

House Bill No. 1559

An act relating to Seminole Water Control District, Palm Beach County; codifying and reenacting provisions of chapters 70-854 and 88-504, Laws of Florida; providing for codification of special acts relating to Seminole Water Control District, a special tax district created pursuant to chapter 70-854, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing that the name of the District shall be the Seminole Improvement District; providing for legislative intent; providing for applicability of chapter 298, F.S., and other general laws; providing additional authority relating to the provision of public infrastructure, services, assessment, levy and collection of taxes, non-ad valorem assessments and fees, public finance, and District operations; providing powers of the District; providing for compliance with county plans and regulations; providing for election of a Board of Supervisors; providing for organization, powers, duties, terms of office, and compensation of the board; providing for levy of ad valorem taxes and non-ad valorem assessments; providing for costs; requiring referendums under specified circumstances; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; providing for general obligation bonds; providing a District charter; providing for repeal of prior special acts related to the Seminole Water Control District; providing severability; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

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

Section 1. Chapters 70-854 and 88-504, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 2. The Seminole Water Control District is re-created and re-named and the charter for such District is re-created and reenacted to read:

Section 1. District renamed.—The Seminole Water Control District shall henceforth be known as the Seminole Improvement District.

Section 2. Intent.—Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Seminole 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, any additional authority granted by this act, and authority granted by applicable general law.

Section 3. District created and boundaries thereof.—For the purposes of providing public infrastructure, services, the assessment, levy, and collection of taxes, non-ad valorem assessments and fees, the operation of District facilities and services, and all other purposes stated in this act consistent

with chapters 189 and 298, Florida Statutes, and other applicable general law, an independent improvement district is hereby created and established in Palm Beach County, Florida, to be known as the Seminole Improvement District, the territorial boundaries of which shall be as follows, to-wit:

All of Sections 1 and 2, that part of Section 3 situated Southerly and Eastwardly of the Canal "M" right of way, and Section 12 except the East Half (E ½) of the Southeast Quarter (SE ¼) thereof, all in Township 43 South, Range 40 East.

All of Sections 5 and 6, the North Half (N ½) of Section 7 and the North Half (N ½) of Section 8, Township 43 South, Range 41 East.

All in the County of Palm Beach, State of Florida, consisting of 4,032 acres, more or less.

Section 4. Provisions of other laws made applicable.—The provisions of chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted are hereby declared to be applicable to said Seminole Improvement District. Said Seminole Improvement District shall have all of the powers and authorities mentioned in or conferred by said chapter 298, Florida Statutes, as it may be amended from time to time.

Section 5. Powers of the District; compliance with county plans and regulations.—

(1) Said District shall have the following powers:

(a) To sue and be sued by its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal and to alter the same at pleasure;

(b) To acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act, and chapter 298, Florida Statutes;

(c) To construct, operate, and maintain canals, ditches, drains, levees, lakes, ponds, and other works for water management and control purposes;

(d) To acquire, purchase, operate, and maintain pumps, plants, and pumping systems for water management and control purposes;

(e) To construct, operate, and maintain irrigation works, machinery, and plants;

(f) To construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said District or the supervisors thereof; and to include as a component of roads, parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system;

(g) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for

providing transportation throughout the District, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the District in activities conducted within the District;

(h) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain parking facilities within the District boundaries;

(i) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses;

(j) To acquire, construct, finance, operate, and maintain water plants and systems to produce, purify, and distribute water for consumption;

(k) To acquire, construct, finance, operate, and maintain sewer systems for the collection, disposal, and reuse of waste and to prevent water pollution in the District;

(l) To levy ad valorem taxes, non-ad valorem assessments, prescribe, fix, establish, and collect rates, fees, rentals, fares, or other charges, and to revise the same from time to time, for the facilities and services furnished or to be furnished by the District and to recover the cost of making connection to any District facility or system;

(m) To provide for the discontinuance of service and reasonable penalties including attorney's fees, against any user or property for any such rates, fees, rentals, fares, or other charges that become delinquent and require collection. However, no charges or fees shall be established until after a public hearing of the board at the District at which all affected persons shall be given an opportunity to be heard;

(n) To enter into agreements with any person, firm, or corporation for the furnishing by such person, firm, or corporation of any facilities and services of the type provided for in this act;

(o) To enter into impact fee credit agreements with local general purpose governments. In the event the District enters into an impact fee credit agreement with a local general purpose government where the District constructs or makes contributions for public facilities for which impact fee credits would be available, the agreement may provide that such impact fee credits shall inure to the landowners within the District in proportion to their relative assessments, and the District shall, from time to time, execute such instruments (such as assignments of impact fee credits) as may be necessary or desirable to accomplish or confirm the foregoing.

(p) To construct and maintain facilities for and take measures to control mosquitoes and other arthropods of public health importance;

(q) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and

facilities for conservation areas, mitigation areas and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property;

(r) To borrow money and issue negotiable or other bonds of said District as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of said district therefore, bearing interest at not exceeding the maximum interest allowable by law, in anticipation of the collection of taxes, levies, and assessments or revenues of said district, and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same;

(s) To provide public safety, including, but not limited to, security, guard-houses, fences and gates, electronic intrusion detection systems and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of such service within the District boundaries;

(t) To provide systems and facilities for fire prevention and control and emergency medical services, including the construction or purchase of fire stations, water mains and plugs, fire trucks, and other vehicles and equipment consistent with any adopted Palm Beach County ordinances, rules, or regulations if authorized by the county;

(u) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, and maintain additional systems and facilities for school buildings and related structures, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the District school board;

(v) To establish and create such departments, committees, boards or other agencies, including a public relations committee, as from time to time the Board of Supervisors may deem necessary or desirable in the performance in the acts or other things necessary to the exercise of the powers provided in this act, and to delegate to such departments, boards, or other agencies such administrative duties and other powers as the Board of Supervisors may deem necessary or desirable; and

(w) To exercise all other powers necessary convenient or proper in connection with any of the powers or duties of said District stated in this act. The powers and duties of said District shall be exercised by and through the Board of Supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the Board of Supervisors may, from time to time, determine, and to fix their compensation and duties. However, in addition thereto, said District shall have all of the powers provided for in chapter 298, Florida Statutes, as amended from time to time. All powers and authority of the District shall extend and apply to the District as a whole and to each unit of development as, from time to time, may be designated by the Board of Supervisors.

(2) Notwithstanding any authority contained within this section, the development, operation, or maintenance of any District facilities or services shall comply with the adopted comprehensive plan for Palm Beach County and any adopted land development regulations or specialized plans adopted thereunder which apply within the geographic boundaries of the District.

Section 6. Board of Supervisors, organization, powers, duties, and terms of office.—

(1) There is hereby created a Board of Supervisors of Seminole Improvement District which shall be the governing body of said District. Said Board of Supervisors shall consist of three (3) persons, who, except as herein otherwise provided, shall hold office for the term of three (3) years and until their successors shall be duly elected and qualified.

(2) Each year during the month of June, beginning with the month of June, 1971, a Supervisor shall be elected, as hereinafter provided, by the landowners of said District to take the place of the retiring Supervisor. All vacancies or expirations on said board shall be filled as required by this act and chapter 298, Florida Statutes. The Supervisors of said Seminole Improvement District shall be residents of the State of Florida and citizens of the United States. In case of a vacancy in the office of any Supervisor, the remaining Supervisors may fill such vacancy until the next annual meeting of the landowners, when his or her successor shall be elected by the landowners for the unexpired term. As soon as practicable after their election, the Board of Supervisors of said District shall organize by choosing one of their number president of said Board of Supervisors and by electing some suitable person secretary, who may or may not be a member of said Board. The Board of Supervisors shall adopt a seal which shall be the seal of said District. At each annual meeting of the landowners of the District, the Board of Supervisors shall report all work undertaken or completed during the preceding year, and the status of the finances of the District.

(3) All Supervisors shall hold office until their successors shall be elected and qualified. Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election shall not or cannot be held at such time or on such day, then in such event and in all and every such event, the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter as soon as practicable and consistent with this act.

Section 7. Compensation of Board.—Each Supervisor shall be paid for his or her services a per-diem of twenty-five Dollars (\$25.00) for each day actually engaged in work pertaining to the said District. In addition to the said per-diem, Supervisors shall be paid travel and related expenses at rates authorized by general law for public officials pursuant to chapter 112, Florida Statutes.

Section 8. Meetings of landowners; election of Supervisors.—Each year during the month of June, beginning with the month of June in the year 1971, a meeting of the landowners of said District shall be held for the purpose of electing a Supervisor to take the place of the retiring Supervisor,

and hearing reports of the Board of Supervisors. Elections shall be conducted in accord with applicable provisions of chapter 298, Florida Statutes, as amended from time to time.

Section 9. Taxes; non-ad valorem assessments.—

(1) AD VALOREM TAXES.—The Board of Supervisors, subject to referendum approval pursuant to Art. VII, s. 9 of the State Constitution, shall have the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the District to pay the principal of and interest on any general obligation bonds of the District, to provide for any sinking or other funds established in connection with any such bonds, and to pay the costs for construction or maintenance of any of the projects or activities of the District authorized by the provisions of this act or applicable general law. The total amount of such ad valorem taxes levied in any year shall not be in excess of ten (10) mills on the dollar per annum on the assessed value of the taxable property within the District. The ad valorem tax provided for herein shall be in addition to county and municipal ad valorem taxes provided for by law.

(2) REFERENDUM REQUIRED.—No residential or related urban development shall be authorized or undertaken pursuant to this act until the referendum required by Art. VII, s. 9 of the State Constitution is conducted. Such referendum shall be conducted within two (2) years after the effective date of this act at the expense of the District.

(3) NON-AD VALOREM ASSESSMENTS.—Non-ad valorem assessments for the construction, operation, or maintenance of District facilities, services, and operations shall be assessed, levied, and collected pursuant to chapter 298, chapter 170, or chapter 197, Florida Statutes, as amended from time to time.

(4) TAXES, ASSESSMENTS, AND COSTS, A LIEN ON LAND AGAINST WHICH ASSESSED, ETC.—All taxes and assessments provided for in this act, together with all penalties for default in payment of the same, all costs in collecting the same, shall, from the date of assessment thereof until paid, constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which such taxes shall be levied as is provided in this chapter.

(5) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR AND CLERK OF THE CIRCUIT COURT.—The Property Appraiser, Tax Collector and Clerk of the Circuit Court of Palm Beach County shall be entitled to compensation for services performed in connection with taxes and assessments of said District as provided by general law.

(6) LEVIES OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN ONE (1) ACRE.—In levying and assessing all assessments, each tract or parcel of land less than one (1) acre in area shall be assessed as a full acre, and each tract or parcel of land more than one (1) 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 10. When unpaid taxes and assessments delinquent; penalty.—All taxes and assessments provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 11. Enforcement of taxes and assessments.—The collection and enforcement of all taxes and assessments levied by said District shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said District and the delinquent and unpaid taxes of said District to the same extent as if said statutory provisions were expressly set forth in this act. All taxes and assessments shall be subject to the same discounts as county taxes.

Section 12. (1) ISSUANCE OF REVENUE BONDS, ASSESSMENT BONDS, AND BOND ANTICIPATION NOTES.—

(a) In addition to the other powers provided the District, and not in limitation thereof, the District shall have the power, pursuant to chapter 298, Florida Statutes, and applicable general law as amended from time to time, at any time, and, from time to time, after the issuance of any bonds of the District shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue.

(b) Pursuant to chapter 298, Florida Statutes, and applicable general law as amended from time to time, the District shall have the power to issue assessment bonds and revenue bonds, from time to time, without limitation as to amount for the purpose of financing those systems and facilities provided for in section 5. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the District; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the District, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the District.

(c) Any issue of bonds may be secured by a trust agreement by and between the District and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the District and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of

the District in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges, and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation.

(d) Bonds of each issue shall be dated; shall bear interest at such rate or rates, including variable rates, which interest may be tax exempt or taxable for federal income tax purposes; shall mature at such time or times from their date or dates; and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be determined by the board.

(e) The District shall have the power to issue bonds for the purpose of refunding any outstanding bonds of the District.

(2) GENERAL OBLIGATION BONDS.—

(a) Pursuant to this act, the District shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of thirty-five percent (35%) of the assessed value of the taxable property within the District as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the District is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the District by the Board of County Commissioners of the County upon the request of the Board of the District. The expenses of calling and holding an election shall be at the expense of the District and the District shall reimburse the county for any expenses incurred in calling or holding such elections.

(b) The District may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and met unconditionally and irrevocably pledge itself to ad valorem taxes on all taxable property within the District, to the extent necessary for the payment thereof, without limitations as to greater amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the elector on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more of the capital projects shall not defeat the approval of bonds for any capital project which has been approved by the electors.

(d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be

included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in the amount sufficient to pay the principal and interest on a general obligation bond so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to section 170.08, Florida Statutes.

2. Water revenues, sewer revenues, or water and sewer revenues of the District to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bond so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1 and 2.

Section 13. Minimum charter requirements.—

(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, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The District was created by special act of the Florida Legislature by chapter 70-854, Laws of Florida, in accordance with chapter 298, Florida Statutes.

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

(5) 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. 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.

(6) 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.

(7) 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.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per-diem expenses for officers and employ-

ees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) 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.

(10) The procedures for conducting District elections and for qualification of electors shall be pursuant to this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(11) 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.

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

(13) The District's planning requirements shall be as set forth in this act.

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

Section 3. Chapters 70-854 and 88-504, Laws of Florida, are repealed.

Section 4. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situations, 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, circumstance 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 5. In the event of a conflict between the provisions of this act and 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 June 7, 2000.

Filed in Office Secretary of State June 7, 2000.