

House Bill No. 905

An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

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

Section 1. In accordance with section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to Pine Tree 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 and any additional authority granted by this act.

Section 2. Chapters 61-1969, 63-1186, 65-1337, 69-905, 71-562, 71-581, 73-420, 74-446, 77-518, 85-391, 93-372, and 94-430, Laws of Florida, relating to the Pine Tree Water Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Pine Tree Water Control District is re-created and reenacted to read:

Section 1. District created.—There is hereby created and established a local governmental body, corporate and politic, to be known as the “Pine Tree Water Control District,” hereinafter referred to as the “District.” All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other takings of the Pine Tree Water Management District are hereby validated and shall continue to be valid and binding on the Pine Tree Water Control District in accordance with their respective terms, conditions, covenants, and tenor. Any procedure heretofore done by the Pine Tree Water Management District under the Florida Statutes or any other law, for the construction of any improvements, works, or facilities, for the assessment of benefits and damages, or for the borrowing of money shall not be impaired or avoided by this Act, but shall be continued and completed in the name of the Pine Tree Water Control District.

Section 2. Boundaries.—The boundaries of the District shall be:

A portion of Township 48 South, Range 41 East, beginning at the Southeast corner of Section 1, run West along the South line of Section 1 and Section 2 of said Township and Range to the North extension of the East lines of Tracts 16, 15 and 14 of Section 11, as recorded in Plat Book 1, Page 102, Public Records of Palm Beach County, Florida; thence, South along the said extension and the East line of said Tracts 16, 15 and 14 to the Southeast corner of said Tract 14; thence West along the South line of said Tract 14 and its extension to the West line of Section 11; thence, North along the West line of Section 11 and Section 2 to the West

quarter corner of Section 2; thence, East along the North line of the South half of said Section 2 to the West line of Section 1; thence, North along the West line of Section 1, 2119.53 feet to a point 1320 feet South of the Northwest corner of said Section 1; thence, East and parallel to the North line of said Section 1 a distance of 1320 feet; thence North and parallel to the West line of said Section 1 a distance of 1320 feet to the North line of said Section 1; thence, East along the North line of said Section 1 to the Northeast corner of said Section; thence, South along the East line of Section 1 to the Southeast corner and the point of beginning.

TOGETHER WITH:

Portions of Section 35, Township 47 South, Range 41 East, Section 1, Township 48 South, Range 41 East, and Section 2, Township 48 South, Range 41 East, lying within the following described boundaries:

Commencing at the Southwest corner of the Northeast quarter of Section 2, Township 48 South, Range 41 East; thence, East along the South line of the Northeast quarter of said Section 2 a distance of 1651.4 feet to the point of beginning; thence, North 0°54'42" West a distance of 1310.15 feet; thence, South 89°41'35" West a distance of 329.88 feet; thence, North 0°54'35" West a distance of 803.12 feet; thence, South 89°41'36" West a distance of 0.60 feet; thence, North 0°55'04" West a distance of 1320 feet to the South line of Section 35, Township 47 South, Range 41 East; thence, North 89°41'18" East along the South line of said Section 35, a distance of 0.79 feet; thence North 01°16'01" West a distance of 660.44 feet; thence, North 89°41'26" East a distance of 652.13 feet; thence, North 01°15'53" West a distance of 3869.43 feet to the South right-of-way line of the Hillsboro Canal; thence Southeasterly along the South right-of-way line of the Hillsboro Canal to the intersection of said line with the East line of Section 35, Township 47 South, Range 41 East; thence, South along the East line of Section 35 to the Southeast corner of said Section 35; thence, East along the North line of Section 1, Township 48 South, Range 41 East, a distance of 1320 feet; thence, Southerly on a line parallel to the East line of Section 2, Township 48 South, Range 41 East, a distance of 1320 feet; thence, Westerly on a line parallel to the North line of said Section 1 to a point on the East line of the said Section 2; thence, South along the East line of said Section 2 to the Southeast corner of the Northeast quarter of the said Section 2; thence, West along the South line of the Northeast quarter of the said Section 2, to the point of beginning. And all of Section 36, Township 47 South, Range 41 East lying South of the South right-of-way line of the Hillsboro Canal; and all of Section 11, Township 48 South, Range 41 East, less Tracts 14, 15 and 16, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, as recorded in Plat Book 1, Page 102 of the Public Records of Palm Beach County, Florida; And all of Section 12, Township 48 South, Range 41 East; said lands situate, lying, and being in Broward County, Florida.

Section 3. Applicability of certain provisions of chapter 298, Florida Statutes, to the Pine Tree Water Control District; inconsistent laws inapplicable.—The provisions of chapter 298, Florida Statutes, and all amendments thereto, now existing or hereafter enacted, are declared to be applicable to

the Pine Tree Water Control District insofar as not inconsistent with the provisions of this Act or any subsequent special acts relating to the Pine Tree Water Control District. Notwithstanding the foregoing, the provisions of sections 298.11, 298.12, and 298.54, Florida Statutes, and amendments thereto, shall not be applicable to the Pine Tree Water Control District.

Section 4. Definitions.—Unless a context shall indicate otherwise, the following words as used in this Act shall have the following meanings:

(1) “Assessable improvements” includes, without limitation, any and all public improvements that the District is empowered to provide in accordance with this Act.

(2) “Bond” includes “certificate,” and provisions applicable to bonds shall be equally applicable to certificates. “Bond” includes general obligation bonds, assessment bonds, refunding bonds, revenue bonds, and such other obligations in the nature of bonds as are provided for in this Act, as the case may be.

(3) “Board” means the Board of Supervisors of the Pine Tree Water Control District, or if such Board shall be abolished, the Board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Board shall be given by law.

(4) “Cost,” when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction; the cost of surveys, estimates, plans, and specifications; the cost of acquisition, construction, or reconstruction; the cost of improvements; engineering, fiscal, and legal expenses and charges; the cost of all labor, materials, machinery, and equipment; the cost of all lands, properties, rights, easements, and franchises acquired; federal, state, and local taxes and assessments; financing charges; the creation of initial reserve and debt service funds; working capital; interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the Board may determine; the cost of issuance of bonds pursuant to this Act, including advertisements and printing, the cost of any election held pursuant to this Act, and all other expenses of issuance of bonds; discount, if any, on the sale or exchange of bonds; administrative expenses; such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing thereof, or the development of any lands within the District, and reimbursement of any public or private body, person, firm, or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction, or reconstruction of any project or improvements thereon, or in connection with any other development of land that the Board of the District shall determine to be necessary or desirable in carrying out the purposes of this Act, may be treated as a party of such cost.

(5) “District” means the Pine Tree Water Control District and “District Manager” means the Manager of the District.

(6) "Landowner" means the owner of the freehold estate, as appears by the deed record, including trustees, private corporations, and owners of cooperative and condominium units; it does not include reversioners, remaindermen, or mortgagees, who shall not be counted and need not be notified of proceedings under this Act.

(7) "Project" means any development, improvements, property, utility, facility, works, road, enterprise, service, or convenience now existing or hereafter undertaken or established under the provisions of this Act or under chapter 298, Florida Statutes.

(8) "Water management and control facilities" means any canals, ditches, or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging holding basins, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, and disposal of water, and any purposes appurtenant, necessary, or incidental thereto, and includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such water and flood control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.

Section 5. Board; election; organization; terms of office; vacancy; quorum.—

(1) The Board of the District shall be the governing body of the District and shall exercise the powers granted to the District under this Act and under chapters 189 and 298, Florida Statutes. The District is an independent special district as defined in section 189.403(3), Florida Statutes. The Board shall consist of five members and, except as otherwise provided herein, each member shall be elected in compliance with all applicable election laws by the landowners of the District. Commencing in 1994 and every 2 years thereafter, two members of the Board shall be elected by the landowners of the District. The member receiving the highest number of votes shall be elected for a 4-year term and the member receiving the second highest number of votes shall be elected for a 2-year term. The fourth and fifth members of the Board of Supervisors shall be appointed by the City of Coral Springs City Commission and the City of Parkland City Commission, respectively, and shall serve as members of the Board until replaced. All of the members shall be residents of Broward County and all members shall be residents of Florida and shall be landowners within the District.

(2) Each Supervisor, before entering upon his or her official duties, shall take and subscribe to an oath of office as prescribed in section 298.13, Florida Statutes.

(3) All Supervisors shall hold office for the terms to which they are elected or appointed and until their successors shall be chosen and qualified. In the case of a vacancy in the office of any Supervisor, the remaining Supervisor or Supervisors (even though less than a quorum) may fill such vacancy by appointment of a new Supervisor or Supervisors for the unexpired term of the Supervisor who vacated office.

(4) A majority of the members of the Board of Supervisors shall constitute a quorum.

(5) The Board of Supervisors shall meet at least one time every month to conduct the business of the District, provided that items shall have been submitted 14 days before the meeting. In the event no items are to be considered by the Board of Supervisors of the District, the District Manager may cancel the monthly meeting. Each member of the Board of Supervisors shall be paid an amount not to exceed \$100 per meeting, not to exceed \$100 per month.

(6) Each Supervisor appointed by the City of Coral Springs and the City of Parkland shall reside within the Pine Tree Water Control District and if a member of the respective City Commissions resides in the District, he or she shall be appointed to the Board of Supervisors.

Section 6. Taxes.—

(1) Ad valorem taxes.—The Board shall have the power to levy and assess an ad valorem tax not in excess of 5 mills on all the taxable property in the District to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation bonds of the District; and to provide for any sinking or other funds established in connection with any such bonds. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and same time as county taxes. The levy of ad valorem taxes shall be approved by referendum when required by the State Constitution.

(2) Benefit taxes.—The Board shall annually determine, order, and levy the annual installment of the total taxes for bonds issued to finance water management and control plans which are levied under this Act, which taxes shall be due and collected during each year that county taxes are due and collected, and such annual installment and levy shall be evidenced to and certified to the property appraiser by the Board not later than August 31 of each year. This tax shall be entered by the property appraiser on the county tax rolls and shall be collected by the tax collector in the same manner and same time as county taxes, and the proceeds thereof shall be paid to the District. The tax shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes.

(3) Maintenance tax.—To maintain and preserve the water management and control facilities of the District, a maintenance tax shall be evidenced to and certified to the property appraiser by the Board of Supervisors not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls and shall be collected by the tax collector in the same manner and time as county taxes, and the proceeds therefrom shall be paid to the District. The tax shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. If the maintenance is for original construction based upon an apportionment of benefits, the maintenance tax shall be apportioned on the same basis of the net assessments of benefits assessed or accruing for original construction and shall not exceed 10 percent thereof in any 1 year. If the

maintenance is for other water management and control improvements owned, operated, or acquired by the District, the amount of the maintenance tax shall be determined by the Board based upon a report of the chief engineer and assessed by the Board upon such lands, which may be all of the lands within the District benefited by the maintenance thereof apportioned between the benefited lands in proportion to the benefits received by each tract of land.

(4) Enforcement of taxes.—The collection and enforcement of all taxes levied by the 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 procedures in connection therewith shall be applicable to the District to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(5) When unpaid tax is delinquent; penalty.—All taxes provided for in this Act shall become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

Section 7. Special assessments.—

(1) The Board of Supervisors may provide for the construction or reconstruction of assessable improvements as defined in this Act and for the levying and collecting of special assessments upon benefited property for the payment thereof as is provided for in chapter 170, Florida Statutes, and amendments thereto; and the provisions of that chapter shall be applicable with the same force and effect as if said provisions were expressly set forth in this Act. Any act required to be done by or on behalf of a city or town under chapter 170, Florida Statutes, may be performed by such officer or agent of the District as the Board may designate.

(2) Notwithstanding the provisions of section 170.09, Florida Statutes, District assessments may be made payable in 20 annual installments.

Section 8. Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.—

(1) The Board of Supervisors may, after any assessments for assessable improvements are made, determined, and confirmed, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in installments in accordance with the installments of the special assessments for which they are issued. The Board of Supervisors may determine the interest to be borne by such certificates at a rate not to exceed the statutory limitation as set forth in chapter 215, Florida Statutes, and as may be amended from time to time, and may sell such certificates at either private or public sale and

determine the form, manner of execution, and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of the interest on any revenue bonds or assessment bonds issued to finance in whole or in part such assessable improvements.

(2) The Board of Supervisors may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited; or, if such certificates of indebtedness have not been issued, the Board of Supervisors may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for herein, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued. The Board of Supervisors is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to further make any other necessary covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) All assessment bonds or other obligations issued under the provisions of this Act, except certificates of indebtedness issued against separate parcels of land as provided in this section, shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the Uniform Commercial Code.

(4) All revenue bonds and assessments issued pursuant to this Act shall be and constitute legal investments for state, county, municipal, and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees, and all other fiduciaries, and shall also be and constitute securities eligible as collateral security for all state, county, municipal, or other public funds.

(5) The Board of Supervisors is authorized to enter into agreements for the delivery of any revenue bonds or assessment bonds at one time or from time to time as full or partial payment for the services of any engineer or work done by any contractor who may have been retained or hired or been awarded a contract for the construction of all or any part of a water system; provided, however, that any such bonds so delivered for payment of such

services or work performed shall have been authorized and issued in the manner provided in this Act and shall otherwise conform to the provisions hereof.

(6) Any contract entered into by the District shall be deemed to have been made for the benefit of any holders of bonds issued pursuant to this Act to the extent necessary, and the terms of any such contract shall be enforceable by such bondholders in any appropriate legal proceeding. Any such contract if made with another public body or municipality shall be enforceable without the requirement of formal consideration.

Section 9. Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.—

(1) The District is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the District, within the limits of the District, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(2) No such rates, fees, rentals, or other charges for any of the facilities or services of the District shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper in the county and of general circulation in the District at least once and at least 10 days prior to such public hearing. The hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the Board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number or average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the Board on an equitable basis.

(4) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, reve-

nues, or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

(a) To provide for all expenses of operation and maintenance of such facility or service;

(b) To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(c) To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this Act.

(5) The Board shall have the power to enter into contracts for the use of the projects of the District and with respect to the services and facilities furnished or to be furnished by the District.

Section 10. Recovery of delinquent charges.—In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the District in a civil action.

Section 11. Discontinuance of service.—In the event the fees, rentals, or other charges for any of the facilities or services of the District are not paid when due, the Board shall have the power, under such reasonable rules and regulations as the Board may adopt, to discontinue services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of services, are fully paid; and, for such purposes the Board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the District limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the discontinuance and the restoration of such services and facilities and reasonable attorney's fees and other expenses, may be recovered by the District, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

Section 12. Enforcement and penalties.—The Board or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this Act, including injunctive relief to enjoin or restrain any person violating the provisions of the Act or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this Act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this Act or of any code, order, resolution, or other regulation made under authority conferred by the Act or under law, the Board or any citizen residing in the District may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid such violation; to prevent the

occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

Section 13. Suits against the district.—Any suit or action brought or maintained against the District for damage arising out of tort, including, without limitation, any claim arising upon account of an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in section 768.28, Florida Statutes.

Section 14. Exemption of District property from execution.—All District properties shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against such property, nor shall any judgment against the District be a charge or lien against its property or revenues, providing that nothing herein contained shall apply to or limit the rights of bond holders to pursue any remedy for the enforcement of any lien or pledge given by the District in connection with any of the bonds or obligations of the District.

Section 15. Dissolution, merger, or abolishment.—The dissolution, merger, abolishment, or any other proceedings relative to the special independent district created by this Act shall be governed exclusively by chapter 189, Florida Statutes.

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 other sections or provisions as 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. This act shall take precedence over any conflicting law to the extent of such conflict.

Section 6. Chapters 61-1969, 63-1186, 65-1337, 69-905, 71-562, 71-581, 73-420, 74-446, 77-518, 85-391, 93-372, and 94-430, Laws of Florida, are repealed.

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

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.