

Senate Bill No. 2616

An act relating to Loxahatchee Groves Water Control District, Palm Beach County; codifying the district's charter, reenacting chapter 76-455, Laws of Florida, as amended; providing for date of annual landowner's meeting and election of supervisors; providing that no person may be elected as a supervisor unless timely notice has been given of his or her intent to be elected as a supervisor; providing landowners with more than 1 acre are entitled to one additional vote for any fraction of an acre greater than one-half acre when all of said landowner's acreage has been aggregated for purposes of voting; providing for who may be a hauling permit applicant; providing a mechanism to enforce existing provisions for fines for violation of hauling permit law violations; allowing citations for such violations to be issued by traffic enforcement agencies and treating such citations in the same manner as a noncriminal traffic infraction; providing that no land within the boundaries of the district, with the exception of one identified parcel, may be annexed by any municipality unless the municipality proposing to annex said land agrees to annex all of the real property comprising the district and such annexation is subject to the provisions set forth in s. 171.0413, F.S.; providing borrowing authority to deal with declared disasters; repealing all prior special acts of the Legislature relating to the Loxahatchee Groves Water Control District; providing that this act shall take precedence over any 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. Chapter 76-455, Laws of Florida, as amended, is codified, reenacted, amended and repealed as herein provided.

Section 2. The Loxahatchee Groves Water Control District is re-created and reenacted to read:

Section 1. Name and duration of district.—The name of Loxahatchee Sub-Drainage District, created by chapter 298, Florida Statutes, is changed to Loxahatchee Groves Water Control District, hereinafter known as the Loxahatchee Groves Water Control District. The corporate life of the Loxahatchee Groves Water Control District is extended perpetually.

Section 2. Landowner's meeting and election of supervisors.—

a. Election of supervisors.—Every year in the same month that a supervisor's term expires as provided in ss. 298.11 and 298.12, Florida Statutes, the district shall call a meeting of the landowners in the district for the purpose of electing a supervisor for such vacancy or existing vacancies. There shall be one ballot for each vacancy. To be elected, a candidate must have a majority of the votes on that ballot. In the event no candidate receives a majority of votes on the first ballot, a run-off ballot shall be held between the two candidates receiving the highest number of votes on the first ballot.

b. Number of votes; voting.—At such election, each and every owner of land in the district shall be entitled to vote, in person or by proxy in writing duly signed. Each landowner shall be entitled to one vote for every acre of land owned by him or her within the district. Landowners owning less than 1 acre shall be entitled to one vote. Where land is held in any form of joint ownership; votes may be cast by one owner only. Landowners with more than 1 acre are entitled to one additional vote for any fraction of an acre greater than ½ acre, when all of the landowners' acreage has been aggregated for purposes of voting.

c. Quorum for landowners' meetings.—At any landowners' meetings those owners of lands in the district present in person or voting by proxy shall constitute a quorum.

d. Membership of the board of supervisors.—The board of supervisors of the district shall be increased from three members to five members.

e. Date of landowner's meeting; notice of intent to be elected.—Notwithstanding any provision of s. 298.12, Florida Statutes, to the contrary, for all elections held after 1999, in order for a person to be elected as a supervisor of the district, that person must notify the Supervisor of the Board of Elections of Palm Beach County of his or her intent to be elected as a supervisor at least 90 days prior to the annual landowner's meeting, which shall take place on the 4th Monday of June each year. The date of annual landowner's meeting may be changed by majority of the board of supervisors of the district provided that such change occurs at least 150 days prior to the newly selected date of the landowner's meeting and further provided that notice of such change of the date of the landowner's meeting shall be published once a week for 2 consecutive weeks in a newspaper of general circulation in the county in which the lands of the district are located, with the first such publication to be not less than 10 nor more than 15 days after the vote of the board of supervisors to change the date of the annual landowner's meeting. No person who has not timely provided notice to the supervisor of elections of his or her willingness to be elected, as set forth above in this section, may be elected as a supervisor of the district, unless no individuals have timely provided notice to the supervisor of elections, in which event the provisions of s. 298.12(1), Florida Statutes, shall control. If the number of persons timely providing notice to the supervisor of elections does not exceed the number of seats for which supervisors are to be elected in that year, then those individuals providing timely notice shall be deemed elected as supervisors as of the date of the annual landowner's meeting and no election, or notice of such election, shall be held. If the number of persons providing timely notice to the supervisor of elections exceeds the number of seats for which supervisors are to be elected that year, then elections shall proceed forward at the annual landowner's meeting in accordance with the provisions of s. 298.12(1), Florida Statutes, as may be modified by this act.

Section 3. Levy of assessments.—Levy of assessments of land less than 1 acre. In the levying and assessing of all assessments by the Loxahatchee Groves Water Control District, Palm Beach County, created under chapter 298, Florida Statutes, each tract or parcel of land less than 1 acre in area shall be assessed as a full acre.

Section 4. Powers of the district.—

a. In addition to the powers provided for in chapter 298, Florida Statutes, the Loxahatchee Groves Water Control District shall have the power to maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of the district or the supervisors thereof; and in furtherance of the purpose and intent of this act and chapter 298, Florida Statutes, to maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the reclamation operations of the district, including all the roads shown on the replat of Loxahatchee Groves, as recorded in Plat Book 12, Page 29, Palm Beach County Public Records; and to provide funds for this purpose in its annual levy of district assessments.

b. The Board of Supervisors of the Loxahatchee Groves Water Control District in Palm Beach County, is hereby authorized, empowered, and permitted to expend funds of the district to pay for engineering studies and plans for the purpose of developing a road improvement program for the construction, maintenance, improvement, and repair of dedicated roads and road rights-of-way, including the swales thereof, within the district.

c. In addition to the powers of Loxahatchee Groves Water Control District, hereinafter referred to as the “district,” elsewhere provided by general or special law, the district shall have the power to construct, maintain, improve, and repair roadways and roads necessary and convenient for the exercise of any of the powers or duties of the district or the board of supervisors thereof, including all the roads shown on the replat of Loxahatchee Groves, as recorded in Plat Book 12, Page 29, Palm Beach County Public Records, or to provide access to and development of areas within the district, or both; to provide funds for such construction, maintenance, improvement, or repair through the levying of assessments pursuant to chapter 298, Florida Statutes, hereinafter referred to as “drainage assessments,” or special assessments, or both; and to acquire land, including any interest therein, by purchase, gift, exchange, or eminent domain, for such construction, maintenance, improvement, or repair.

d. The powers granted in this section may be exercised without the necessity of modifying or amending the water control plan for the district.

e. The powers set forth in this section shall be exercised by resolution adopted by a majority of the membership of the board of supervisors, but the board of supervisors shall not authorize the construction of any new road or roadway or the improvement, other than routine maintenance, of any existing roadway within the district, except pursuant to a vote in favor of such construction or improvement by a majority of the votes cast at a meeting of the owners of lands within the district to be affected by such construction or improvement. The board of supervisors shall, prior to authorizing any such construction or improvement, determine what lands within the district would be affected by such construction or improvement, provided that any lands upon which drainage assessments or special assessments would be levied to finance such construction or improvement shall be deemed to be

affected and shall thereafter cause notice to be given to all such landowners of a meeting of landowners to be held for the purpose of voting upon such construction or improvement; at such meeting, each owner of land to be affected by such construction or improvement, present in person or by proxy, shall be entitled to one vote for each acre of such land or fraction thereof within the district owned by such owner. Notice of a meeting of landowners hereunder shall be given in the same manner as provided by law for the giving of notice of the annual meeting for the election of supervisors.

f. The board of supervisors, in the exercise of powers pursuant to this act, may establish different special assessment areas within the district according to the benefits received, and may revise such areas according to the benefits received from time to time, so as to most equitably provide for the levying of special assessments according to benefits as are deemed desirable by the board of supervisors.

g. The district shall have the power to adopt, by resolution, a uniform standard for culvert crossings, bridges, culverts, or other drainage systems that connect with or cross over any of the works of, or lie within the rights-of-way of, the district. If the district so establishes a uniform standard, the district shall by resolution adopt procedures:

(1) Which shall require notice of such uniform standards to be given to persons owning lands upon which any culvert crossings, bridges, culverts, or other drainage systems that connect with or cross over any of the works of, or lie within the rights-of-way of, the district and to such other persons as the board of supervisors shall deem to be necessary or desirable, or both.

(2) Which shall, except as hereinafter provided, require not less than 60-days' written notice to be given to persons owning lands upon which any culvert crossings, bridges, culverts, or other drainage systems exist in violation of any such uniform standards prior to the taking of any enforcement action by the district.

(3) Which may provide for less than 30-days' notice, in writing or otherwise, of violations of the uniform standards in emergency situations.

(4) Which may provide that if, after notice pursuant to paragraph (2) or paragraph (3), any landowner shall fail to conform to such uniform standards, the district may enter upon such lands and take such action as necessary to cause such violation to be corrected and may assess the owner of such land for the district's costs in connection therewith.

(5) Upon the failure of any property owner to pay any assessment levied by the board of supervisors pursuant to paragraph (4) within 30 days of receipt by such owner of notice of said assessment, the district shall have a lien on all lands and premises affected thereby. Such lien shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or district taxes and shall be on a parity with the lien of any such state, county, or district taxes. Such lien shall bear interest at an annual rate equal to the interest rate due on judgments, pursuant to s. 55.03, Florida Statutes, per year and shall, until paid, remain in effect in perpetuity.

h. The district shall have the power to require maintenance of any swale, drainage ditch, culvert, or canal connecting to any of the works of the district where lack of such maintenance adversely impacts the district, its operations, or any of its works. The board of supervisors shall cause notice to be given to any person owning land on which such a swale, drainage ditch, culvert, or canal is located in the event such maintenance is required and, if the requested maintenance is not performed within 30 days of said notice, unless extended by the board of supervisors, the district may go upon such property and perform said maintenance and assess the owner of the property for the district's cost thereof. Upon the failure of any property owner to pay any such assessment within 30 days of receipt by such owner of notice of the assessment, the district shall have a lien on all lands and premises affected thereby. Such lien shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or district taxes and shall be on a parity with the lien of any such state, county, or district taxes. Such lien shall bear interest at an annual rate equal to the interest rate due on judgments, pursuant to s. 55.03, Florida Statutes, per year and shall, until paid, remain in effect in perpetuity.

i. The board of supervisors of the district, in order to carry out any of the powers set forth in subsections c.-g. may levy and impose special assessments against any or all of the real property within the district upon a determination that the construction, maintenance, improvement, repair, or operation of the roads or roadways provide a benefit to such real property. The assessments shall be imposed upon the property specially benefited by such construction, maintenance, improvement, repair, or operation in proportion to the benefits to be derived therefrom, and the special benefits shall be determined and prorated by a method prescribed by the board of supervisors.

(1) The board of supervisors, if it elects to assess a special benefit, shall declare by a resolution the nature of the proposed improvement or the services provided to existing improvements, shall designate the location of the improvement or the service provided to existing improvements, and shall state the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, and what part, if any, shall be apportioned to and paid from the funds of the district. The resolution shall also identify the lands upon which the special assessments shall be levied. The resolution shall state the total estimated cost of the improvement or service to be provided to existing improvements.

(2) Within 30 days after the adoption of the resolution, the board of supervisors shall cause said resolution to be published one time in a newspaper of general circulation in Palm Beach County.

(3) Upon the adoption of the resolution, the board of supervisors shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be promptly completed and filed with the records of the board of supervisors. The lands assessed, the amount of the assessment against such lands, and,

if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered and shown on said assessment roll.

(4) On the completion of said assessment roll, the board of supervisors shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons interested therein, may appear before said board of supervisors and be heard as to the propriety and advisability of making such improvements or providing said services, as to the cost thereof, and as to the amount thereof to be assessed against each property so improved. Notice in writing of such time and place shall be given to the property owners.

(5) At a time and place named in the notice provided for in paragraph (4), the board of supervisors of the district shall meet as an adjustment board to hear and consider any and all complaints as to the special assessments and shall adjust the assessments on an equitable basis. After the special assessments are so adjusted and approved by resolution, such assessments shall stand confirmed and, until paid, shall remain legal, valid, and binding liens upon the property against which such assessments are made of equal dignity with the lien for county taxes. However, upon completion of the improvement, or provision of service to existing improvements, the board of supervisors shall credit to each of the assessments the difference in the assessment as originally made, approved, and confirmed and the proportionate part of the actual cost of the improvement or service to be paid by special assessments as finally determined on the completion of the improvement or service, but in no event shall the final assessments exceed the amount of benefits originally assessed. Promptly after confirmation, the assessments shall be recorded in the public records of Palm Beach County and the record of the lien shall constitute prima facie evidence of its validity.

(6) The special assessments shall be payable at the time and in the manner stipulated in the resolution authorizing the improvement or service. Such assessments shall remain liens, coequal in priority with the lien of county taxes, until paid. Assessments not paid when due shall bear interest at such rate or rates, not in excess of the maximum legal rate, prescribed by the board of supervisors in the resolution.

(7) Each annual installment of special assessments provided for shall be paid upon the date specified in said resolution, until the entire amount of said assessment has been paid, and, on the failure of any property owner to pay any annual installment due or any part thereof, or any interest on any delinquent payment, the district shall have a lien on all lands and premises affected thereby. Such lien shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or district taxes and shall be on a parity with the lien of any state, county, or district taxes. Such lien shall, until paid, remain in effect in perpetuity.

(8) If any special assessment made under the provisions of this section to defray the whole or any part of the expense of any improvement or provision of any service is either in whole or in part annulled, vacated, or

set aside by the judgment of any court, or if the board of supervisors of the district is satisfied that any assessment is so irregular or defective that the same cannot be enforced or collected, or if the board of supervisors omitted to make such assessment when it might have done so, the board shall take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or service provided or against any property benefited by any improvement or service provided, following as nearly as possible the provisions of this act, and, in case such second assessment shall be annulled, the board of supervisors may obtain and make other assessments until a valid assessment is made.

(9) An informality or any irregularity in the proceedings in connection with the levy of any special assessment under this act shall not affect the validity of the same where the assessment roll has been confirmed by the board of supervisors, and the assessment roll as finally approved and confirmed shall be competent and sufficient evidence that the assessment was duly levied, the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the assessment roll were duly had, taken, and performed as required by this act; no variance from the directions hereunder shall be held material unless it is clearly shown that the party objecting was materially injured thereby.

j. The district is authorized to provide from time to time for the issuance of special assessment bonds of the district to pay all or any part of the cost of a system of roads and roadways and any improvements thereto. The principal of and interest on any bonds shall be payable from special assessments sufficient to pay the bonds in the manner provided in the bonds, in this act, and the resolution authorizing such bonds. The bonds shall be authorized by resolution or resolutions of the board of supervisors of the district, adopted by a majority of the supervisors present and voting at a meeting of the supervisors. The bonds shall bear interest at a rate or rates not in excess of the maximum rates permitted by general law, may be in one or more series, may bear such date or dates, and may mature at any time or times not exceeding 40 years from their respective dates, may be payable in such medium of payment, at such place or places within or without the State of Florida, may carry such registration privileges, may be subject to redemption prior to maturity, with or without premium, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form otherwise as such resolution or subsequent resolutions shall provide. The bonds may be sold or exchanged for refunding bonds, or delivered to contractors in payment for any part of the work or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal, or both, to be acquired for such works or improvements, in such manner as the district in its discretion shall determine. Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the district may determine may be issued to the purchaser or purchasers of the bonds issued hereunder. The bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the Uniform Commercial Code of the State of Florida. The proceeds of the sale of any such bonds shall be used solely for the payment

of the costs of the district incurred or to be incurred in carrying out the powers set forth in subsection c., subsection d., subsection e., or subsection f., and shall be disbursed in such manner and under such restrictions as the district may provide in the authorizing resolution. The district may also provide for the replacement of any bonds which become mutilated or are stolen, destroyed, or lost, upon proper indemnification. A resolution providing for the issuance of special assessment bonds may also contain such limitations upon the issuance of additional bonds secured on a parity with the bonds theretofore issued as the district may deem proper.

k. All special assessments levied pursuant to this act may, in the discretion of the board, be collected by the tax collector of Palm Beach County at the same time as the general county taxes are collected by the tax collector of Palm Beach County, and the board shall in such event certify to the county tax collector a list of all such special assessments and a description of the lands and names of the owners of the properties against which such special assessments have been levied and the amounts to become due therefrom in the next succeeding year, including any interest thereon for any deficiencies for prior years. The board may in lieu of providing for the collection of said special assessments by the tax collector of Palm Beach County, provide for the collection of the special assessments by the district under such terms and conditions as the board shall determine. In such event, the bills or statements for the amounts due at any time and from time to time shall be mailed to the owners of all properties affected by such special assessments at such time or times as the board shall determine. All charges of the county tax collector or of the district, and the fees, costs, and expenses of any paying agents, trustees, or other fiduciaries for assessment bonds issued under this act, shall be deemed to be costs of the operation and maintenance of any improvements in connection with which such special assessments were levied and the board shall be authorized and directed to provide for the payment each year of such costs of collection, fees, and other expenses from additional special assessments or from the maintenance tax as provided by general law.

Section 5. Permitting of hauling operations.—

a. Definitions.—As used in this act:

(1) “Haul” or “hauling” means to cart, pull, carry, or transport in a motor vehicle.

(2) “District” means the Loxahatchee Groves Water Control District.

(3) “Excavate” or “excavation” means any act by which material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or otherwise deliberately distributed. Excavation excludes agricultural plowing and site grading and demucking in preparation for construction.

b. Application for hauling permit.—

(1) In addition to the powers of the district elsewhere provided by general or special law, the district shall have the power to implement and enforce a permitting system necessary and convenient for the exercise of any of the

powers or duties of the district or the board of supervisors thereof pertaining to all roads and roadways maintained by the district, pursuant to its legislative authority, to provide access to or to restrict the use of roads or roadways within the district for the hauling of excavated material where such hauling exceeds 250 cubic yards of excavated material within a 1-year period to or from the property of any landowner.

(2) In order to effect the regulation of hauling activities and the protection of the condition of district roads and roadways, the district:

(a) May require the following information to be supplied in an application for a hauling permit made to the district;

(i) Name and address of proposed hauling operator.

(ii) Type and number of vehicles to be operated.

(iii) Origin and destinations of hauling load.

(iv) Description of routes upon which the hauling operation will be conducted.

(v) Dimensions and maximum total weight of hauling vehicles.

(vi) Requested hauling schedule, including times and dates of excavation and use of hauling route.

(vii) Verification of notice to all utility companies and municipalities along the proposed route and a copy of their reply.

(viii) Approval of Palm Beach County's engineering department, if required.

(ix) Name and address of permit applicant, which shall be either the owner of the land within the district from which the material is excavated or transported to or the person or entity performing the excavation work in the district, if the latter, the landowner must also sign the permit application.

(b) Shall require that the recipient of a hauling permit from the district coordinate with the district the hauling routes and the times during which hauling activities are permitted to take place.

(c) Shall include, as a condition of the hauling permit, that the hauling operator, permit applicant and landowner (if not the permit applicant) not cause damage or loss from the undertaking of hauling activities to the property of the district, including, but not limited to, district roads and roadways and adjacent private property. Notwithstanding the foregoing, the hauling operator, permit applicant, and landowner (if not the permit applicant) shall be liable for the repair of any such damage caused by hauling activities and shall reimburse the district and any adjacent private property owners for any loss or damage occasioned by hauling activities.

(d) Shall require, as a condition of the approval of a hauling permit, evidence of insurance by the hauling operator to remain in force for the duration of the permit.

(e) Shall require a permit applicant, the landowner (if not the permit applicant) and the hauling operator, jointly and severally, to indemnify and hold harmless the district and its agents, employees, officers, and supervisors from and against all claims, damages, losses, and expenses, including, but not limited to, reasonable attorney's fees, arising out of or resulting from the exercise of hauling activities pursuant to the permit, provided that any such claim, damage, loss, or expense arises or results, in whole or in part, from the hauling operator's activities in connection with the hauling permit, and to execute an indemnity agreement so stating.

(f) May assess and collect reasonable fees in connection with reviewing permit applications and approving the hauling permit.

(g) May adopt rules to implement the purposes of this section.

c. Liability.—

(1) Any person who, willfully or otherwise, hauls material on district roads or roadways shall obtain a hauling permit as required under this act and shall not violate the conditions of any hauling permit that has been granted by the district pursuant to this act.

(2) Any person who willfully hauls excavated material on district roads or roadways without a hauling permit as required under this act or who violates the conditions of a hauling permit granted pursuant to this act is liable to any person injured thereby for the full amount of the injury occasioned to any land or crops or other property by reason of such hauling activities, and shall be liable to the district for double the cost of repairing any resulting damage to the district's roads or roadways.

(3) Any person who willfully hauls excavated material upon the district roads or roadways without a hauling permit as required under this act, or in contravention of the conditions of a hauling permit granted pursuant to this act, shall be subject to a civil fine of \$500 per occurrence, with each day that a violation occurs constituting a separate occurrence. Any violation of this section may be treated in the same manner as a noncriminal traffic infraction under chapter 318, Florida Statutes, and citations for such violations may be issued by traffic enforcement agencies in the same manner as traffic citations are issued under chapter 316, Florida Statutes.

(4) If a hauling operator, permit applicant, or landowner (if not the permit applicant) upon notice, in writing or otherwise, fails to repair any damage occasioned by the hauling of materials on the road or roadways of the district within 24 hours of receiving said notice, the district may repair such damage and assess the owner of the land in the district from which the material was excavated or to which the material was hauled for the district's costs in connection with such repairs. Upon failure of any landowner to pay any assessments levied by the district pursuant to this section within 30 days of receipt of any owner of notice of the assessment, the district shall

have a lien on all lands of such owner within the district. Such liens shall be superior and paramount to the interest in such land and premises of any owner, lessee, tenant, mortgagee, or other person except the lien of state, county, or district taxes and any conservation easements and shall be on a parity with the lien of any such state, county, or district taxes and any conservation easements. Such liens shall bear interest at the annual rate equal to the interest rate due on judgments, pursuant to s. 55.03, Florida Statutes, per year and shall, until paid, remain in effect in perpetuity.

Section 6. Restriction on annexation.—In view of the unique rural community nature of the district and a recognition by the Legislature of the appropriateness of preserving the district as a unified community, no land within the boundaries of the district may be annexed by any municipality unless the municipality proposing to annex said land agrees to annex all of the real property composing the district and such annexation is subject to the provisions set forth in s. 171.0413, Florida Statutes, including, but not limited to, the requirement that the annexation be approved in a referendum vote by the registered electors living within the boundaries of the district. However, the restrictions on annexation in this section shall not apply to that portion of the district consisting of a parcel bounded by Southern Boulevard on the south, the southern boundary of the drainage/road right-of-way known as Collecting Canal on the north, Folsom/Crestwood on the east, and the western boundary of the Palms West Hospital property on the west, said parcel being more particularly described as follows:

A parcel of land located in the County of Palm Beach, State of Florida, to wit: The point of beginning being the intersection of the easterly line of Lot 4, Block K, Loxahatchee District, according to the plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 7, Page 81, of the Public Records of Palm Beach County, Florida, and the southerly boundary of the "Collecting Canal" as shown on the Replat of Loxahatchee Groves Subdivision according to the plat thereof, recorded in Plat Book 12, Page 29, of the Public Records of Palm Beach County, Florida; thence easterly along said southerly boundary of the Collecting Canal to the easterly boundary of said Replat of Loxahatchee Groves; thence south along said easterly boundary line of the Replat of Loxahatchee Groves to the north right-of-way line of State Road 80, thence westerly along said northerly right-of-way line of State Road 80 to the easterly line of Lot 4, Block K, Loxahatchee District; thence northerly along said easterly line of Lot 4 to the Point of Beginning.

Section 7. Borrowing authority to deal with disaster.—To allow the district to deal with the financial impact of the repair, replacement, or reconstruction of works of the district or other costs incurred by the district due to a "disaster," as defined in s. 252.34(1), Florida Statutes, the district is hereby authorized to borrow such funds as the district may reasonably determine are necessary to cope with the disaster. The district is also authorized to enter into a line of credit arrangement that will permit such borrowing, but funds can be drawn on the line of credit only after a state of emergency has been declared by Palm Beach County, the Governor, or the President of the United States. The district may grant as security or collateral for borrowing under this section any local, state, or federal disaster relief payments (or similar type of payments) to be received by the district

or maintenance assessments levied by the district pursuant to s. 298.54, Florida Statutes, or both.

Section 3. Except as specifically provided herein, chapter 76-455, Laws of Florida; chapter 79-540, Laws of Florida; chapter 82-355, Laws of Florida; chapter 86-432, Laws of Florida; chapter 87-519, Laws of Florida; chapter 88-502, Laws of Florida; and chapter 92-259, Laws of Florida, are repealed.

Section 4. In the event any section, or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

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

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.