

By Representative Frankel

1 A bill to be entitled
2 An act relating to Loxahatchee Groves Water
3 Control District, Palm Beach County; codifying
4 the district's charter, reenacting chapter
5 76-455, Laws of Florida, as amended; providing
6 for date of annual landowner's meeting and
7 election of supervisors; providing that no
8 person may be elected as a supervisor unless
9 timely notice has been given of his or her
10 intent to be elected as a supervisor; providing
11 landowners with more than 1 acre are entitled
12 to one additional vote for any fraction of an
13 acre greater than one-half acre when all of
14 said landowner's acreage has been aggregated
15 for purposes of voting; providing for who may
16 be a hauling permit applicant; providing a
17 mechanism to enforce existing provisions for
18 fines for violation of hauling permit law
19 violations; allowing citations for such
20 violations to be issued by traffic enforcement
21 agencies and treating such citations in the
22 same manner as a noncriminal traffic
23 infraction; providing that no land within the
24 boundaries of the district, with the exception
25 of one identified parcel, may be annexed by any
26 municipality unless the municipality proposing
27 to annex said land agrees to annex all of the
28 real property comprising the district and such
29 annexation is subject to the provisions set
30 forth in s. 171.0413, F.S.; providing borrowing
31 authority to deal with declared disasters;

1 repealing all prior special acts of the
2 Legislature relating to the Loxahatchee Groves
3 Water Control District; providing that this act
4 shall take precedence over any conflicting law
5 to the extent of such conflict; providing
6 severability; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Chapter 76-455, Laws of Florida, as
11 amended, is codified, reenacted, amended and repealed as
12 herein provided.

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

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

21 Section 2. Landowner's meeting and election of
22 supervisors.--

23 a. Election of supervisors.--Every year in the same
24 month that a supervisor's term expires as provided in ss.
25 298.11 and 298.12, Florida Statutes, the district shall call a
26 meeting of the landowners in the district for the purpose of
27 electing a supervisor for such vacancy or existing vacancies.
28 There shall be one ballot for each vacancy. To be elected, a
29 candidate must have a majority of the votes on that ballot. In
30 the event no candidate receives a majority of votes on the
31 first ballot, a run-off ballot shall be held between the two

1 candidates receiving the highest number of votes on the first
2 ballot.

3 b. Number of votes; voting.--At such election, each
4 and every owner of land in the district shall be entitled to
5 vote, in person or by proxy in writing duly signed. Each
6 landowner shall be entitled to one vote for every acre of land
7 owned by him or her within the district. Landowners owning
8 less than 1 acre shall be entitled to one vote. Where land is
9 held in any form of joint ownership; votes may be cast by one
10 owner only. Landowners with more than 1 acre are entitled to
11 one additional vote for any fraction of an acre greater than
12 1/2 acre, when all of the landowners' acreage has been
13 aggregated for purposes of voting.

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

18 d. Membership of the board of supervisors.--The board
19 of supervisors of the district shall be increased from three
20 members to five members.

21 e. Date of landowner's meeting; notice of intent to be
22 elected.--Notwithstanding any provision of s. 298.12, Florida
23 Statutes, to the contrary, in order for a person to be elected
24 as a supervisor of the district, that person must notify the
25 Supervisor of the Board of Elections of Palm Beach County of
26 his or her intent to be elected as a supervisor at least 90
27 days prior to the annual landowner's meeting, which shall take
28 place on the 4th Monday of June each year. The date of annual
29 landowner's meeting may be changed by majority of the board of
30 supervisors of the district provided that such change occurs
31 at least 150 days prior to the newly selected date of the

1 landowner's meeting and further provided that notice of such
2 change of the date of the landowner's meeting shall be
3 published once a week for 2 consecutive weeks in a newspaper
4 of general circulation in the county in which the lands of the
5 district are located, with the first such publication to be
6 not less than 10 nor more than 15 days after the vote of the
7 board of supervisors to change the date of the annual
8 landowner's meeting. No person who has not timely provided
9 notice to the supervisor of elections of his or her
10 willingness to be elected, as set forth above in this section,
11 may be elected as a supervisor of the district, unless no
12 individuals have timely provided notice to the supervisor of
13 elections, in which event the provisions of s. 298.12(1),
14 Florida Statutes, shall control. If the number of persons
15 timely providing notice to the supervisor of elections does
16 not exceed the number of seats for which supervisors are to be
17 elected in that year, then those individuals providing timely
18 notice shall be deemed elected as supervisors as of the date
19 of the annual landowner's meeting and no election, or notice
20 of such election, shall be held. If the number of persons
21 providing timely notice to the supervisor of elections exceeds
22 the number of seats for which supervisors are to be elected
23 that year, then elections shall proceed forward at the annual
24 landowner's meeting in accordance with the provisions of s.
25 298.12(1), Florida Statutes, as may be modified by this act.

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

1 Section 4. Powers of the district.--
2 a. In addition to the powers provided for in chapter
3 298, Florida Statutes, the Loxahatchee Groves Water Control
4 District shall have the power to maintain roadways and roads
5 necessary and convenient for the exercise of the powers or
6 duties or any of the powers or duties of the district or the
7 supervisors thereof; and in furtherance of the purpose and
8 intent of this act and chapter 298, Florida Statutes, to
9 maintain roadways and roads necessary and convenient to
10 provide access to and efficient development of areas made
11 suitable and available for cultivation, settlement, and other
12 beneficial use and development as a result of the reclamation
13 operations of the district, including all the roads shown on
14 the replat of Loxahatchee Groves, as recorded in Plat Book 12,
15 Page 29, Palm Beach County Public Records; and to provide
16 funds for this purpose in its annual levy of district
17 assessments.
18 b. The Board of Supervisors of the Loxahatchee Groves
19 Water Control District in Palm Beach County, is hereby
20 authorized, empowered, and permitted to expend funds of the
21 district to pay for engineering studies and plans for the
22 purpose of developing a road improvement program for the
23 construction, maintenance, improvement, and repair of
24 dedicated roads and road rights-of-way, including the swales
25 thereof, within the district.
26 c. In addition to the powers of Loxahatchee Groves
27 Water Control District, hereinafter referred to as the
28 "district," elsewhere provided by general or special law, the
29 district shall have the power to construct, maintain, improve,
30 and repair roadways and roads necessary and convenient for the
31 exercise of any of the powers or duties of the district or the

1 board of supervisors thereof, including all the roads shown on
2 the replat of Loxahatchee Groves, as recorded in Plat Book 12,
3 Page 29, Palm Beach County Public Records, or to provide
4 access to and development of areas within the district, or
5 both; to provide funds for such construction, maintenance,
6 improvement, or repair through the levying of assessments
7 pursuant to chapter 298, Florida Statutes, hereinafter
8 referred to as "drainage assessments," or special assessments,
9 or both; and to acquire land, including any interest therein,
10 by purchase, gift, exchange, or eminent domain, for such
11 construction, maintenance, improvement, or repair.

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

15 e. The powers set forth in this section shall be
16 exercised by resolution adopted by a majority of the
17 membership of the board of supervisors, but the board of
18 supervisors shall not authorize the construction of any new
19 road or roadway or the improvement, other than routine
20 maintenance, of any existing roadway within the district,
21 except pursuant to a vote in favor of such construction or
22 improvement by a majority of the votes cast at a meeting of
23 the owners of lands within the district to be affected by such
24 construction or improvement. The board of supervisors shall,
25 prior to authorizing any such construction or improvement,
26 determine what lands within the district would be affected by
27 such construction or improvement, provided that any lands upon
28 which drainage assessments or special assessments would be
29 levied to finance such construction or improvement shall be
30 deemed to be affected and shall thereafter cause notice to be
31 given to all such landowners of a meeting of landowners to be

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

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

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

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

30 (2) Which shall, except as hereinafter provided,
31 require not less than 60-days' written notice to be given to

1 persons owning lands upon which any culvert crossings,
2 bridges, culverts, or other drainage systems exist in
3 violation of any such uniform standards prior to the taking of
4 any enforcement action by the district.

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

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

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

27 h. The district shall have the power to require
28 maintenance of any swale, drainage ditch, culvert, or canal
29 connecting to any of the works of the district where lack of
30 such maintenance adversely impacts the district, its
31 operations, or any of its works. The board of supervisors

1 shall cause notice to be given to any person owning land on
2 which such a swale, drainage ditch, culvert, or canal is
3 located in the event such maintenance is required and, if the
4 requested maintenance is not performed within 30 days of said
5 notice, unless extended by the board of supervisors, the
6 district may go upon such property and perform said
7 maintenance and assess the owner of the property for the
8 district's cost thereof. Upon the failure of any property
9 owner to pay any such assessment within 30 days of receipt by
10 such owner of notice of the assessment, the district shall
11 have a lien on all lands and premises affected thereby. Such
12 lien shall be superior and paramount to the interest in such
13 land and premises of any owner, lessee, tenant, mortgagee, or
14 other person except the lien of state, county, or district
15 taxes and shall be on a parity with the lien of any such
16 state, county, or district taxes. Such lien shall bear
17 interest at an annual rate equal to the interest rate due on
18 judgments, pursuant to s. 55.03, Florida Statutes, per year
19 and shall, until paid, remain in effect in perpetuity.

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

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

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

19 (3) Upon the adoption of the resolution, the board of
20 supervisors shall cause to be made an assessment roll in
21 accordance with the method of assessment provided for in said
22 resolution, which assessment roll shall be promptly completed
23 and filed with the records of the board of supervisors. The
24 lands assessed, the amount of the assessment against such
25 lands, and, if said assessment is to be paid in installments,
26 the number of annual installments in which the assessment is
27 divided shall be entered and shown on said assessment roll.

28 (4) On the completion of said assessment roll, the
29 board of supervisors shall by resolution fix a time and place
30 at which the owners of the property to be assessed, or any
31 other persons interested therein, may appear before said board

1 of supervisors and be heard as to the propriety and
2 advisability of making such improvements or providing said
3 services, as to the cost thereof, and as to the amount thereof
4 to be assessed against each property so improved. Notice in
5 writing of such time and place shall be given to the property
6 owners.

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

29 (6) The special assessments shall be payable at the
30 time and in the manner stipulated in the resolution
31 authorizing the improvement or service. Such assessments shall

1 remain liens, coequal in priority with the lien of county
2 taxes, until paid. Assessments not paid when due shall bear
3 interest at such rate or rates, not in excess of the maximum
4 legal rate, prescribed by the board of supervisors in the
5 resolution.

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

19 (8) If any special assessment made under the
20 provisions of this section to defray the whole or any part of
21 the expense of any improvement or provision of any service is
22 either in whole or in part annulled, vacated, or set aside by
23 the judgment of any court, or if the board of supervisors of
24 the district is satisfied that any assessment is so irregular
25 or defective that the same cannot be enforced or collected, or
26 if the board of supervisors omitted to make such assessment
27 when it might have done so, the board shall take all necessary
28 steps to cause a new assessment to be made for the whole or
29 any part of any improvement or service provided or against any
30 property benefited by any improvement or service provided,
31 following as nearly as possible the provisions of this act,

1 and, in case such second assessment shall be annulled, the
2 board of supervisors may obtain and make other assessments
3 until a valid assessment is made.

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

17 j. The district is authorized to provide from time to
18 time for the issuance of special assessment bonds of the
19 district to pay all or any part of the cost of a system of
20 roads and roadways and any improvements thereto. The principal
21 of and interest on any bonds shall be payable from special
22 assessments sufficient to pay the bonds in the manner provided
23 in the bonds, in this act, and the resolution authorizing such
24 bonds. The bonds shall be authorized by resolution or
25 resolutions of the board of supervisors of the district,
26 adopted by a majority of the supervisors present and voting at
27 a meeting of the supervisors. The bonds shall bear interest at
28 a rate or rates not in excess of the maximum rates permitted
29 by general law, may be in one or more series, may bear such
30 date or dates, and may mature at any time or times not
31 exceeding 40 years from their respective dates, may be payable

1 in such medium of payment, at such place or places within or
2 without the State of Florida, may carry such registration
3 privileges, may be subject to redemption prior to maturity,
4 with or without premium, may be executed in such manner, may
5 contain such terms, covenants, and conditions, and may be in
6 such form otherwise as such resolution or subsequent
7 resolutions shall provide. The bonds may be sold or exchanged
8 for refunding bonds, or delivered to contractors in payment
9 for any part of the work or improvements financed by such
10 bonds, or delivered in exchange for any properties, either
11 real, personal, or both, to be acquired for such works or
12 improvements, in such manner as the district in its discretion
13 shall determine. Pending the preparation of the definitive
14 bonds, interim certificates or receipts or temporary bonds in
15 such form and with such provisions as the district may
16 determine may be issued to the purchaser or purchasers of the
17 bonds issued hereunder. The bonds and such interim
18 certificates or receipts or temporary bonds shall be fully
19 negotiable and shall be and constitute negotiable instruments
20 within the meaning of and for all purposes of the law merchant
21 and the Uniform Commercial Code of the State of Florida. The
22 proceeds of the sale of any such bonds shall be used solely
23 for the payment of the costs of the district incurred or to be
24 incurred in carrying out the powers set forth in subsection
25 c., subsection d., subsection e., or subsection f., and shall
26 be disbursed in such manner and under such restrictions as the
27 district may provide in the authorizing resolution. The
28 district may also provide for the replacement of any bonds
29 which become mutilated or are stolen, destroyed, or lost, upon
30 proper indemnification. A resolution providing for the
31 issuance of special assessment bonds may also contain such

1 limitations upon the issuance of additional bonds secured on a
2 parity with the bonds theretofore issued as the district may
3 deem proper.

4 k. All special assessments levied pursuant to this act
5 may, in the discretion of the board, be collected by the tax
6 collector of Palm Beach County at the same time as the general
7 county taxes are collected by the tax collector of Palm Beach
8 County, and the board shall in such event certify to the
9 county tax collector a list of all such special assessments
10 and a description of the lands and names of the owners of the
11 properties against which such special assessments have been
12 levied and the amounts to become due therefrom in the next
13 succeeding year, including any interest thereon for any
14 deficiencies for prior years. The board may in lieu of
15 providing for the collection of said special assessments by
16 the tax collector of Palm Beach County, provide for the
17 collection of the special assessments by the district under
18 such terms and conditions as the board shall determine. In
19 such event, the bills or statements for the amounts due at any
20 time and from time to time shall be mailed to the owners of
21 all properties affected by such special assessments at such
22 time or times as the board shall determine. All charges of the
23 county tax collector or of the district, and the fees, costs,
24 and expenses of any paying agents, trustees, or other
25 fiduciaries for assessment bonds issued under this act, shall
26 be deemed to be costs of the operation and maintenance of any
27 improvements in connection with which such special assessments
28 were levied and the board shall be authorized and directed to
29 provide for the payment each year of such costs of collection,
30 fees, and other expenses from additional special assessments
31 or from the maintenance tax as provided by general law.

1 Section 5. Permitting of hauling operations.--
2 a. Definitions.--As used in this act:
3 (1) "Haul" or "hauling" means to cart, pull, carry, or
4 transport in a motor vehicle.
5 (2) "District" means the Loxahatchee Groves Water
6 Control District.
7 (3) "Excavate" or "excavation" means any act by which
8 material is cut into, dug, quarried, uncovered, removed,
9 displaced, relocated, or otherwise deliberately distributed.
10 Excavation excludes agricultural plowing and site grading and
11 demucking in preparation for construction.
12 b. Application for hauling permit.--
13 (1) In addition to the powers of the district
14 elsewhere provided by general or special law, the district
15 shall have the power to implement and enforce a permitting
16 system necessary and convenient for the exercise of any of the
17 powers or duties of the district or the board of supervisors
18 thereof pertaining to all roads and roadways maintained by the
19 district, pursuant to its legislative authority, to provide
20 access to or to restrict the use of roads or roadways within
21 the district for the hauling of excavated material where such
22 hauling exceeds 250 cubic yards of excavated material within a
23 1-year period from the property of any landowner.
24 (2) In order to effect the regulation of hauling
25 activities and the protection of the condition of district
26 roads and roadways, the district:
27 (a) May require the following information to be
28 supplied in an application for a hauling permit made to the
29 district;
30 (i) Name and address of proposed hauling operator.
31 (ii) Type and number of vehicles to be operated.

- 1 (iii) Origin and destinations of hauling loan.
2 (iv) Description of routes upon which the hauling
3 operation will be conducted.
4 (v) Dimensions and maximum total weight of hauling
5 vehicles.
6 (vi) Requested hauling schedule, including times and
7 dates of excavation and use of hauling route.
8 (vii) Verification of notice to all utility companies
9 and municipalities along the proposed route and a copy of
10 their reply.
11 (viii) Approval of Palm Beach County's engineering
12 department, if required.
13 (ix) Name and address of permit applicant, which shall
14 be either the owner of the land from which the material is
15 excavated or the person or entity performing the excavation
16 work, if the latter, the landowner must also sign the permit
17 application.
18 (b) Shall require that the recipient of a hauling
19 permit from the district coordinate with the district the
20 hauling routes and the times during which hauling activities
21 are permitted to take place.
22 (c) Shall include, as a condition of the hauling
23 permit, that the hauling operator, permit applicant and
24 landowner (if not the permit applicant) not cause damage or
25 loss from the undertaking of hauling activities to the
26 property of the district, including, but not limited to,
27 district roads and roadways and adjacent private property.
28 Notwithstanding the foregoing, the hauling operator, permit
29 applicant, and landowner (if not the permit applicant) shall
30 be liable for the repair of any such damage caused by hauling
31 activities and shall reimburse the district and any adjacent

1 private property owners for any loss or damage occasioned by
2 hauling activities.

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

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

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

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

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

28 (2) Any person who willfully hauls excavated material
29 on district roads or roadways without a hauling permit as
30 required under this act or who violates the conditions of a
31 hauling permit granted pursuant to this act is liable to any

1 person injured thereby for the full amount of the injury
2 occasioned to any land or crops or other property by reason of
3 such hauling activities, and shall be liable to the district
4 for double the cost of repairing any resulting damage to the
5 district's roads or roadways.

6 (3) Any person who willfully hauls excavated material
7 upon the district roads or roadways without a hauling permit
8 as required under this act, or in contravention of the
9 conditions of a hauling permit granted pursuant to this act,
10 shall be subject to a civil fine of \$500 per occurrence, with
11 each day that a violation occurs constituting a separate
12 occurrence. Any violation of this section may be treated in
13 the same manner as a noncriminal traffic infraction under
14 chapter 318, Florida Statutes, and citations for such
15 violations may be issued by traffic enforcement agencies in
16 the same manner as traffic citations are issued under chapter
17 316, Florida Statutes.

18 (4) If a hauling operator, permit applicant, or
19 landowner (if not the permit applicant) upon notice, in
20 writing or otherwise, fails to repair any damage occasioned by
21 the hauling of materials on the road or roadways of the
22 district within 24 hours of receiving said notice, the
23 district may repair such damage and assess the owner of the
24 land from which the material was excavated for the district's
25 costs in connection with such repairs. Upon failure of any
26 landowner to pay any assessments levied by the district
27 pursuant to this section within 30 days of receipt of any
28 owner of notice of the assessment, the district shall have a
29 lien on all lands and premises affected thereby. Such liens
30 shall be superior and paramount to the interest in such land
31 and premises of any owner, lessee, tenant, mortgagee, or other

1 person except the lien of state, county, or district taxes and
2 shall be on a parity with the lien of any such state, county,
3 or district taxes. Such liens shall bear interest at the
4 annual rate equal to the interest rate due on judgments,
5 pursuant to s. 55.03, Florida Statutes, per year and shall,
6 until paid, remain in effect in perpetuity.

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

26
27 A parcel of land located in the County of Palm
28 Beach, State of Florida, to wit: The point of
29 beginning being the intersection of the
30 easterly line of Lot 4, Block K, Loxahatchee
31 District, according to the plat thereof on file

1 in the Office of the Clerk of the Circuit Court
2 recorded in Plat Book 7, Page 81, of the Public
3 Records of Palm Beach County, Florida; and the
4 southerly boundary of the "Collecting Canal" as
5 shown on the Replat of Loxahatchee Groves
6 Subdivision according to the plat thereof,
7 recorded in Plat Book 12, Page 29, of the
8 Public Records of Palm Beach County, Florida;
9 thence easterly along said southerly boundary
10 of the Collecting Canal to the easterly
11 boundary of said Replat of Loxahatchee Groves;
12 thence south along said easterly boundary line
13 of the Replat of Loxahatchee Groves to the
14 north right-of-way line of State Road 80,
15 thence westerly along said northerly
16 right-of-way line of State Road 80 to the
17 easterly line of Lot 4, Block K, Loxahatchee
18 District; thence northerly along said easterly
19 line of Lot 4 to the Point of Beginning.

20
21 Section 7. Borrowing authority to deal with
22 disaster.--To allow the district to deal with the financial
23 impact of the repair, replacement, or reconstruction of works
24 of the district or other costs incurred by the district due to
25 a "disaster," as defined in s. 252.34(1), Florida Statutes,
26 the district is hereby authorized to borrow such funds as the
27 district may reasonably determine are necessary to cope with
28 the disaster. The district is also authorized to enter into a
29 line of credit arrangement that will permit such borrowing,
30 but funds can be drawn on the line of credit only after a
31 state of emergency has been declared by Palm Beach County, the

1 Governor, or the President of the United States. The district
2 may grant as security or collateral for borrowing under this
3 section any local, state, or federal disaster relief payments
4 (or similar type of payments) to be received by the district
5 or maintenance assessments levied by the district pursuant to
6 s. 298.54, Florida Statutes, or both.

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

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

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

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