

House Bill No. 927

An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing 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 Pinellas Park Water Management District Authority. It is the intent of the Legislature to provide a single, comprehensive special act charter for the authority including all current legislative authority granted to it by its several legislative enactments and any additional authority granted by this act and chapter 189, Florida Statutes, as it may be amended from time to time. It is further the intent of this act to preserve all authority powers, including the power to annually assess and levy against the taxable property in the district a tax not to exceed 3 mills on the dollar of assessed valuation.

Section 2. Chapters 75-491, 77-641, 78-597, 90-448, and 98-456, Laws of Florida, relating to Pinellas Park Water Management District, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The charter for the Pinellas Park Water Management District is re-created and reenacted to read:

Section 1. Short Title.—This law shall be known and may be cited as the “Pinellas Park Water Management District Law.”

Section 2. Definitions.—As used in this law and unless the content clearly indicates otherwise:

(1) “Authority” or “District” means the body politic and corporate, an agency of the county, created by this act.

(2) “Members” means the governing body of the authority and “member” means one of the individuals constituting such governing body.

(3) “Pinellas Park Water Management District Authority” means initially the municipality of Pinellas Park and the unincorporated areas of

Pinellas County surrounding the city limits of Pinellas Park located in the district.

(4) "Municipality" means any city, village, borough, or town.

(5) "County" means the County of Pinellas.

(6) "Storm drainage" means storm water run-off.

(7) Words importing singular number shall include the plural number in each case and vice versa, and the words importing persons shall include firms and corporations.

Section 3. Pinellas Park Water Management District Authority.—

(1) The Pinellas Park Water Management District Authority was created as the Pinellas Park Water Management District by special act of the Legislature in 1975. Its charter may be amended only by special act of the Legislature.

(2) The governing body of the authority shall consist of three members, serving and selected as provided herein. Two members shall be appointed by the City Council of Pinellas Park and one member appointed by the Pinellas County Commission. The term of each appointed member shall be for 3 years. Each appointed member shall hold office until his or her successor has been appointed and qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. If any selection is not made by the municipality as provided herein, the county commissioners shall appoint an eligible person to the authority with like effect as if the selection were made by the municipality. Any member of the authority shall be eligible for reappointment.

(3) Each appointed member of the authority shall be a person who is a qualified elector of the district with an outstanding reputation for civic pride, interest, integrity, responsibility, and business ability. No person who is an officer or employee of any city or of the county in any capacity, except elected officials, shall be an appointed member of the authority.

(4) The authority shall annually elect one of its members as chair of the authority and one as a vice chair. At the same time, a secretary and treasurer shall be elected who may or may not be members of the authority, and they shall serve at the will of the authority. The treasurer shall post a good and sufficient surety bond in an amount approved by the Board of County Commissioners. Two members shall constitute a quorum and the vote of two members shall be necessary for any action taken by the authority. No vacancy in the authority shall impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority. Upon the effective date of his or her appointment or, as soon thereafter as possible, each appointed member of the authority shall enter upon his or her duties.

(5) The district shall appoint an engineer who shall be a person of recognized ability and experience to serve at the pleasure of the authority. The

district may also appoint or employ such employees as may be necessary for the proper performance of its duties and functions, and may determine the qualifications and fix the compensation of such persons; also, the authority may contract for the services of attorneys, engineers, consultants, and agents for any purpose of the authority, including engineering, management feasibility, and other studies concerning the acquisition, construction, extension, operation, maintenance, regulation, consolidation, and financing of the system in the area.

(6) Members of the authority shall be entitled to receive from the authority their traveling and other necessary expenses incurred in connection with the business of the authority, as provided in section 112.061, Florida Statutes, but they shall receive no salaries or other compensation, with the exception of the benefits described in subsection (7). During the unexpired term of any member of the authority, that member may be removed for misconduct, malfeasance, misfeasance, or nonfeasance in office by a two-thirds vote of both appointing governing bodies.

(7) In accordance with section 112.08, Florida Statutes, the authority may provide and pay all or part of the premiums out of its available funds for insurance benefits to its board members that are equivalent to the insurance benefits provided to the authority's employees under the authority's group insurance plan.

Section 4. Powers and duties.—

(1) The authority created and established by the provisions of this act is hereby granted and shall have the right and power to purchase, own, and maintain storm drainage facilities, to contract for construction of facilities, to exercise power of eminent domain, to conduct studies, and to contract with other governmental agencies, private companies, and individuals.

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as a lessee, and use any franchise, property, real, personal, or mixed, tangible, or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease, transfer, and dispose of any property or interest therein at any time acquired by it. Any sale, lease, or transfer of any property or interest shall be upon competitive bid.

(d) To regulate the construction of storm drainage facilities, to establish rules and regulations with respect to storm drainage systems in said area.

(e) To collect fees for connection to or use of authority facilities.

(f) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(g) To enter into management contracts with any person or persons for the management of the district controlled by the authority for such period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable by the authority.

(h) Without limitation, to borrow money and accept gifts or grants or loans of money or other property and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, the County of Pinellas, or with any other public body of the state.

(i) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(j) To prescribe and promulgate rules and regulations as it deems necessary for the purposes of this act.

(3) The authority shall have and the board may exercise all the powers and duties set forth in this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(4) The authority shall also hold all powers, functions, and duties set forth in this act and chapter 189, 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, and use of tax deeds and tax certificates. The authority may be financed by any method established in this act or chapter 189, Florida Statutes, as they may be amended from time to time.

(5) The methods for assessing and collecting ad valorem taxes, fees, or service charges shall be as set forth in chapters 200, 189, or 197, Florida Statutes, as they may be amended from time to time.

(6) The authority's planning requirements shall be as set forth in this act and chapter 189, Florida Statutes, as they may be amended from time to time.

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

(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, and 286, Florida Statutes, as they may be amended from time to time.

Section 5. Budget.—The budget of the authority is not subject to approval by the Board of County Commissioners of Pinellas County. For planning and budget purposes, the fiscal year of the authority shall commence on October 1 of each year and end on September 30 of the succeeding year. The debts of the authority are the sole responsibility of the authority. The

authority shall comply with financial disclosure and reporting requirements imposed by general law, including chapter 189, Florida Statutes.

Section 6. Pinellas Park Water Management District Area.—The Pinellas Park Water Management District shall consist of the major outfall channels #1, 2, 3, 4, and 5, located in certain unincorporated and incorporated areas, all located within Pinellas County, Florida, and more specifically defined as follows:

Beginning at the intersection of Joe's Creek and the Cross Bayou Canal, in the Southeast $\frac{1}{4}$ of Section 25-30-15; thence proceeding in a general Northeasterly direction along the centerline of Cross Bayou Canal to its intersection with the North side of Section 19-30-16, which is also the centerline of 102nd Avenue; thence running East along the centerline of 102nd Avenue and the North section line of Section 19; thence along the North line of Section 20 to the Northeast corner thereof; thence North-erly along the West boundary of Section 16 for 2000' MOL; thence East-erly 2000' MOL to the Westerly R/W line of U.S. 19; thence Southeasterly along the Westerly R/W line of U.S. 19 to the centerline of 102nd Avenue; thence Easterly along the North line of Sections 21, 22, and 23, to the West R/W line of I-275; thence Southerly along the Westerly R/W line of I-275, which is located MOL on the East line of Sections 23 and 26; thence proceeding in a Southerly direction to the East $\frac{1}{4}$ corner of Section 26; thence in a Southwesterly direction 3000' MOL to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 26-30-16; thence turning and running West along the North side of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 26-30-16 a distance of 330'; thence running South along a line 330' West of and parallel to the $\frac{1}{2}$ Section line to the South line of Section 26-30-16; thence turning and running West along the South line of Section 26-30-16 a distance of 660' to a point 990' West of the $\frac{1}{2}$ Section line; thence turning and running South along a line 990' West of the half section line of Section 35-30-16 to a point on the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35-30-16; thence turning and running East along the South line of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35-30-16 to the half section line and the North-east corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35-30-16; thence turning and running South along the half Section line to the South line of Section 35-30-16 and the centerline of 54th Avenue North; thence turning and running West along South line of Sections 35, 34 and 33-30-16 and the centerline of 54th Avenue North to the Southwest corner of Section 33-30-16 also being the Northeast corner of Section 5-31-16; thence west along said centerline of 54th Avenue to a point oppo-site the dividing line between Lots 43 and 44 of Kenneth City of Unit 9 Replat 47-31; thence South 550 ft. more or less, along said dividing line and the extension thereof to its intersection with a line running from the Northeast corner of Section 5-31-16 Southwesterly to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 5-31-16; thence turning and running Southwest on said line and continuing Southwesterly as an extension of the line to a point of intersection with the water-line of Joe's Creek; thence following the centerline of Joe's Creek R/W in the Northwesterly direction to the intersection of Joe's Creek and Cross Bayou Canal and the Point of Beginning.

Section 7. Exemption from taxation.—Notwithstanding any other law to the contrary, the property, moneys, and other assets of the authority and all revenues or other income of the authority shall be exempt from all taxation, licenses, fees, or other charges of any kind imposed by the state or by the county or by any municipality, political subdivision, taxing district, or other public agency or body of the state.

Section 8. Independent special district taxation.—The Pinellas Park Water Management District shall be deemed an independent special district and is authorized to levy ad valorem tax on the taxable real property in the district at a rate sufficient to produce an amount that may be necessary for the purposes of this act, not to exceed 3 mills, provided such millage limit is approved by a vote of the electors who are not wholly exempt from taxation. Property taxes determined and levied under this section shall be certified by the authority to the county auditor, extended, assessed, and collected in like manner as provided by law for regular property taxes for the county or municipalities and in accordance with chapter 200, Florida Statutes. The proceeds under this section shall be remitted by the tax collector to the treasurer of the authority who shall credit them to the funds of the authority for use of the purposes of this law. At any time after making a tax levy under this section and certifying the same to the county, the authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes. If property in the district is not receiving or will not receive any benefit from the district's works or activities, such property may be removed from the district by amendment to section 5 of the district's enabling act, pursuant to the requirements of section 11.02, Florida Statutes, and section 10, Article III of the State Constitution.

Section 9. Expansion of area.—Upon a resolution adopted by the governing body of municipalities adjoining the present water management district area or by the Board of County Commissioners for adjoining unincorporated areas, the authority may include such areas in the Pinellas Park Water Management District Area subject to approval of electors in the added area for tax purposes as provided herein and passage of a special act.

Section 10. Elections.—The procedures for conducting elections or referenda by the authority shall be pursuant to chapter 189, Florida Statutes, as it may be amended from time to time.

Section 11. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 12. Effect.—In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 4. Chapters 75-491, 77-641, 78-597, 90-448, and 98-456, Laws of Florida, are repealed.

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 25, 2001.

Filed in Office Secretary of State May 25, 2001.