

By Representative A. Greene

1                                   A bill to be entitled  
2           An act relating to the Pahokee Water Control  
3           District, Palm Beach County; providing for  
4           codification of special laws regarding special  
5           districts pursuant to chapters 97-255 and  
6           98-320, Laws of Florida, relating to the  
7           Pahokee Water Control District, a special tax  
8           district of the State of Florida composed of  
9           the County of Palm Beach; providing legislative  
10          intent; codifying, reenacting, and amending  
11          chapter 10002, Laws of Florida, 1923; chapter  
12          13715, Laws of Florida, 1929; chapter 14779,  
13          Laws of Florida, 1931; chapter 18042, Laws of  
14          Florida, 1937; chapter 19607, Laws of Florida,  
15          1939; chapters 20652 and 20695, Laws of  
16          Florida, 1941; chapter 23622, Laws of Florida,  
17          1947; chapter 28440, Laws of Florida, 1953;  
18          chapter 30151, Laws of Florida, 1955; and  
19          chapters 57-433, 63-877, 71-817, 77-618,  
20          80-563, 82-354, and 97-335, Laws of Florida;  
21          providing for minimum charter requirements;  
22          amending the district's maintenance tax cap;  
23          providing for repeal of all prior special acts  
24          related to the district; providing for  
25          precedence over conflicting law to the extent  
26          of such conflict; providing severability;  
27          providing an effective date.

28  
29   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Pursuant to chapters 97-255 and 98-320,  
2 Laws of Florida, this act constitutes the codification of all  
3 special acts relating to the Pahokee Water Control District,  
4 which is an independent special district and political  
5 subdivision of the State of Florida. It is the intent of the  
6 Legislature in enacting this law to provide a single,  
7 comprehensive special act charter for the District, including  
8 all current legislative authority granted to the District by  
9 its several legislative enactments and any additional  
10 authority granted by this act. It is further the intent of  
11 this act to preserve all District authority, including the  
12 authority to annually assess and levy against the taxable  
13 property in the District.

14           Section 2. Chapter 10002, Laws of Florida, 1923;  
15 chapter 13715, Laws of Florida, 1929; chapter 14779, Laws of  
16 Florida, 1931; chapter 18042, Laws of Florida, 1937; chapter  
17 19607, Laws of Florida, 1939; chapters 20652 and 20695, Laws  
18 of Florida, 1941; chapter 23622, Laws of Florida, 1947;  
19 chapter 28440, Laws of Florida, 1953; chapter 30151, Laws of  
20 Florida, 1955; and chapters 57-433, 63-877, 71-817, 77-618,  
21 80-563, 82-354, and 97-335, Laws of Florida, relating to the  
22 Pahokee Water Control District, are codified, reenacted,  
23 amended, and repealed as herein provided.

24           Section 3. The Pahokee Water Control District is  
25 re-created, and the charter for such district is re-created  
26 and reenacted to read:

27           Section 1. In accordance with section 189.404(3),  
28 Florida Statutes, the following are the minimum requirements  
29 for the charter of the Pahokee Water Control District:

30           (a) The District is organized and exists for all  
31 purposes set forth in this act and chapter 298, Florida

1 Statutes, as they may be amended from time to time, so far as  
2 not inconsistent with this act.

3 (b) The powers, functions, and duties of the District  
4 regarding non-ad valorem assessments, bond issuance, other  
5 revenue-raising capabilities, budget preparation and approval,  
6 liens and foreclosure of liens, use of tax deeds and tax  
7 certificates as appropriate for non-ad valorem assessments,  
8 and contractual agreements shall be as set forth in chapters  
9 189, 197, and 298, Florida Statutes, this act, or any other  
10 applicable general or special law, as they may be amended from  
11 time to time.

12 (c) The District was created by chapter 10002, Laws of  
13 Florida, 1923, a special legislative act.

14 (d) The District's charter may be amended only by  
15 special act of the Legislature.

16 (e) In accordance with chapter 298, Florida Statutes,  
17 the District is governed by a Board of Supervisors. The  
18 membership and organization of the Board shall be as set forth  
19 in this act and chapter 298, Florida Statutes, as they may be  
20 amended from time to time.

21 (f) The compensation of Board members shall be  
22 governed by this act and chapter 298, Florida Statutes, as  
23 they may be amended from time to time.

24 (g) The administrative duties of the Board shall be as  
25 set forth in this act and chapter 298, Florida Statutes, as  
26 they may be amended from time to time.

27 (h) Requirements for financial disclosure, meeting  
28 notices, reporting, public records maintenance, and per diem  
29 expenses for officers and employees shall be as set forth in  
30 chapters 112, 189, 286, and 298, Florida Statutes, as they may  
31 be amended from time to time.

1       (i) The procedures and requirements governing the  
2 issuance of bonds, notes, and other evidence of indebtedness  
3 by the District shall be as set forth in chapters 189 and 298,  
4 Florida Statutes, and applicable general laws, as they may be  
5 amended from time to time.

6       (j) The procedures for conducting District elections  
7 and for qualification of electors shall be pursuant to  
8 chapters 189 and 298, Florida Statutes, and applicable general  
9 laws, as they may be amended from time to time.

10       (k) The District may be financed by any method  
11 established in this act, chapters 189 and 298, Florida  
12 Statutes, or any applicable general laws, as they may be  
13 amended from time to time.

14       (l) In accordance with chapter 298, Florida Statutes,  
15 the District may continue to levy upon all of the real taxable  
16 property in the District a special tax each year as  
17 maintenance tax.

18       (m) The method for collecting non-ad valorem  
19 assessments, fees, or service charges shall be as set forth in  
20 chapters 197 and 298, Florida Statutes, as they may be amended  
21 from time to time.

22       (n) The District's planning requirements shall be as  
23 set forth in chapters 189 and 298, Florida Statutes, as they  
24 may be amended from time to time.

25       Section 2. The creation and organization of the  
26 Pahokee Water Control District, as created and organized by  
27 the Circuit Court of Palm Beach County under the provisions of  
28 former Article I, Chapter III, Title VII, First Division of  
29 the Revised General Statutes of Florida, 1920, is hereby  
30 ratified, validated, and confirmed.

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1       Section 3. The Pahokee Water Control District so  
2 created and organized, and by this act ratified, validated,  
3 and confirmed, shall embrace and include all the lands within  
4 the following boundaries:

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6       Commencing at the northwest corner of Section  
7 Fifteen (15), Township Forty-two (42) South,  
8 Range Thirty-seven (37) East, and running  
9 thence southerly and along the West Section  
10 Line of said Section to the Southwest corner of  
11 said Section Fifteen (15), which is also the  
12 Northeast corner of Section Twenty-one (21)  
13 same Township and Range; thence westerly along  
14 the north line of said Section Twenty-one (21)  
15 to the northwest corner of said Section, which  
16 is also the northeast corner of Section Twenty  
17 (20), same Township and Range; thence southerly  
18 and along the lines dividing the aforesaid  
19 Sections Twenty-one (21) and Twenty (20), and  
20 continuing in the same line which divides  
21 Sections Twenty-eight (28) and Twenty-nine  
22 (29), and Thirty-three (33) and Thirty-two  
23 (32), same Township and Range, to the southerly  
24 line of said Township Forty-two (42) South;  
25 thence due East along said Township line to the  
26 Palm Beach Canal; thence following the West  
27 bank of said Palm Beach Canal in a  
28 northwesterly direction to the section line  
29 dividing Sections 12 and 13, Township 42, Range  
30 37; thence West along said section line to the  
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1           Northwest corner of Section 15, Township 42,  
2           Range 37, the point of beginning.

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4           Section 4. For the purpose of providing a necessary  
5 outlet for the drainage of the East Beach Water Control  
6 District, formerly the West Unit of the Pahokee Water Control  
7 District, and the disposal of the same by gravity into the  
8 West Palm Beach Canal, the Board of Supervisors of the Pahokee  
9 Water Control District is hereby authorized to acquire and  
10 maintain a right-of-way 100 feet wide, necessary for the canal  
11 and spoil bank thereof, which will constitute the outlet, the  
12 same to commence at a point where the north line of the  
13 Pahokee Water Control District intersects the eastern shore of  
14 Pelican Lake and from thence to run eastwardly along the  
15 northerly line of the Pahokee Water Control District to a  
16 point where the same intersects and will empty into the West  
17 Palm Beach Canal, and to provide in connection with said  
18 outlet drainage canal whatever flood gates may be necessary,  
19 sluices, and other works pertinent to the same and as may be  
20 necessary to accomplish the objective and purpose for which it  
21 is constructed.

22           Section 5. The Board of Supervisors of the Pahokee  
23 Water Control District shall be composed of three citizens of  
24 the United States, who shall be resident freeholders of the  
25 State of Florida.

26           Section 6. The Board of Supervisors of the Pahokee  
27 Water Control District is hereby authorized, empowered, and  
28 directed to levy and impose upon all of the lands, including  
29 lands held by the Board of Trustees of the Internal  
30 Improvement Trust Fund of Florida, or its successor, lying and  
31 being situate within the boundaries of the District, a tax not

1 to exceed the sum of \$40 per acre, per annum, and such tax  
2 shall be known and designated a maintenance tax. The proceeds  
3 of said maintenance tax shall be used for purposes for which  
4 maintenance taxes are authorized to be levied by the  
5 provisions of chapter 298, Florida Statutes.

6 Section 7. All other acts and proceedings of the  
7 Circuit Court of Palm Beach County taken by, for, and on  
8 behalf of the District since the creation thereof, and all of  
9 the acts and proceedings of the Board of Supervisors, the  
10 Commissioners, and all other officers and agents of the  
11 District, and of Palm Beach County, acting for and on behalf  
12 of the District, and any and all tax levies and assessments  
13 which have been made by the Board of Supervisors for and on  
14 behalf of the District, are each and every one of them, and  
15 each and every part thereof, hereby ratified, validated, and  
16 confirmed.

17 Section 8. The action of the Board of Supervisors,  
18 officers, and receivers of the Pahokee Water Control District  
19 and of the Tax Collector of Palm Beach County, in accepting  
20 bonds, interest coupons, and other obligations of the  
21 District, and each unit thereof, in the payment of taxes and  
22 assessments, and all compromises, adjustments, and settlements  
23 of delinquent taxes or assessments heretofore made, are hereby  
24 ratified, confirmed, validated, and declared to be legal,  
25 valid, and binding.

26 Section 9. The Board of Supervisors shall have the  
27 power to employ a person to be designated the General Manager  
28 of the District and to vest in him or her such authority, to  
29 delegate to him or her the performance of such duties, and to  
30 provide such compensation as may be determined by the Board.  
31 The Board may require the General Manager to furnish bond with

1 good and sufficient surety in such amount as the Board may by  
2 resolution determine.

3 Section 10. The Board of Supervisors is authorized and  
4 empowered to enter into arrangements with other drainage and  
5 water control districts in the Everglades area for the pooling  
6 of insurance coverage, for the purchase, rental, and use of  
7 equipment, buildings, and facilities, and for the services of  
8 employees of the District.

9 Section 4. Chapter 10002, Laws of Florida, 1923;  
10 chapter 13715, Laws of Florida, 1929; chapter 14779, Laws of  
11 Florida, 1931; chapter 18042, Laws of Florida, 1937; chapter  
12 19607, Laws of Florida, 1939; chapters 20652 and 20695, Laws  
13 of Florida, 1941; chapter 23622, Laws of Florida, 1947;  
14 chapter 28440, Laws of Florida, 1953; chapter 30151, Laws of  
15 Florida, 1955; and chapters 57-433, 63-877, 71-817, 77-618,  
16 80-563, 82-354, and 97-335, Laws of Florida, are hereby  
17 repealed, except to the extent inconsistent herewith.

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

22 Section 6. In case any one or more of the sections or  
23 provisions of this act or the application of such sections or  
24 provisions to any situation, circumstances, or person shall  
25 for any reason be held to be unconstitutional, such  
26 unconstitutionality shall not affect any other sections or  
27 provisions of this act or the application of such sections or  
28 provisions to any other situation, circumstances, or person,  
29 and it is intended that this act shall be construed and  
30 applied as if such section or provision had not been included  
31 herein for any unconstitutional application.



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