

By Representative A. Greene

1                                   A bill to be entitled  
 2           An act relating to the South Shore Drainage  
 3           District, Palm Beach County; codifying the  
 4           district's charter, chapter 11138, Laws of  
 5           Florida, (1925), as amended; providing  
 6           legislative intent; providing for minimum  
 7           charter requirements; specifying the boundaries  
 8           of the district; providing for a district board  
 9           of governors; providing for meetings of  
 10          district landowners; specifying a quorum;  
 11          providing for a grant of property and property  
 12          rights to the district for district purposes;  
 13          providing supplemental powers of the district  
 14          governing board; authorizing the governing  
 15          board to employ a district general manager;  
 16          providing for taxation of district lands;  
 17          adopting a district water control plan of  
 18          reclamation; providing for equal assessment of  
 19          district lands; providing for ratification of  
 20          certain prior actions; repealing all prior  
 21          special acts relating to the South Shore  
 22          Drainage District; providing for severability;  
 23          providing an effective date.

24  
 25 Be It Enacted by the Legislature of the State of Florida:

26  
 27           Section 1. Pursuant to chapter 97-255, Laws of  
 28 Florida, and chapter 98-320, Laws of Florida, this act  
 29 constitutes the codification of all special acts relating to  
 30 the South Shore Drainage District, an independent special  
 31 district and political subdivision of the State of Florida.

1 It is the intent of the Legislature in enacting this law to  
2 provide a single, comprehensive special act charter for the  
3 District, including all current legislative authority granted  
4 to the District by its several legislative enactments and any  
5 additional authority granted by this act. It is further the  
6 intent of this act to preserve all District authority,  
7 including the authority to annually assess and levy against  
8 the taxable property in the District.

9       Section 2. Chapter 11138, Laws of Florida, 1925, as  
10 amended, is codified, reenacted, amended, and repealed as  
11 herein provided.

12       Section 3. Pursuant to s. 189.404(3), Florida  
13 Statutes, the South Shore Drainage District is re-created and  
14 the charter for such district is re-created and reenacted to  
15 read:

16       Section 1. (1) The South Shore Drainage District is  
17 organized and exists for all purposes set forth in this act  
18 and chapter 298, Florida Statutes, as they may be amended from  
19 time to time, so far as not inconsistent with this act.

20       (2) The powers, functions, and duties of the District  
21 regarding non-ad valorem assessments, bond issuance, other  
22 revenue-raising capabilities, budget preparation and approval,  
23 liens and foreclosure of liens, use of tax deeds and tax  
24 certificates as appropriate for non-ad valorem assessments,  
25 and contractual agreements shall be as set forth in chapters  
26 189, 197, and 298, Florida Statutes, this act, or any other  
27 applicable general or special law, as they may be amended from  
28 time to time.

29       (3) The District's charter may be amended only by  
30 special act of the Legislature.

31

1       (4) In accordance with chapter 298, Florida Statutes,  
2 the District is governed by a Board of Supervisors. The  
3 membership and organization of the Board shall be as set forth  
4 in this act and chapter 298, Florida Statutes, as they may be  
5 amended from time to time.

6       (5) The compensation of Board members shall be  
7 governed by this act and chapter 298, Florida Statutes, as  
8 they may be amended from time to time.

9       (6) The administrative duties of the Board shall be as  
10 set forth in this act and chapter 298, Florida Statutes, as  
11 they may be amended from time to time.

12       (7) Requirements for financial disclosure, meeting  
13 notices, reporting, public records maintenance, and per diem  
14 expenses for officers and employees shall be as set forth in  
15 chapters 112, 189, 286, and 298, Florida Statutes, as they may  
16 be amended from time to time.

17       (8) The procedures and requirements governing the  
18 issuance of bonds, notes, and other evidence of indebtedness  
19 by the District shall be as set forth in chapters 189 and 298,  
20 Florida Statutes, and applicable general laws, as they may be  
21 amended from time to time.

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

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

30       (11) In accordance with chapter 298, Florida Statutes,  
31 the District may continue to levy upon all of the real taxable

1 property in the District a special tax each year as  
2 maintenance tax.

3 (12) The method for collecting non-ad valorem  
4 assessments, fees, or service charges shall be as set forth in  
5 chapters 197 and 298, Florida Statutes, as they may be amended  
6 from time to time.

7 (13) The District's planning requirements shall be as  
8 set forth in chapters 189 and 298, Florida Statutes, as they  
9 may be amended from time to time.

10 (14) The geographic boundary limitations are as set  
11 forth in section 2.

12 Section 2. That for the purpose of reclaiming and  
13 draining the lands hereinafter described and improving said  
14 lands by means of the construction of canals and ditches and  
15 making said lands available and habitable, and for the  
16 maintenance thereof, and authorizing the cutting and  
17 construction of canals, ditches, dikes, and reservoirs for the  
18 benefit of said lands, and protecting the same from the effect  
19 of excess water, and making them available for agricultural  
20 and sanitary purposes, and for the public convenience and  
21 welfare and for public utility and benefit, a drainage and  
22 water control district is hereby established and declared to  
23 exist, to be known and designated as South Shore Drainage  
24 District, the territorial boundaries of which shall be as  
25 follows:

26  
27 Commencing at a point being the intersection of  
28 the west right-of-way line of the Everglades  
29 Drainage District's North New River Canal with  
30 the east and west half section line of Section  
31 14, Township 44 South, Range 36 East;

1  
2       Thence west along the aforesaid half section  
3       line of Section 14, 3,722 feet, more or less,  
4       to a point whence the quarter corner between  
5       Section 14 and Section 15, Township 44 South,  
6       Range 36 East, bears west 50 feet distant;  
7  
8       Thence north 0° 7' east along a line parallel  
9       to and 50 feet east of the section line between  
10       the aforesaid Section 14 and Section 15, a  
11       distance of 2,561 feet, more or less, to a  
12       point being the intersection with the South  
13       boundary of Florida East Coast Railway  
14       right-of-way, said point lying 50 feet east,  
15       and 81.6 feet south of the section corner  
16       common to Sections 10, 11, 14 and 15, Township  
17       44 South, Range 36 East;  
18  
19  
20       Thence south 89° 57' west along the south  
21       boundary of the Florida East Coast Railway  
22       right-of-way, a distance of 15,915.8 feet, more  
23       or less, through Sections 15, 16, and 17 to a  
24       point on the section line between Sections 17  
25       and 18, said point lying 94.5 feet south of the  
26       section corner common to Sections 7, 8, 17, and  
27       18, Township 44 South, Range 36 East;  
28  
29       Thence north 0° 5' east along said section line  
30       between Sections 17 and 18 and Sections 7 and 8  
31       to a point on the section line between Sections

1       7 and 8, said point being 105.8 feet north of  
2       the section corner common to Sections 7, 8, 17,  
3       and 18, Township 44, Range 36 East;  
4  
5       Thence north 45° 00' west diagonally through  
6       Section 7, Township 44 South, Range 36 East,  
7       7,431 feet, more or less, to a point lying 75  
8       feet north and 30 feet east of the section  
9       corner common to Sections 1 and 12, Township 44  
10       South, Range 35 East, and Sections 6 and 7,  
11       Township 44 South, Range 36 east (the  
12       above-described line being parallel to and 75  
13       feet distant from a true Northwest diagonal  
14       line through the aforesaid Section 7);  
15  
16       Thence south 89° 21' west along a line parallel  
17       to and 75 feet north of the section line  
18       between Section 1 and Section 12, Township 44  
19       South, Range 35 East, a distance of 5,227 feet,  
20       more or less, to a point whence the corner of  
21       Sections 1, 2, 11, and 12, Township 44 South,  
22       Range 35 East, bears 45° 00' west 105.8 feet  
23       distant;  
24  
25       Thence north 0° 03' east on a line parallel to  
26       and 75 feet east of the section line between  
27       Section 1 and Section 2, a distance of 5,205  
28       feet, more or less, to a point on the township  
29       line between Section 1 and Section 36, whence  
30       the corner of Sections 1 and 2, Township 44  
31       South, Range 35 East, and Sections 35 and 36,

1        Township 43 South, Range 35 East, bears south  
2        89° 21' west 75 feet distant;  
3  
4        Thence north 0° 03' east 310 feet, more or  
5        less, to a point 100 feet south from the center  
6        line of the lake shore levee as located on the  
7        ground by the Everglades Drainage District;  
8  
9        (The above-described boundaries are in common  
10       with the boundaries of the South Florida  
11       Conservancy District);  
12  
13       Thence north 0° 03' east 309 feet, more or  
14       less, to a point being the intersection with  
15       the South boundary of the United States  
16       Engineer War Department's Lake Okeechobee Levee  
17       right-of-way;  
18  
19       Thence along the south boundary of the  
20       aforesaid Federal Levee right-of-way, more  
21       particularly described as follows:  
22  
23       (a) North 88° 44' east, a distance of 5,229  
24       feet, more or less, to a point being on the  
25       range line between Sections 31 and 36, Township  
26       43 South, Ranges 35 and 36 East;  
27  
28       (b) Thence north 88° 44' east, a distance of  
29       2,222 feet, more or less, to a point;  
30  
31

- 1       (c) Thence south 63° 03' east, a distance of  
2       1,428 feet, more or less, to a point being on  
3       the township line between Section 31 and  
4       Section 6, Townships 43 and 44 South, Range 36  
5       East;  
6  
7       (d) Thence south 62° 54' east, a distance of  
8       2,022 feet, more or less, to a point being on  
9       the section line between Section 5 and Section  
10       6, Township 44 South, Range 36 East;  
11  
12       (e) Thence south 58° 52' east, a distance of  
13       6,115 feet, more or less, to a point being on  
14       the section line between Sections 4 and 5,  
15       Township 44 South, Range 36 East;  
16  
17       (f) Thence south 58° 52' east, a distance of  
18       1,820 feet, more or less, to a point;  
19  
20       (g) Thence south 76° 25' east, a distance of  
21       881 feet, more or less, to a point on the  
22       section line between Section 4 and Section 9,  
23       Township 44 South, Range 36 East;  
24  
25       (h) Thence south 76° 25' east, a distance of  
26       1,904 feet, more or less, to a point;  
27  
28       (i) Thence south 86° 45' east, a distance of  
29       1,034 feet, more or less, to a point on the  
30       Section line between Section 9 and 10, Township  
31       44 South, Range 36 East;



1  
2       (j) Thence south 86° 45' east, a distance of  
3       2,603.3 feet, more or less, to a point, being  
4       the intersection of the south boundary of the  
5       Federal Levee right-of-way with the South  
6       boundary of the Everglades Drainage District's  
7       Lake Okeechobee Levee;  
8  
9       (The above-described boundaries are in common  
10       with the South Shore Drainage District Plan of  
11       Reclamation dated July 1, 1935)  
12  
13       (a) Thence N36° 17' 25"E (new basis of  
14       bearing) along the southeasterly right-of-way  
15       of the L-D2, Hoover Dike a distance of 800  
16       feet, more or less, to the north line of  
17       Section 10, Township 44 South, Range 36 East;  
18  
19       (b) Thence N36° 17' 25"E along said Dike  
20       right-of-way a distance of 3,253 feet;  
21  
22       (c) Thence S54° 58' 55"E a distance of 4,531  
23       feet to the West right-of-way of the North New  
24       River Canal;  
25  
26       (d) Thence south along said North New River  
27       Canal right-of-way a distance of 5,284 feet,  
28       more or less, to the north line of Section 14,  
29       Township 44 South, Range 36 East;  
30  
31

1           (e) Thence south along said west North New  
2           River Canal right-of-way, a distance of 2,641  
3           feet, more or less, to a point on the east and  
4           west half-section line of Section 14, Township  
5           44 South, Range 36 East, being the Point of  
6           Beginning.

7  
8           Section 3. The governing Board of South Shore Drainage  
9           District shall be designated "Board of Supervisors of South  
10           Shore Drainage District" and shall be composed of three  
11           persons, who shall be resident freeholders of the State of  
12           Florida. The members of said Board of Supervisors shall each  
13           receive compensation as provided for in chapter 298, Florida  
14           Statutes, and shall be reimbursed for all expenses actually  
15           incurred by them in the performance of their duties as such  
16           Supervisors.

17           Section 4. A meeting of the landowners of said  
18           District shall be held during the month of March each year for  
19           the purpose of electing Supervisors of said District and  
20           transacting such other business as may properly come before  
21           the meeting. At any landowners' meetings, those owners of  
22           lands in the district present in person or voting by proxy  
23           shall constitute a quorum.

24           Section 5. The State of Florida hereby grants unto  
25           said District the necessary lands, easements, rights-of-way,  
26           riparian rights, restrictions, and reservations to lands that  
27           may be vested in the State or in the State Board of Education  
28           or the Board of Trustees of the Internal Improvement Trust  
29           Fund and property rights therein of every description required  
30           for the public purposes and powers of said Board.

31

1           Section 6. In addition to the powers set forth herein  
2 and as otherwise provided by law, the Board of Supervisors is  
3 also authorized and empowered to enter into arrangements with  
4 other drainage or water management districts for the pooling  
5 of insurance coverage, purchase, rental, and use of equipment,  
6 buildings, and facilities and for services of employees of the  
7 District.

8           Section 7. The Board of Supervisors shall have the  
9 power to employ a person to be designated General Manager of  
10 the District and to vest in him or her such authority and to  
11 delegate to him or her the performance of such duties and to  
12 provide such compensation as may be determined by the Board of  
13 Supervisors. The Board may require the General Manager to  
14 furnish bond with good and sufficient surety in such amount as  
15 the Board may by resolution determine.

16           Section 8. (1) The lands within said District held by  
17 the Trustees of the Internal Improvement Trust Fund of the  
18 State of Florida shall be subject to the taxes hereby imposed  
19 and said Trustees, in furtherance of the trust upon which said  
20 lands are held, are hereby authorized and directed to pay the  
21 same out of the moneys in their possession.

22           (2) To maintain and preserve the ditches, drains, or  
23 other improvements of the District and to repair and restore  
24 the same, when needed, and for the purpose of defraying the  
25 current expenses of the District, the Board of Supervisors may  
26 levy annually a per acre tax not to exceed \$40 per acre per  
27 annum upon each tract or parcel of land within the District,  
28 to be known as a "maintenance tax." The Supervisors shall  
29 have the power to designate maintenance areas within the  
30 District, and to levy variable maintenance tax rates  
31 apportioned upon the basis of benefits received by lands

1 within the maintenance areas to provide for special and  
2 additional services to any particular area in the District  
3 which may require such special or additional services as a  
4 result of the use of the land in the area.

5 (3) In levying and assessing all taxes, each tract or  
6 parcel of land less than one acre in area shall be assessed as  
7 a full acre, and each tract or parcel of land more than one  
8 acre in area which contains a fraction of an acre shall be  
9 assessed at the nearest whole number of acres, a fraction of  
10 one-half or more to be assessed as a full acre.

11 Section 9. (1) The Water Control Plan of Reclamation  
12 for South Shore Drainage District heretofore established is  
13 amended and, as amended, is adopted for the District and  
14 established as herein stated. The existing drainage facilities  
15 and drainage system within the territorial boundaries of the  
16 District will be utilized under the amended Water Control Plan  
17 of Reclamation, including levees, canals, channels, laterals,  
18 pumping plants, and other structures.

19 (2) The pump station building, equipment, and canal  
20 systems serving the additional lands shall be deemed to be a  
21 part of the District's amended Water Control Plan of  
22 Reclamation, which will be effective upon the transfer of the  
23 aforementioned facilities to the District by the Owner.

24 Section 10. It is hereby ascertained that all lands  
25 within the boundaries of the District shall be equally  
26 benefited from the water management works, facilities, and  
27 improvements as constructed and maintained under the amended  
28 Water Control Plan of Reclamation and pursuant to the  
29 provisions of this act; and, therefore, all said lands in the  
30 District shall be assessed equally, by reason of the operation  
31

1 and maintenance of the District's works, facilities, and  
2 improvements pursuant to the provisions of this act.

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

14 Section 4. Chapter 11138, Laws of Florida, chapter  
15 12272, Laws of Florida, 1927; chapter 13803, Laws of Florida,  
16 1929; chapter 17259, Laws of Florida, 1935; chapter 22992,  
17 Laws of Florida, 1945; chapter 57435, Laws of Florida, 1957;  
18 and chapters 71-819, 77-622, and 99-424, Laws of Florida, are  
19 repealed.

20 Section 5. In any case one or more of the sections or  
21 provisions of this Act or the application of such sections or  
22 provisions to any situation, circumstances, or person shall  
23 for any reason be held to be unconstitutional, such  
24 unconstitutionality shall not affect any other sections or  
25 provisions of this Act or the application of such sections or  
26 provisions to any other situation, circumstances, or person,  
27 and it is intended that this law shall be construed and  
28 applied as if such section or provision had not been included  
29 herein for any unconstitutional application.

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