

By Senator Rossin

35-1621A-99

See HB 1591

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11 amended, is codified, reenacted, amended, and repealed as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 sections
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 section 298.12,
23 Florida Statutes, to the contrary, for all elections held
24 after 1999, in order for a person to be elected as a
25 supervisor of the district, that person must notify the
26 Supervisor of the Board of Elections of Palm Beach County of
27 his or her intent to be elected as a supervisor at least 90
28 days prior to the annual landowner's meeting, which shall take
29 place on the 4th Monday of June each year. The date of annual
30 landowner's meeting may be changed by majority of the board of
31 supervisors of the district provided that such change occurs

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

27 Section 3. Levy of assessments.--Levy of assessments
28 of land less than 1 acre. In the levying and assessing of all
29 assessments by the Loxahatchee Groves Water Control District,
30 Palm Beach County, created under chapter 298, Florida

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1 Statutes, each tract or parcel of land less than 1 acre in
2 area shall be assessed as a full acre.

3 Section 4. Powers of the district.--

4 a. In addition to the powers provided for in chapter
5 298, Florida Statutes, the Loxahatchee Groves Water Control
6 District shall have the power to maintain roadways and roads
7 necessary and convenient for the exercise of the powers or
8 duties or any of the powers or duties of the district or the
9 supervisors thereof; and in furtherance of the purpose and
10 intent of this act and chapter 298, Florida Statutes, to
11 maintain roadways and roads necessary and convenient to
12 provide access to and efficient development of areas made
13 suitable and available for cultivation, settlement, and other
14 beneficial use and development as a result of the reclamation
15 operations of the district, including all the roads shown on
16 the replat of Loxahatchee Groves, as recorded in Plat Book 12,
17 Page 29, Palm Beach County Public Records; and to provide
18 funds for this purpose in its annual levy of district
19 assessments.

20 b. The Board of Supervisors of the Loxahatchee Groves
21 Water Control District in Palm Beach County, is hereby
22 authorized, empowered, and permitted to expend funds of the
23 district to pay for engineering studies and plans for the
24 purpose of developing a road improvement program for the
25 construction, maintenance, improvement, and repair of
26 dedicated roads and road rights-of-way, including the swales
27 thereof, within the district.

28 c. In addition to the powers of Loxahatchee Groves
29 Water Control District, hereinafter referred to as the
30 "district," elsewhere provided by general or special law, the
31 district shall have the power to construct, maintain, improve,

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

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

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

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

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

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

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

1 (2) Which shall, except as hereinafter provided,
2 require not less than 30-days' written notice to be given to
3 persons owning lands upon which any culvert crossings,
4 bridges, culverts, or other drainage systems exist in
5 violation of any such uniform standards prior to the taking of
6 any enforcement action by the district.

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

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

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

29 h. The district shall have the power to require
30 maintenance of any swale, drainage ditch, culvert, or canal
31 connecting to any of the works of the district where lack of

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

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

1 benefits shall be determined and prorated by a method
2 prescribed by the board of supervisors.

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

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

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

30 (4) On the completion of said assessment roll, the
31 board of supervisors shall by resolution fix a time and place

1 at which the owners of the property to be assessed, or any
2 other persons interested therein, may appear before said board
3 of supervisors and be heard as to the propriety and
4 advisability of making such improvements or providing said
5 services, as to the cost thereof, and as to the amount thereof
6 to be assessed against each property so improved. Notice in
7 writing of such time and place shall be given to the property
8 owners.

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

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

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

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

1 any part of any improvement or service provided or against any
2 property benefited by any improvement or service provided,
3 following as nearly as possible the provisions of this act,
4 and, in case such second assessment shall be annulled, the
5 board of supervisors may obtain and make other assessments
6 until a valid assessment is made.

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

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

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

1 which become mutilated or are stolen, destroyed, or lost, upon
2 proper indemnification. A resolution providing for the
3 issuance of special assessment bonds may also contain such
4 limitations upon the issuance of additional bonds secured on a
5 parity with the bonds theretofore issued as the district may
6 deem proper.

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

1 provide for the payment each year of such costs of collection,
2 fees, and other expenses from additional special assessments
3 or from the maintenance tax as provided by general law.

4 Section 5. Permitting of hauling operations.--

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

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

8 (2) "District" means the Loxahatchee Groves Water
9 Control District.

10 (3) "Excavate" or "excavation" means any act by which
11 material is cut into, dug, quarried, uncovered, removed,
12 displaced, relocated, or otherwise deliberately distributed.
13 Excavation excludes agricultural plowing and site grading and
14 demucking in preparation for construction.

15 b. Application for hauling permit.--

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

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

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

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

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

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

23 (f) May assess and collect reasonable fees in
24 connection with reviewing permit applications and approving
25 the hauling permit.

26 (g) May adopt rules to implement the purposes of this
27 section.

28 c.(1) Any person who, willfully or otherwise, hauls
29 material on district roads or roadways shall obtain a hauling
30 permit as required under this act and shall not violate the
31

1 conditions of any hauling permit that has been granted by the
2 district pursuant to this act.

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

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

24 (4) If a hauling operator, permit applicant, or
25 landowner (if not the permit applicant) upon notice, in
26 writing or otherwise, fails to repair any damage occasioned by
27 the hauling of materials on the road or roadways of the
28 district within 24 hours of receiving said notice, the
29 district may repair such damage and assess the owner of the
30 land from which the material was excavated for the district's
31 costs in connection with such repairs. Upon failure of any

1 landowner to pay any assessments levied by the district
2 pursuant to this section within 30 days of receipt of any
3 owner of notice of the assessment, the district shall have a
4 lien on all lands and premises affected thereby. Such liens
5 shall be superior and paramount to the interest in such land
6 and premises of any owner, lessee, tenant, mortgagee, or other
7 person except the lien of state, county, or district taxes and
8 shall be on a parity with the lien of any such state, county,
9 or district taxes. Such liens shall bear interest at the
10 annual rate equal to the interest rate due on judgments,
11 pursuant to section 55.03, Florida Statutes, per year and
12 shall, until paid, remain in effect in perpetuity.

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

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

26
27 Section 7. Borrowing authority to deal with
28 disaster.--To allow the district to deal with the financial
29 impact of the repair, replacement, or reconstruction of works
30 of the district or other costs incurred by the district due to
31 a "disaster," as defined in section 252.34(1), Florida

1 Statutes, the district is hereby authorized to borrow such
2 funds as the district may reasonably determine are necessary
3 to cope with the disaster. The district is also authorized to
4 enter into a line of credit arrangement that will permit such
5 borrowing, but funds can be drawn on the line of credit only
6 after a state of emergency has been declared by Palm Beach
7 County, the Governor, or the President of the United States.
8 The district may grant as security or collateral for borrowing
9 under this section any local, state, or federal disaster
10 relief payments (or similar type of payments) to be received
11 by the district or maintenance assessments levied by the
12 district pursuant to section 298.54, Florida Statutes, or
13 both.

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

20 Section 4. In the event any section, or provision of
21 this act is determined to be invalid or unenforceable, such
22 determination shall not affect the validity of or
23 enforceability of each other section and provision of this
24 act.

25 Section 5. In the event of a conflict of the
26 provisions of this act, with the provisions of any other act,
27 the provisions of this act shall control to the extent of such
28 conflict.

29 Section 6. This act shall take effect upon becoming a
30 law.

31