township 44, Range 36 East;

Thence north 45° 00' west diagonally through Section 7, Township 44 South, Range 36 East, 7,431 feet, more or less, to a point lying 75 feet north and 30 feet east of the section corner common to Sections 1 and 12, Township 44 South, Range 35 East, and Sections 6 and 7, Township 44 South, Range 36 east (the above-described line being parallel to and 75 feet distant from a true Northwest diagonal line through the aforesaid Section 7);

Thence south 89° 21' west along a line parallel to and 75 feet north of the section line between Section 1 and Section 12, Township 44 South, Range 35 East, a distance of 5,227 feet, more or less, to a point whence the corner of Sections 1, 2, 11, and 12, Township 44 South, Range 35 East, bears 45° 00' west 105.8 feet distant;

Thence north 0° 03' east on a line parallel to and 75 feet east of the section line between Section 1 and Section 2, a distance of 5,205 feet, more or less, to a point on the township line between Section 1 and Section 36, whence the corner of Sections 1 and 2, Township 44 South, Range 35 East, and Sections 35 and 36, Township 43 South, Range 35 East, bears south 89° 21' west 75 feet distant;

Thence north 0° 03' east 310 feet, more or less, to a point 100 feet south from the center line of the lake shore levee as located on the ground by the Everglades Drainage District;

(The above-described boundaries are in common with the boundaries of the South Florida Conservancy District);

Thence north 0° 03' east 309 feet, more or less, to a point being the intersection with the South boundary of the United States Engineer War Department's Lake Okeechobee Levee right-of-way;

Thence along the south boundary of the aforesaid Federal Levee right-of-way, more particularly described as follows:

(a) North 88° 44' east, a distance of 5,229 feet, more or less, to a point being on the range line between Sections 31 and 36, Township 43 South, Ranges 35 and 36 East;

(b) Thence north 88° 44' east, a distance of 2,222 feet, more or less, to a point;

(c) Thence south 63° 03' east, a distance of 1,428 feet, more or less, to a point being on the township line between Section 31 and Section 6, Townships 43 and 44 South, Range 36 East;

(d) Thence south 62° 54' east, a distance of 2,022 feet, more or less, to a point being on the section line between Section 5 and Section 6, Township 44 South, Range 36 East;

(e) Thence south 58° 52' east, a distance of 6,115 feet, more or less, to a point being on the section line between Sections 4 and 5, Township 44 South, Range 36 East;

(f) Thence south 58° 52' east, a distance of 1,820 feet, more or less, to a point;

(g) Thence south 76° 25' east, a distance of 881 feet, more or less, to a point on the section line between Section 4 and Section 9, Township 44 South, Range 36 East;

(h) Thence south 76° 25' east, a distance of 1,904 feet, more or less, to a point;

(i) Thence south 86° 45' east, a distance of 1,034 feet, more or less, to a point on the Section line between Section 9 and 10, Township 44 South, Range 36 East;

(j) Thence south 86° 45' east, a distance of 2,603.3 feet, more or less, to a point, being the intersection of the south boundary of the Federal Levee right-of-way with the South boundary of the Everglades Drainage District's Lake Okeechobee Levee;

(The above-described boundaries are in common with the South Shore Drainage District Plan of Reclamation dated July 1, 1935)

(a) Thence N36° 17' 25"E (new basis of bearing) along the southeasterly right-of-way of the L-D2, Hoover Dike a distance of 800 feet, more or less, to the north line of Section 10, Township 44 South, Range 36 East;

(b) Thence N36° 17' 25"E along said Dike right-of-way a distance of 3,253 feet;

(c) Thence S54° 58' 55"E a distance of 4,531 feet to the West right-of-way of the North New River Canal;

(d) Thence south along said North New River Canal right-of-way a distance of 5,284 feet, more or less, to the north line of Section 14, Township 44 South, Range 36 East;

(e) Thence south along said west North New River Canal right-of-way, a distance of 2,641 feet, more or less, to a point on the east and west half-section line of Section 14, Township 44 South, Range 36 East, being the Point of Beginning.

Section 3. The governing Board of South Shore Drainage District shall be designated "Board of Supervisors of South Shore Drainage District" and shall be composed of three persons, who shall be resident freeholders of the State of Florida. The members of said Board of Supervisors shall each receive compensation as provided for in chapter 298, Florida Statutes, and shall be reimbursed for all expenses actually incurred by them in the performance of their duties as such Supervisors.

Section 4. A meeting of the landowners of said District shall be held during the month of March each year for the purpose of electing Supervisors of said District and transacting such other business as may properly come before the meeting. At any landowners' meetings, those owners of lands in the district present in person or voting by proxy shall constitute a quorum.

Section 5. The State of Florida hereby grants unto said District the necessary lands, easements, rights-of-way, riparian rights, restrictions, and reservations to lands that may be vested in the State or in the State Board of Education or the Board of Trustees of the Internal Improvement Trust Fund and property rights therein of every description required for the public purposes and powers of said Board.

Section 6. In addition to the powers set forth herein and as otherwise provided by law, the Board of Supervisors is also authorized and empowered to enter into arrangements with other drainage or water management districts for the pooling of insurance coverage, purchase, rental, and use of equipment, buildings, and facilities and for services of employees of the District.

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. (1) The lands within said District held by the Trustees of the Internal Improvement Trust Fund of the State of Florida shall be subject to the taxes hereby imposed and said Trustees, in furtherance of the trust upon which said lands are held, are hereby authorized and directed to pay the same out of the moneys in their possession.

(2) To maintain and preserve the ditches, drains, or other improvements of the District and to repair and restore the same, when needed, and for the

purpose of defraying the current expenses of the District, the Board of Supervisors may levy annually a per acre tax not to exceed \$40 per acre per annum upon each tract or parcel of land within the District, to be known as a "maintenance tax." The Supervisors shall have the power to designate maintenance areas within the District, and to levy variable maintenance tax rates apportioned upon the basis of benefits received by lands within the maintenance areas to provide for special and additional services to any particular area in the District which may require such special or additional services as a result of the use of the land in the area.

(3) In levying and assessing all taxes, each tract or parcel of land less than one acre in area shall be assessed as a full acre, and each tract or parcel of land more than one acre in area which contains a fraction of an acre shall be assessed at the nearest whole number of acres, a fraction of one-half or more to be assessed as a full acre.

Section 9. (1) The Water Control Plan for South Shore Drainage District heretofore established is adopted for the District and established as herein stated. The existing drainage facilities and drainage system within the territorial boundaries of the District will be utilized under the Water Control Plan including levees, canals, channels, laterals, pumping plants, and other structures.

(2) The pump station building, equipment, and canal systems serving the additional lands shall be deemed to be a part of the District's Water Control Plan which will be effective upon the transfer of the aforementioned facilities to the District by the Owner.

Section 10. It is hereby ascertained that all lands within the boundaries of the District shall be equally benefited from the water management works, facilities, and improvements as constructed and maintained under the Water Control Plan and pursuant to the provisions of this act; and, therefore, all said lands in the District shall be assessed equally, by reason of the operation and maintenance of the District's works, facilities, and improvements pursuant to the provisions of this act.

Section 11. 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 11138, Laws of Florida, chapter 12272, Laws of Florida, 1927; chapter 13803, Laws of Florida, 1929; chapter 17259, Laws of Florida, 1935; chapter 22992, Laws of Florida, 1945; chapter 57435, Laws of Florida, 1957; and chapters 71-819, 77-622, and 99-424, 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, 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 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 14, 2000.

Filed in Office Secretary of State June 14, 2000.