

Bill No. SB 2616

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Rossin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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 Chapter 76-455, Laws of Florida, as amended, is codified, reenacted, amended and repealed as herein provided.

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

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

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

a. Election of supervisors.--Every year in the same month that a supervisor's term expires as provided in ss.

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1 298.11 and 298.12, Florida Statutes, the district shall call a
2 meeting of the landowners in the district for the purpose of
3 electing a supervisor for such vacancy or existing vacancies.
4 There shall be one ballot for each vacancy. To be elected, a
5 candidate must have a majority of the votes on that ballot. In
6 the event no candidate receives a majority of votes on the
7 first ballot, a run-off ballot shall be held between the two
8 candidates receiving the highest number of votes on the first
9 ballot.

10 b. Number of votes; voting.--At such election, each
11 and every owner of land in the district shall be entitled to
12 vote, in person or by proxy in writing duly signed. Each
13 landowner shall be entitled to one vote for every acre of land
14 owned by him or her within the district. Landowners owning
15 less than 1 acre shall be entitled to one vote. Where land is
16 held in any form of joint ownership; votes may be cast by one
17 owner only. Landowners with more than 1 acre are entitled to
18 one additional vote for any fraction of an acre greater than
19 1/2 acre, when all of the landowners' acreage has been
20 aggregated for purposes of voting.

21 c. Quorum for landowners' meetings.--At any
22 landowners' meetings those owners of lands in the district
23 present in person or voting by proxy shall constitute a
24 quorum.

25 d. Membership of the board of supervisors.--The board
26 of supervisors of the district shall be increased from three
27 members to five members.

28 e. Date of landowner's meeting; notice of intent to be
29 elected.--Notwithstanding any provision of s. 298.12, Florida
30 Statutes, to the contrary, for all elections held after 1999,
31 in order for a person to be elected as a supervisor of the

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1 district, that person must notify the Supervisor of the Board
2 of Elections of Palm Beach County of his or her intent to be
3 elected as a supervisor at least 90 days prior to the annual
4 landowner's meeting, which shall take place on the 4th Monday
5 of June each year. The date of annual landowner's meeting may
6 be changed by majority of the board of supervisors of the
7 district provided that such change occurs at least 150 days
8 prior to the newly selected date of the landowner's meeting
9 and further provided that notice of such change of the date of
10 the landowner's meeting shall be published once a week for 2
11 consecutive weeks in a newspaper of general circulation in the
12 county in which the lands of the district are located, with
13 the first such publication to be not less than 10 nor more
14 than 15 days after the vote of the board of supervisors to
15 change the date of the annual landowner's meeting. No person
16 who has not timely provided notice to the supervisor of
17 elections of his or her willingness to be elected, as set
18 forth above in this section, may be elected as a supervisor of
19 the district, unless no individuals have timely provided
20 notice to the supervisor of elections, in which event the
21 provisions of s. 298.12(1), Florida Statutes, shall control.
22 If the number of persons timely providing notice to the
23 supervisor of elections does not exceed the number of seats
24 for which supervisors are to be elected in that year, then
25 those individuals providing timely notice shall be deemed
26 elected as supervisors as of the date of the annual
27 landowner's meeting and no election, or notice of such
28 election, shall be held. If the number of persons providing
29 timely notice to the supervisor of elections exceeds the
30 number of seats for which supervisors are to be elected that
31 year, then elections shall proceed forward at the annual

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1 landowner's meeting in accordance with the provisions of s.
2 298.12(1), Florida Statutes, as may be modified by this act.

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

9 Section 4. Powers of the district.--

10 a. In addition to the powers provided for in chapter
11 298, Florida Statutes, the Loxahatchee Groves Water Control
12 District shall have the power to maintain roadways and roads
13 necessary and convenient for the exercise of the powers or
14 duties or any of the powers or duties of the district or the
15 supervisors thereof; and in furtherance of the purpose and
16 intent of this act and chapter 298, Florida Statutes, to
17 maintain roadways and roads necessary and convenient to
18 provide access to and efficient development of areas made
19 suitable and available for cultivation, settlement, and other
20 beneficial use and development as a result of the reclamation
21 operations of the district, including all the roads shown on
22 the replat of Loxahatchee Groves, as recorded in Plat Book 12,
23 Page 29, Palm Beach County Public Records; and to provide
24 funds for this purpose in its annual levy of district
25 assessments.

26 b. The Board of Supervisors of the Loxahatchee Groves
27 Water Control District in Palm Beach County, is hereby
28 authorized, empowered, and permitted to expend funds of the
29 district to pay for engineering studies and plans for the
30 purpose of developing a road improvement program for the
31 construction, maintenance, improvement, and repair of

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1 dedicated roads and road rights-of-way, including the swales
2 thereof, within the district.

3 c. In addition to the powers of Loxahatchee Groves
4 Water Control District, hereinafter referred to as the
5 "district," elsewhere provided by general or special law, the
6 district shall have the power to construct, maintain, improve,
7 and repair roadways and roads necessary and convenient for the
8 exercise of any of the powers or duties of the district or the
9 board of supervisors thereof, including all the roads shown on
10 the replat of Loxahatchee Groves, as recorded in Plat Book 12,
11 Page 29, Palm Beach County Public Records, or to provide
12 access to and development of areas within the district, or
13 both; to provide funds for such construction, maintenance,
14 improvement, or repair through the levying of assessments
15 pursuant to chapter 298, Florida Statutes, hereinafter
16 referred to as "drainage assessments," or special assessments,
17 or both; and to acquire land, including any interest therein,
18 by purchase, gift, exchange, or eminent domain, for such
19 construction, maintenance, improvement, or repair.

20 d. The powers granted in this section may be exercised
21 without the necessity of modifying or amending the water
22 control plan for the district.

23 e. The powers set forth in this section shall be
24 exercised by resolution adopted by a majority of the
25 membership of the board of supervisors, but the board of
26 supervisors shall not authorize the construction of any new
27 road or roadway or the improvement, other than routine
28 maintenance, of any existing roadway within the district,
29 except pursuant to a vote in favor of such construction or
30 improvement by a majority of the votes cast at a meeting of
31 the owners of lands within the district to be affected by such

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1 construction or improvement. The board of supervisors shall,
2 prior to authorizing any such construction or improvement,
3 determine what lands within the district would be affected by
4 such construction or improvement, provided that any lands upon
5 which drainage assessments or special assessments would be
6 levied to finance such construction or improvement shall be
7 deemed to be affected and shall thereafter cause notice to be
8 given to all such landowners of a meeting of landowners to be
9 held for the purpose of voting upon such construction or
10 improvement; at such meeting, each owner of land to be
11 affected by such construction or improvement, present in
12 person or by proxy, shall be entitled to one vote for each
13 acre of such land or fraction thereof within the district
14 owned by such owner. Notice of a meeting of landowners
15 hereunder shall be given in the same manner as provided by law
16 for the giving of notice of the annual meeting for the
17 election of supervisors.

18 f. The board of supervisors, in the exercise of powers
19 pursuant to this act, may establish different special
20 assessment areas within the district according to the benefits
21 received, and may revise such areas according to the benefits
22 received from time to time, so as to most equitably provide
23 for the levying of special assessments according to benefits
24 as are deemed desirable by the board of supervisors.

25 g. The district shall have the power to adopt, by
26 resolution, a uniform standard for culvert crossings, bridges,
27 culverts, or other drainage systems that connect with or cross
28 over any of the works of, or lie within the rights-of-way of,
29 the district. If the district so establishes a uniform
30 standard, the district shall by resolution adopt procedures:

31 (1) Which shall require notice of such uniform

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1 standards to be given to persons owning lands upon which any
2 culvert crossings, bridges, culverts, or other drainage
3 systems that connect with or cross over any of the works of,
4 or lie within the rights-of-way of, the district and to such
5 other persons as the board of supervisors shall deem to be
6 necessary or desirable, or both.

7 (2) Which shall, except as hereinafter provided,
8 require not less than 60-days' written notice to be given to
9 persons owning lands upon which any culvert crossings,
10 bridges, culverts, or other drainage systems exist in
11 violation of any such uniform standards prior to the taking of
12 any enforcement action by the district.

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

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

22 (5) Upon the failure of any property owner to pay any
23 assessment levied by the board of supervisors pursuant to
24 paragraph (4) within 30 days of receipt by such owner of
25 notice of said assessment, the district shall have a lien on
26 all lands and premises affected thereby. Such lien shall be
27 superior and paramount to the interest in such land and
28 premises of any owner, lessee, tenant, mortgagee, or other
29 person except the lien of state, county, or district taxes and
30 shall be on a parity with the lien of any such state, county,
31 or district taxes. Such lien shall bear interest at an annual

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1 rate equal to the interest rate due on judgments, pursuant to
2 s. 55.03, Florida Statutes, per year and shall, until paid,
3 remain in effect in perpetuity.

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

28 i. The board of supervisors of the district, in order
29 to carry out any of the powers set forth in subsections c.-g.
30 may levy and impose special assessments against any or all of
31 the real property within the district upon a determination

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1 that the construction, maintenance, improvement, repair, or
2 operation of the roads or roadways provide a benefit to such
3 real property. The assessments shall be imposed upon the
4 property specially benefited by such construction,
5 maintenance, improvement, repair, or operation in proportion
6 to the benefits to be derived therefrom, and the special
7 benefits shall be determined and prorated by a method
8 prescribed by the board of supervisors.

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

23 (2) Within 30 days after the adoption of the
24 resolution, the board of supervisors shall cause said
25 resolution to be published one time in a newspaper of general
26 circulation in Palm Beach County.

27 (3) Upon the adoption of the resolution, the board of
28 supervisors shall cause to be made an assessment roll in
29 accordance with the method of assessment provided for in said
30 resolution, which assessment roll shall be promptly completed
31 and filed with the records of the board of supervisors. The

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1 lands assessed, the amount of the assessment against such
2 lands, and, if said assessment is to be paid in installments,
3 the number of annual installments in which the assessment is
4 divided shall be entered and shown on said assessment roll.

5 (4) On the completion of said assessment roll, the
6 board of supervisors shall by resolution fix a time and place
7 at which the owners of the property to be assessed, or any
8 other persons interested therein, may appear before said board
9 of supervisors and be heard as to the propriety and
10 advisability of making such improvements or providing said
11 services, as to the cost thereof, and as to the amount thereof
12 to be assessed against each property so improved. Notice in
13 writing of such time and place shall be given to the property
14 owners.

15 (5) At a time and place named in the notice provided
16 for in paragraph (4), the board of supervisors of the district
17 shall meet as an adjustment board to hear and consider any and
18 all complaints as to the special assessments and shall adjust
19 the assessments on an equitable basis. After the special
20 assessments are so adjusted and approved by resolution, such
21 assessments shall stand confirmed and, until paid, shall
22 remain legal, valid, and binding liens upon the property
23 against which such assessments are made of equal dignity with
24 the lien for county taxes. However, upon completion of the
25 improvement, or provision of service to existing improvements,
26 the board of supervisors shall credit to each of the
27 assessments the difference in the assessment as originally
28 made, approved, and confirmed and the proportionate part of
29 the actual cost of the improvement or service to be paid by
30 special assessments as finally determined on the completion of
31 the improvement or service, but in no event shall the final

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1 assessments exceed the amount of benefits originally assessed.
2 Promptly after confirmation, the assessments shall be recorded
3 in the public records of Palm Beach County and the record of
4 the lien shall constitute prima facie evidence of its
5 validity.

6 (6) The special assessments shall be payable at the
7 time and in the manner stipulated in the resolution
8 authorizing the improvement or service. Such assessments shall
9 remain liens, coequal in priority with the lien of county
10 taxes, until paid. Assessments not paid when due shall bear
11 interest at such rate or rates, not in excess of the maximum
12 legal rate, prescribed by the board of supervisors in the
13 resolution.

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

27 (8) If any special assessment made under the
28 provisions of this section to defray the whole or any part of
29 the expense of any improvement or provision of any service is
30 either in whole or in part annulled, vacated, or set aside by
31 the judgment of any court, or if the board of supervisors of

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1 the district is satisfied that any assessment is so irregular
2 or defective that the same cannot be enforced or collected, or
3 if the board of supervisors omitted to make such assessment
4 when it might have done so, the board shall take all necessary
5 steps to cause a new assessment to be made for the whole or
6 any part of any improvement or service provided or against any
7 property benefited by any improvement or service provided,
8 following as nearly as possible the provisions of this act,
9 and, in case such second assessment shall be annulled, the
10 board of supervisors may obtain and make other assessments
11 until a valid assessment is made.

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

25 j. The district is authorized to provide from time to
26 time for the issuance of special assessment bonds of the
27 district to pay all or any part of the cost of a system of
28 roads and roadways and any improvements thereto. The principal
29 of and interest on any bonds shall be payable from special
30 assessments sufficient to pay the bonds in the manner provided
31 in the bonds, in this act, and the resolution authorizing such

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1 bonds. The bonds shall be authorized by resolution or
2 resolutions of the board of supervisors of the district,
3 adopted by a majority of the supervisors present and voting at
4 a meeting of the supervisors. The bonds shall bear interest at
5 a rate or rates not in excess of the maximum rates permitted
6 by general law, may be in one or more series, may bear such
7 date or dates, and may mature at any time or times not
8 exceeding 40 years from their respective dates, may be payable
9 in such medium of payment, at such place or places within or
10 without the State of Florida, may carry such registration
11 privileges, may be subject to redemption prior to maturity,
12 with or without premium, may be executed in such manner, may
13 contain such terms, covenants, and conditions, and may be in
14 such form otherwise as such resolution or subsequent
15 resolutions shall provide. The bonds may be sold or exchanged
16 for refunding bonds, or delivered to contractors in payment
17 for any part of the work or improvements financed by such
18 bonds, or delivered in exchange for any properties, either
19 real, personal, or both, to be acquired for such works or
20 improvements, in such manner as the district in its discretion
21 shall determine. Pending the preparation of the definitive
22 bonds, interim certificates or receipts or temporary bonds in
23 such form and with such provisions as the district may
24 determine may be issued to the purchaser or purchasers of the
25 bonds issued hereunder. The bonds and such interim
26 certificates or receipts or temporary bonds shall be fully
27 negotiable and shall be and constitute negotiable instruments
28 within the meaning of and for all purposes of the law merchant
29 and the Uniform Commercial Code of the State of Florida. The
30 proceeds of the sale of any such bonds shall be used solely
31 for the payment of the costs of the district incurred or to be

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1 incurred in carrying out the powers set forth in subsection
2 c., subsection d., subsection e., or subsection f., and shall
3 be disbursed in such manner and under such restrictions as the
4 district may provide in the authorizing resolution. The
5 district may also provide for the replacement of any bonds
6 which become mutilated or are stolen, destroyed, or lost, upon
7 proper indemnification. A resolution providing for the
8 issuance of special assessment bonds may also contain such
9 limitations upon the issuance of additional bonds secured on a
10 parity with the bonds theretofore issued as the district may
11 deem proper.

12 k. All special assessments levied pursuant to this act
13 may, in the discretion of the board, be collected by the tax
14 collector of Palm Beach County at the same time as the general
15 county taxes are collected by the tax collector of Palm Beach
16 County, and the board shall in such event certify to the
17 county tax collector a list of all such special assessments
18 and a description of the lands and names of the owners of the
19 properties against which such special assessments have been
20 levied and the amounts to become due therefrom in the next
21 succeeding year, including any interest thereon for any
22 deficiencies for prior years. The board may in lieu of
23 providing for the collection of said special assessments by
24 the tax collector of Palm Beach County, provide for the
25 collection of the special assessments by the district under
26 such terms and conditions as the board shall determine. In
27 such event, the bills or statements for the amounts due at any
28 time and from time to time shall be mailed to the owners of
29 all properties affected by such special assessments at such
30 time or times as the board shall determine. All charges of the
31 county tax collector or of the district, and the fees, costs,

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1 and expenses of any paying agents, trustees, or other
 2 fiduciaries for assessment bonds issued under this act, shall
 3 be deemed to be costs of the operation and maintenance of any
 4 improvements in connection with which such special assessments
 5 were levied and the board shall be authorized and directed to
 6 provide for the payment each year of such costs of collection,
 7 fees, and other expenses from additional special assessments
 8 or from the maintenance tax as provided by general law.

9 Section 5. Permitting of hauling operations.--

10 a. Definitions.--As used in this act:

11 (1) "Haul" or "hauling" means to cart, pull, carry, or
 12 transport in a motor vehicle.

13 (2) "District" means the Loxahatchee Groves Water
 14 Control District.

15 (3) "Excavate" or "excavation" means any act by which
 16 material is cut into, dug, quarried, uncovered, removed,
 17 displaced, relocated, or otherwise deliberately distributed.
 18 Excavation excludes agricultural plowing and site grading and
 19 demucking in preparation for construction.

20 b. Application for hauling permit.--

21 (1) In addition to the powers of the district
 22 elsewhere provided by general or special law, the district
 23 shall have the power to implement and enforce a permitting
 24 system necessary and convenient for the exercise of any of the
 25 powers or duties of the district or the board of supervisors
 26 thereof pertaining to all roads and roadways maintained by the
 27 district, pursuant to its legislative authority, to provide
 28 access to or to restrict the use of roads or roadways within
 29 the district for the hauling of excavated material where such
 30 hauling exceeds 250 cubic yards of excavated material within a
 31 1-year period to or from the property of any landowner.

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1 (2) In order to effect the regulation of hauling
2 activities and the protection of the condition of district
3 roads and roadways, the district:

4 (a) May require the following information to be
5 supplied in an application for a hauling permit made to the
6 district;

7 (i) Name and address of proposed hauling operator.

8 (ii) Type and number of vehicles to be operated.

9 (iii) Origin and destinations of hauling load.

10 (iv) Description of routes upon which the hauling
11 operation will be conducted.

12 (v) Dimensions and maximum total weight of hauling
13 vehicles.

14 (vi) Requested hauling schedule, including times and
15 dates of excavation and use of hauling route.

16 (vii) Verification of notice to all utility companies
17 and municipalities along the proposed route and a copy of
18 their reply.

19 (viii) Approval of Palm Beach County's engineering
20 department, if required.

21 (ix) Name and address of permit applicant, which shall
22 be either the owner of the land within the district from which
23 the material is excavated or transported to or the person or
24 entity performing the excavation work in the district, if the
25 latter, the landowner must also sign the permit application.

26 (b) Shall require that the recipient of a hauling
27 permit from the district coordinate with the district the
28 hauling routes and the times during which hauling activities
29 are permitted to take place.

30 (c) Shall include, as a condition of the hauling
31 permit, that the hauling operator, permit applicant and

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1 landowner (if not the permit applicant) not cause damage or
2 loss from the undertaking of hauling activities to the
3 property of the district, including, but not limited to,
4 district roads and roadways and adjacent private property.
5 Notwithstanding the foregoing, the hauling operator, permit
6 applicant, and landowner (if not the permit applicant) shall
7 be liable for the repair of any such damage caused by hauling
8 activities and shall reimburse the district and any adjacent
9 private property owners for any loss or damage occasioned by
10 hauling activities.

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

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

26 (f) May assess and collect reasonable fees in
27 connection with reviewing permit applications and approving
28 the hauling permit.

29 (g) May adopt rules to implement the purposes of this
30 section.

31 c. Liability.--

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

6 (2) Any person who willfully hauls excavated material
7 on district roads or roadways without a hauling permit as
8 required under this act or who violates the conditions of a
9 hauling permit granted pursuant to this act is liable to any
10 person injured thereby for the full amount of the injury
11 occasioned to any land or crops or other property by reason of
12 such hauling activities, and shall be liable to the district
13 for double the cost of repairing any resulting damage to the
14 district's roads or roadways.

15 (3) Any person who willfully hauls excavated material
16 upon the district roads or roadways without a hauling permit
17 as required under this act, or in contravention of the
18 conditions of a hauling permit granted pursuant to this act,
19 shall be subject to a civil fine of \$500 per occurrence, with
20 each day that a violation occurs constituting a separate
21 occurrence. Any violation of this section may be treated in
22 the same manner as a noncriminal traffic infraction under
23 chapter 318, Florida Statutes, and citations for such
24 violations may be issued by traffic enforcement agencies in
25 the same manner as traffic citations are issued under chapter
26 316, Florida Statutes.

27 (4) If a hauling operator, permit applicant, or
28 landowner (if not the permit applicant) upon notice, in
29 writing or otherwise, fails to repair any damage occasioned by
30 the hauling of materials on the road or roadways of the
31 district within 24 hours of receiving said notice, the

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1 district may repair such damage and assess the owner of the
2 land in the district from which the material was excavated or
3 to which the material was hauled for the district's costs in
4 connection with such repairs. Upon failure of any landowner to
5 pay any assessments levied by the district pursuant to this
6 section within 30 days of receipt of any owner of notice of
7 the assessment, the district shall have a lien on all lands of
8 such owner within the district. Such liens shall be superior
9 and paramount to the interest in such land and premises of any
10 owner, lessee, tenant, mortgagee, or other person except the
11 lien of state, county, or district taxes and any conservation
12 easements and shall be on a parity with the lien of any such
13 state, county, or district taxes and any conservation
14 easements. Such liens shall bear interest at the annual rate
15 equal to the interest rate due on judgments, pursuant to s.
16 55.03, Florida Statutes, per year and shall, until paid,
17 remain in effect in perpetuity.

18 Section 6. Restriction on annexation.--In view of the
19 unique rural community nature of the district and a
20 recognition by the Legislature of the appropriateness of
21 preserving the district as a unified community, no land within
22 the boundaries of the district may be annexed by any
23 municipality unless the municipality proposing to annex said
24 land agrees to annex all of the real property composing the
25 district and such annexation is subject to the provisions set
26 forth in s. 171.0413, Florida Statutes, including, but not
27 limited to, the requirement that the annexation be approved in
28 a referendum vote by the registered electors living within the
29 boundaries of the district. However, the restrictions on
30 annexation in this section shall not apply to that portion of
31 the district consisting of a parcel bounded by Southern

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1 Boulevard on the south, the southern boundary of the
2 drainage/road right-of-way known as Collecting Canal on the
3 north, Folsom/Crestwood on the east, and the western boundary
4 of the Palms West Hospital property on the west, said parcel
5 being more particularly described as follows:

6
7 A parcel of land located in the County of Palm
8 Beach, State of Florida, to wit: The point of
9 beginning being the intersection of the
10 easterly line of Lot 4, Block K, Loxahatchee
11 District, according to the plat thereof on file
12 in the Office of the Clerk of the Circuit Court
13 recorded in Plat Book 7, Page 81, of the Public
14 Records of Palm Beach County, Florida, and the
15 southerly boundary of the "Collecting Canal" as
16 shown on the Replat of Loxahatchee Groves
17 Subdivision according to the plat thereof,
18 recorded in Plat Book 12, Page 29, of the
19 Public Records of Palm Beach County, Florida;
20 thence easterly along said southerly boundary
21 of the Collecting Canal to the easterly
22 boundary of said Replat of Loxahatchee Groves;
23 thence south along said easterly boundary line
24 of the Replat of Loxahatchee Groves to the
25 north right-of-way line of State Road 80,
26 thence westerly along said northerly
27 right-of-way line of State Road 80 to the
28 easterly line of Lot 4, Block K, Loxahatchee
29 District; thence northerly along said easterly
30 line of Lot 4 to the Point of Beginning.

31

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1 Section 7. Borrowing authority to deal with
2 disaster.--To allow the district to deal with the financial
3 impact of the repair, replacement, or reconstruction of works
4 of the district or other costs incurred by the district due to
5 a "disaster," as defined in s. 252.34(1), Florida Statutes,
6 the district is hereby authorized to borrow such funds as the
7 district may reasonably determine are necessary to cope with
8 the disaster. The district is also authorized to enter into a
9 line of credit arrangement that will permit such borrowing,
10 but funds can be drawn on the line of credit only after a
11 state of emergency has been declared by Palm Beach County, the
12 Governor, or the President of the United States. The district
13 may grant as security or collateral for borrowing under this
14 section any local, state, or federal disaster relief payments
15 (or similar type of payments) to be received by the district
16 or maintenance assessments levied by the district pursuant to
17 s. 298.54, Florida Statutes, or both.

18 Section 3. Except as specifically provided herein,
19 chapter 76-455, Laws of Florida; chapter 79-540, Laws of
20 Florida; chapter 82-355, Laws of Florida; chapter 86-432, Laws
21 of Florida; chapter 87-519, Laws of Florida; chapter 88-502,
22 Laws of Florida; and chapter 92-259, Laws of Florida, are
23 repealed.

24 Section 4. In the event any section, or provision of
25 this act is determined to be invalid or unenforceable, such
26 determination shall not affect the validity of or
27 enforceability of each other section and provision of this
28 act.

29 Section 5. In the event of a conflict of the
30 provisions of this act, with the provisions of any other act,
31 the provisions of this act shall control to the extent of such

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1 conflict.

2 Section 6. This act shall take effect upon becoming a
3 law.

4

5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11

A bill to be entitled

12

An act relating to Loxahatchee Groves Water

13

Control District, Palm Beach County; codifying

14

the district's charter, reenacting chapter

15

76-455, Laws of Florida, as amended; providing

16

for date of annual landowner's meeting and

17

election of supervisors; providing that no

18

person may be elected as a supervisor unless

19

timely notice has been given of his or her

20

intent to be elected as a supervisor; providing

21

landowners with more than 1 acre are entitled

22

to one additional vote for any fraction of an

23

acre greater than one-half acre when all of

24

said landowner's acreage has been aggregated

25

for purposes of voting; providing for who may

26

be a hauling permit applicant; providing a

27

mechanism to enforce existing provisions for

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finances for violation of hauling permit law

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violations; allowing citations for such

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violations to be issued by traffic enforcement

31

agencies and treating such citations in the

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1 same manner as a noncriminal traffic
2 infraction; providing that no land within the
3 boundaries of the district, with the exception
4 of one identified parcel, may be annexed by any
5 municipality unless the municipality proposing
6 to annex said land agrees to annex all of the
7 real property comprising the district and such
8 annexation is subject to the provisions set
9 forth in s. 171.0413, F.S.; providing borrowing
10 authority to deal with declared disasters;
11 repealing all prior special acts of the
12 Legislature relating to the Loxahatchee Groves
13 Water Control District; providing that this act
14 shall take precedence over any conflicting law
15 to the extent of such conflict; providing
16 severability; providing an effective date.

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