

House Bill No. 1561

An act relating to South Florida Conservancy District in Hendry and Palm Beach Counties; providing for codification of special laws relating to South Florida Conservancy District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, reenacting, and repealing chapter 7975, Laws of Florida, 1919, chapter 8899, Laws of Florida, 1921, chapter 11015, Laws of Florida, 1925, chapters 12115 and 12116, Laws of Florida, 1927, chapter 13802, Laws of Florida, 1929, chapter 16177, Laws of Florida, 1933, chapter 17258, Laws of Florida, 1935, chapter 20477, Laws of Florida, 1941, chapters 23625 and 23863, Laws of Florida, 1947, chapter 25434, Laws of Florida, 1949, chapter 26738, Laws of Florida, 1951, chapters 28355 and 28648, Laws of Florida, 1953, chapters 30177 and 30273, Laws of Florida, 1955, chapter 59-867, Laws of Florida, chapter 61-1403, Laws of Florida, chapter 61-1404, Laws of Florida, chapter 69-706, Laws of Florida, chapter 71-380, Laws of Florida, chapter 75-378, Laws of Florida, chapter 81-463, Laws of Florida, chapter 85-479, Laws of Florida, and chapter 90-479, Laws of Florida, relating to the South Florida Conservancy District; recreating the district and recreating and reenacting the district's charter; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; authorizing fees for using works of the district; providing for property rights; subjecting state lands to assessments by the district; making district bonds tax exempt; providing for construction and effect; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to South Florida Conservancy District. It is the intent of the Legislature 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 and chapters 189 and 298, Florida Statutes, as they are amended from time to time. It is further the intent of this act to preserve all district authority as set forth in this act, chapters 189 and 298, Florida Statutes, and any other applicable general or special law.

Section 2. Chapter 7975, Laws of Florida, 1919, chapter 8899, Laws of Florida, 1921, chapter 11015, Laws of Florida, 1925, chapters 12115 and 12116, Laws of Florida, 1927, chapter 13802, Laws of Florida, 1929, chapter 16177, Laws of Florida, 1933, chapter 17258, Laws of Florida, 1935, chapter 20477, Laws of Florida, 1941, chapters 23625 and 23863, Laws of Florida, 1947, chapter 25434, Laws of Florida, 1949, chapter 26738, Laws of Florida, 1951, chapters 28355 and 28648, Laws of Florida, 1953, chapters 30177 and

30273, Laws of Florida, 1955, chapter 59-867, Laws of Florida, chapter 61-1403, Laws of Florida, chapter 61-1404, Laws of Florida, chapter 69-706, Laws of Florida, chapter 71-380, Laws of Florida, chapter 75-378, Laws of Florida, chapter 81-463, Laws of Florida, chapter 85-479, Laws of Florida, and chapter 90-479, Laws of Florida, relating to the South Florida Conservancy District, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The South Florida Conservancy District in Hendry and Palm Beach Counties is re-created and the charter for such district is re-created and reenacted to read:

Section 1. Creation; status; charter amendments; boundaries.—For the purpose of comprehensive water management and control pursuant to chapter 298, Florida Statutes, as it may be amended from time to time, the South Florida Conservancy District, an independent water control district, is hereby declared to exist. The district is organized and exists for all purposes set forth in this charter and chapters 189 and 298, Florida Statutes. The district was created by special act of the Legislature in 1919. Its charter may be amended only by special act of the Legislature. The boundaries of the district are declared to be as follows:

Beginning at a point of the East line of Section 8, Township 43 South, Range 37 East, Palm Beach County, Florida, 100 feet South of the East quarter corner of Section 8; being a common line between South Florida Conservancy District and East Shore Water Control District; thence running West along a line 100 feet South of, and parallel to the East and West quarter section line of Sections 8 and 7 to a point being 4,700 feet West of the East boundary of Section 7 and being a point of intersection; thence running Northwesterly along a line which bears North 52° West to a point being the intersection with the Easterly right of way line of the U.S.E.D. Levee L-D2. Thence Southerly along the East right of way line of Levee L-D2 through the following fractional sections contiguous to Lake Okeechobee, to wit:

Sections 12, 13, 14, 23 and 26, Township 43 South, Range 36 East, to a point on the North right of way line of State Road 717; thence Southeasterly along the North right of way line of State Road 717; through Section 26 and 25, Township 43 South, Range 36 East, to a point approximately 2,300 feet Southeasterly of the West line of Section 25 (measured along State Road 717) to a point, said point being half way between two bridges across Canal No. 1 and private canal lying in Section 25, Township 43 South, Range 36 East;

Thence South along a line between two said canals and parallel thereto to the intersection of the South right of way line of Levee L-14 (Hillsboro Canal); thence Northwesterly on the South right of way line of Levee L-14 to a point of intersection with the center line of the Lake Shore Levee of the Everglades Drainage District, thence South 0° 02' West on said center line to a point of intersection with the South line of Section 25, Township 43 South, Range 36 East; thence South 0° 08' West, 990.0 feet; thence South 68° 17' West, 793.1 feet; thence South 14° 20' West, 3,401.9 feet; thence South 47° 42' West, 1,118.3 feet; thence South 25°

50' West, 5,038.5 feet; thence South 87° 30' West to a point which the centerline of the Lake Shore Levee of the Everglades Drainage District intersects the East right of way of Levee L-20 (North New River Canal);

Thence Southerly along the East right of way of Levee L-20 to a point on the East and West half section line of Section 14; thence West on aforesaid half-section line of Section 14 to a point 50 feet East of the East line of Section 15, Township 44 South, Range 36 East, thence North 0° 7' East on a line 50 feet East and parallel to the East line of Section 15 to the intersection with the South boundary of the Florida East Coast Railway right of way; thence West along the South boundary of the Florida East Coast Railway right of way through Sections 15, 16 and 17 to a point on the West line of Section 17 being 94.5 feet South of the Northwest corner of Section 17, Township 44 South, Range 36 East; thence North 0° 5' East on the West line of Section 17 and 8, to a point 105.8 feet North of the Northwest corner of Section 17; thence North 45° 0' West to a point on the West line of Section 6, being 75.6 feet North of the Southwest corner of Section 6, Township 44 South, Range 36 East; thence South 89° 21' West on a line 75 feet North and parallel to the South line of Section 1, a distance of 5,197 feet to a point 75.0 feet from the East line of Section 2, Township 44 South, Range 35 East.

Thence North 0° 3' East on a line 75 feet East of the East line of Section 2 and parallel thereto to a point on the South right of way of the U.S.E.D. Levee, L-D2, thence Westerly along the South right of way of U.S.E.D. Levee to the East right of way of Levee L-25 (Miami Canal) thence South on the East right of way line of Levee L-25 to the intersection of the North right of way line of State Road 80 (new U.S. 27); thence Westerly along the North right of way line of State Road 80 to the intersection with the U.S.E.D. Levee L-D2 Southerly right of way, thence Westerly along L-D2 right of way to the intersection with the North line of Section 19, Township 43 South, Range 35 East, thence West on the North line of Section 19 to the intersection of the Southerly right of way of State Road 80, thence Westerly along the Southerly right of way of State Road 80 to the intersection of old U.S. 27, thence Easterly along the North right of way of State Road S-80A (old U.S. 27) to the intersection of the center line of North-South half section line of Section 13, thence South on said North-South half section line through Sections 13 and 24, to a point 25 feet North of the center of Section 24, Township 43 South, Range 34 East, thence West along a line 25 feet North and parallel to the East-West half section line in Section 24 and 23 to the West line of Section 23.

Thence South along the West line of Sections 23 and 26, Township 43 South, Range 34 East; thence West along the North line of Section 34, a distance of 50 feet, thence South along a line 50 feet West of and parallel to the West line of Sections 35 and 2, Township 44 South, Range 34 East, to the half section line of Section 2, Township 44 South, Range 34 East; thence East along the half section line of Sections 2 and 1, Township 44 South, Range 34 East; thence East along the half section line of Sections 6, 5, 4, 3 and 2, Township 44 South, Range 35 East, which is the common boundary between South Florida Conservancy District

and Ritta Drainage District to the East right of way line of the Levee L-25 (Miami Canal).

Thence in a Southwesterly direction along the East right of way line of said Levee L-25 to a point 45 feet South of (measured at right angles) the South line of Section 15, Township 44 South, Range 35 East; thence East along a line 45 feet South and parallel to the South line of Sections 15, 14 and 13, Township 44 South, Range 35 East, thence East along a line 45 feet South and parallel to the South section line of Sections 18, 17 and 16, to the West line of Section 22; thence South on West line of Section 22 to the Southwest corner; thence East on South line of Section 22 to the Southeast corner; thence North on East line of Section 22 to a point 40 feet South of the Northeast corner; thence East on a line 40 feet South and parallel to the South line of Sections 14 and 13, Township 44 South, Range 36 East to a point 40 feet South of the Southeast corner of said Section 13.

Thence in a Southeasterly direction along a line 40 feet Southwesterly (measured at right angles) of the South line of Lot 2 of the hiatus between Ranges 36 and 37 East, Township 44 South, to a point 40 feet South of the Southwest corner of Section 7, Township 44 South, Range 37 East; thence East along a line 40 feet South of and parallel to the South line of Sections 7, 8, 9, 10, 11 and 12 to the Southerly right of way of State Road 80, thence in a Northwesterly direction along the Southerly right of way line of State Road 80 to a point whence the South right of way line of State Road 80 intersects a point 40 feet East (when measured at right angles) of the East line of hiatus Lot 5 between Township 43 and 44 South, Range 37 East;

Thence in a Northeasterly direction on a line 40 feet Southeasterly (when measured at right angles) of the East line of Lot 5 of the hiatus between Townships 43 and 44 South, Range 37 East to a point 40 feet East of the Southeast corner of Section 32, Township 43 South, Range 37 East; thence North along a line 40 feet East of the East line of Section 32, a distance of 3,960 feet to a point; thence East along a line parallel to and 3,960 feet North of the South line of said Section 33 to the East line thereof; thence North on the East line of Sections 33, 28 and 21, to the Northeast corner of Section 21; thence West along the North line of Section 21 to the Northwest corner of Section 21; thence North along the East line of Sections 17 and 8, Township 43 South, Range 37 East, to the Point of Beginning.

Section 2. Board of supervisors; general manager; powers and duties; minimum charter requirements.—

(1) The governing body of South Florida Conservancy District shall be known as the board of supervisors of South Florida Conservancy District, with the powers, duties, privileges, and functions as set forth in this charter and chapters 189 and 298, Florida Statutes, and shall consist of three members who are residents of this state and citizens of the United States. Each supervisor shall be entitled to receive compensation pursuant to chapter 298, Florida Statutes, and per diem in accord with general law for public officials.

(2) The board of supervisors shall have the power to employ a person to be designated general manager of the district and to vest in such person such authority and to delegate to such person 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. The board may provide by resolution that the general manager and the secretary may be one and the same person.

(3) The district shall have and the board may exercise all the powers and duties set forth in this charter and chapter 298, Florida Statutes, as they may be amended from time to time.

(4) The district shall also hold all powers, functions, and duties set forth in this charter and chapters 189, 197, and 298, Florida Statutes, as they may be amended from time to time, including, but not limited to, 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.

(5) The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapter 189, chapter 197, or chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The district's planning requirements shall be as set forth in this charter and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(7) The district's geographic boundary limitations shall be as set forth in this charter.

(8) 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, 119, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

Section 3. Fees for use of works of the district.—The board of supervisors may assess and collect reasonable fees for the connection to and use of the works of the district. It is unlawful to connect with or make use of the works of the district without consent in writing from the board of supervisors, and the board has the authority to prevent, or if done, estop or terminate the same.

Section 4. Property rights.—The state hereby grants unto said district the necessary lands, easements, right of way, riparian rights, restrictions, and reservations to lands that may be vested in the state, the State Board of Education, or the 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 5. State lands.—

(1) The lands within said district held by the Trustees of the Internal Improvement Trust Fund of the state shall be subject to the taxes levied by or pursuant to the provisions of this charter, 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 any moneys in their hands derived from the sale of lands, or otherwise.

(2) The lands in said district used or held by, for or in connection with the agricultural experiment station in the Everglades or any branch of such station shall be subject to the taxes levied by or pursuant to the provisions of this charter, notwithstanding whether the title to or ownership of such lands shall be vested in said trustees, the State Board of Education, or any other state agency, and the Trustees of the Internal Improvement Trust Fund are authorized and directed to pay out of any monies in their hands derived from the sale of lands, or otherwise, all South Florida Conservancy District taxes heretofore levied and assessed, or which may hereafter be levied and assessed, upon such lands.

Section 6. Bonds tax exempt.—All bonds issued and sold by the South Florida Conservancy District as provided in this charter shall forever be and remain exempt from all state, county, and municipal taxation within this state, and the board of supervisors shall have authority to insert a provision on the face of said bonds reciting the fact that said bonds are free from such taxation.

Section 4. Chapter 7975, Laws of Florida, 1919, chapter 8899, Laws of Florida, 1921, chapter 11015, Laws of Florida, 1925, chapters 12115 and 12116, Laws of Florida, 1927, chapter 13802, Laws of Florida, 1929, chapter 16177, Laws of Florida, 1933, chapter 17258, Laws of Florida, 1935, chapter 20477, Laws of Florida, 1941, chapters 23625 and 23863, Laws of Florida, 1947, chapter 25434, Laws of Florida, 1949, chapter 26738, Laws of Florida, 1951, chapters 28355 and 28648, Laws of Florida, 1953, chapters 30177 and 30273, Laws of Florida, 1955, chapter 59-867, Laws of Florida, chapter 61-1403, Laws of Florida, chapter 61-1404, Laws of Florida, chapter 69-706, Laws of Florida, chapter 71-380, Laws of Florida, chapter 75-378, Laws of Florida, chapter 81-463, Laws of Florida, chapter 85-479, Laws of Florida, and chapter 90-479, Laws of Florida, are repealed.

Section 5. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 6. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of each other section or provision of this act.

Section 7. 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 8. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.