

By Senator Rossin

35-720-00

1 A bill to be entitled
2 An act relating to Palm Beach County; providing
3 for codification of special laws regarding
4 special districts pursuant to chapter 97-255,
5 Laws of Florida, and chapter 98-320, Laws of
6 Florida, relating to the Pelican Lake Water
7 Control District, a special tax district of the
8 State of Florida composed of the County of Palm
9 Beach; providing legislative intent; codifying
10 and reenacting chapter 11087, Laws of Florida,
11 1925; chapter 12118, Laws of Florida, 1927;
12 chapter 18044, Laws of Florida, 1937; chapter
13 26739, Laws of Florida, 1951; chapter 77-625,
14 Laws of Florida; chapter 80-564, Laws of
15 Florida; and chapter 97-321, Laws of Florida;
16 providing for repeal of all prior inconsistent
17 special acts related to the Pelican Lake Water
18 Control District; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Pursuant to chapter 97-255, Laws of
23 Florida, and chapter 98-320, Laws of Florida, this act
24 constitutes the codification of all special acts relating to
25 the Pelican Lake Water Control District, an independent
26 special district and political subdivision of the state. It is
27 the intent of the Legislature to provide a single,
28 comprehensive special-act charter for the district, including
29 all current legislative authority granted to the district by
30 its several legislative enactments and any additional
31 authority granted by this act. It is further the intent of

1 this act to preserve all district authority, including the
2 authority to annually assess and levy against the taxable
3 property in the district.

4 Section 2. Chapter 11087, Laws of Florida, 1925;
5 chapter 12118, Laws of Florida, 1927; chapter 18044, Laws of
6 Florida, 1937; chapter 26739, Laws of Florida, 1951; chapter
7 77-625, Laws of Florida; chapter 80-564, Laws of Florida; and
8 chapter 97-321, Laws of Florida, relating to the Pelican Lake
9 Water Control District of Florida, are codified, reenacted,
10 amended, and repealed as provided in this act.

11 Section 3. The charter of the Pelican Lake Water
12 Control District is reenacted to read:

13 Section 1. For the purpose of draining and reclaiming
14 the lands described in this act and protecting them from the
15 effects of water, for agricultural and sanitary purposes, and
16 for the public health, convenience, welfare, utility, and
17 benefit, Pelican Lake Water Control District is declared to
18 exist, and its creation is ratified, validated, and confirmed.

19 (1) The boundaries of Pelican Lake Water Control
20 District are as follows:

21 Beginning at a point where the south boundary
22 of Section 33, Township 41 South, Range 37
23 East, intersects the east right-of-way boundary
24 line of the Lake Okeechobee Federal Levee;
25 thence in a north easterly direction along the
26 east right-of-way boundary line of the Federal
27 Levee to a point where the right-of-way
28 boundary line intersects the north line of
29 Section 23, Township 41 South, Range 37 East;
30 thence east along the north line of Section 23
31 to the northeast corner thereof; thence south

1 along the east boundary of Sections 23, 26, and
2 35 to the southeast corner of Section 35;
3 thence in Township 42 South, Range 37 East,
4 continuing south along the East boundary of
5 Sections 2 and 11 to a point where the east
6 line of Section 11 intersects the south
7 right-of-way line of Conner's Highway, the same
8 being designated as State Road No. 716; thence
9 in a southeasterly direction along the south
10 right-of-way line of Conner's Highway to a
11 point where the right-of-way line intersects
12 the South line of Section 12, Township 42
13 South, Range 37 East; thence in Township 42
14 South, Range 37 East, west along the south
15 boundary of Sections 12, 11, and 10 to a point
16 where the south boundary of Section 10
17 intersects the waters of Pelican Lake; thence
18 northwesterly along the water's edge of Pelican
19 Lake to a point where the west boundary of
20 Section 10 intersects the water's edge of
21 Pelican Lake; thence north along the west
22 boundary of Section 10 to the northwest corner
23 thereof; thence west along the south boundary
24 of Section 4 to the southwest corner thereof;
25 thence north along the west boundary of Section
26 4 to a point where the west line of Section 4
27 intersects the east right-of-way line of the
28 Federal Levee; thence in a northeasterly
29 direction along the east right-of-way line of
30 the Federal Levee to a point where the Federal
31 Levee right-of-way intersects the line dividing

1 Section 4, Township 42 South, Range 37 East,
2 and Section 33, Township 41 South, Range 37
3 East, the same being the point of beginning;
4 thence in a northeasterly direction along the
5 east right-of-way line of Conner's Highway
6 (designated as State Road No. 716) where the
7 east line intersects the west line of Section
8 18, Township 42 South, Range 38 East; thence
9 south along the west line of Sections 18 and 19
10 to the southwest corner of Section 19; thence
11 east along the south line of Section 19 to the
12 southeast corner of that section; thence north
13 along the east line of Sections 19 and 18 to a
14 point where the east line of Section 18
15 intersects the south right-of-way line of
16 Conner's Highway; thence in a northwesterly
17 direction along the south right-of-way line of
18 Conner's Highway to a point where the
19 right-of-way line intersects the west line of
20 Section 18, the same being the point of
21 beginning; and embrace and include the
22 following described land:

23
24 All of fractional Sections 22, 23, 27, 33, and
25 34 and Sections 26 and 35, Township 41 South,
26 Range 37 East, and fractional Sections 4 and
27 10, and Sections 2, 3, and 11 and that part of
28 Section 12 lying South of West Palm Beach
29 Canal, Township 42 South, Range 37 East, and
30 Section 19 and that part of Section 18 lying
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1 South of the West Palm Beach Canal, Township 42
2 South, Range 38 East.

3 (2) The following lands, consisting of 892.65 acres in
4 Palm Beach County, Florida are deannexed from Pelican Lake
5 Water Control District:

6 Section 19 and that part of Section 18 lying
7 South of the West Palm Beach Canal, Township 42
8 South, Range 38 East, more particularly
9 described as follows: beginning at a point
10 where the south right-of-way line of Conner's
11 Highway (designated as State Road No. 716)
12 intersects the west line of Section 18,
13 Township 42 South, Range 38 East; thence south
14 along the west line of Sections 18 and 19 to
15 the southwest corner of Section 19; thence east
16 along the south line of Section 19 to the
17 southeast corner of that section; thence north
18 along the east line of Sections 19 and 18 to a
19 point where the east line of Section 18
20 intersects the south right-of-way line of
21 Conner's Highway; thence in a northwesterly
22 direction along the south right-of-way line of
23 Conner's Highway to a point where the
24 right-of-way intersects the west line of
25 Section 18, the same being the point of
26 beginning.

27 Section 2. The Board of Supervisors of Pelican Lake
28 Water Control District shall be composed of three citizens of
29 the United States who are resident freeholders of the state.

30 Section 3. Issuance of Bonds.

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1 (1) For the purpose of providing funds to pay for the
2 restoration work as such work is particularly described in
3 subsection (2), the Board of Supervisors of Pelican Lake Water
4 Control District is authorized and empowered if in their
5 judgment it seems best to issue bonds, either with or without
6 coupons, not to exceed the sum of \$800,000, in denominations
7 of \$1,000 each, or any multiple thereof, bearing interest from
8 date of issuance at the lesser of the rate authorized by
9 general law or a rate not to exceed an average net interest
10 cost rate that shall be computed monthly by adding 150 basis
11 points to the 20 "Bond-Buyer" Average Yield Index published
12 immediately preceding the first day of each calendar month,
13 payable semiannually, each maturing within 30 years from its
14 issuance, both principal and interest payable at some
15 convenient banking house or trust company's office to be named
16 in the bonds, which bonds shall be signed by the President of
17 the Board of Supervisors, attested with the seal of the
18 district and by the signature of the Secretary of the Board.
19 All bonds must be authorized by resolution of the board of
20 supervisors and must be executed and delivered to the
21 Treasurer of the district, who shall sell them in such
22 quantities on such dates and on such terms as the board of
23 supervisors deems necessary to meet the payments for the
24 restoration work. All such bonds shall be sold at public sale
25 and shall be awarded to the bidder offering to purchase them
26 at the lowest net interest rate, which shall be determined by
27 deducting the total amount of premium or adding the total
28 amount of discount bid to the aggregate interest to be paid.
29 The bonds may not be sold for less than 95 cents on the
30 dollar, with accrued interest, and shall state on their face
31 the purpose for which they are issued and shall be payable out

1 of, and shall constitute a first lien on, the moneys derived
2 from the Restoration Tax provided for in this act.

3 (2) The restoration work that the board is authorized
4 to do or have done and for which the board is authorized to
5 apply the proceeds of the bonds is as follows:

6 (a) Restoring one or more or all of the canals of the
7 district to their original design or constructed capacity.

8 (b) Restoring or replacing any pump station mechanical
9 equipment or related facility of the district.

10 (c) Replacing or adding, or both, to the existing
11 culverts to accommodate the restored facilities.

12 (d) Such other work as is necessary to accommodate
13 restored facilities.

14 (e) Administrative, engineering, and legal costs and
15 other costs related to restoration work or related to issuance
16 of the bonds.

17 (f) Costs of acquisition of temporary or permanent
18 easements necessary for the restoration work contemplated in
19 this section.

20 (g) Such other work as the board deems necessary or
21 desirable to restore the drainage, irrigation, and
22 conservation capacity of the works of the district.

23 (3) The issuance of the bonds provided in this act
24 shall not be subject to the jurisdiction of or require consent
25 of any commission, board, bureau, or agency of the state or
26 county or the referendum of the land owners. Such bonds may be
27 issued under this act without any other proceedings or
28 happenings of any condition other than those proceedings or
29 conditions that are specifically required by this act. The
30 income and interest from the bonds issued under this act shall
31 not be exempt from any tax imposed by chapter 220, Florida

1 Statutes, on interest, income, or profits on debt obligations
2 owned by corporations.

3 (4) Any holder of any of the bonds issued under
4 authority of this act may, either at law or in equity, by suit
5 or mandamus, enforce and compel the performance of the duties
6 required by the act in relation to the bonds or the
7 collection, enforcement, and application of the restoration
8 taxes for the payment thereof.

9 Section 4. Restoration Tax.--

10 (1) For the purpose of paying the interest due
11 annually on the bonds to be issued pursuant to section 7, and
12 for the purpose of providing a sinking fund for the payment of
13 principal of the bond when such payments become due, the board
14 shall impose upon all of the lands in the district including
15 lands owned by the Trustees of the Internal Improvement Fund
16 or its successor a tax of not to exceed \$16 per acre, and such
17 tax shall be known and referred to as the "restoration tax."
18 The restoration tax shall be in addition to, and not in lieu
19 of, the annual maintenance tax and shall be levied in the same
20 manner as all other taxes in the district. Funds collected
21 from the restoration tax shall be kept in a separate account
22 and shall not be used for any purpose except as provided in
23 this act. The annual installment of the restoration tax shall
24 be a lien until paid on the property against which it is
25 assessed. Such lien shall be superior in dignity to all other
26 liens upon such lands except for liens for county taxes and
27 other taxes of this district and shall be equal in dignity
28 with such county and district taxes.

29 (2) The board may provide in the resolution
30 authorizing the issuance of bonds and in such bonds that the
31 proceeds of the restoration tax are pledged, so far as

1 necessary, to the payment of the principal and interest on the
2 bonds.

3 (3) The actual amount of the restoration tax to be
4 levied by the board shall be determined annually but shall
5 never be less than the amount required to pay all interest on
6 all outstanding bonds coming due in the year for which the tax
7 is levied together with a pro rata amount of the principal on
8 all outstanding bonds sufficient to retire the bonds at their
9 scheduled maturity date, such pro rata share of each bond to
10 be determined by dividing the principal amount of the bond by
11 the total number of years between the date of issuance of the
12 bond and the date of maturity.

13 (4) All provisions of law applicable to the levy,
14 assessment, payment, collection, and enforcement of the taxes
15 of Pelican Lake Water Control District apply to the
16 restoration tax authorized by this act and duties of public
17 officials with respect to the taxes of Pelican Lake Water
18 Control District also apply to the restoration tax.

19 Section 5. Refunding bonds.--The board may issue bonds
20 (called "refunding bonds") to refund any bonds issued pursuant
21 to this act, payable from the proceeds of the restoration tax
22 as described in this act and provide for the rights of the
23 holders thereof. The refunding bonds may be issued in an
24 amount sufficient to pay the principal of the outstanding
25 bonds; the interest due and payable on the outstanding bonds
26 to and including the first date upon which the outstanding
27 bonds are callable prior maturity, or the dates upon which the
28 principal thereof matures; the redemption premium, if any; and
29 any expenses of the issuance and sale of the refunding bonds.
30 The refunding bonds shall be sold at public or private sale at
31 a price not to exceed 95 cents on the dollar, plus accrued

1 interest, shall bear interest at a rate or rates not to exceed
2 the maximum rate authorized by general law or 10 percent per
3 annum, whichever is less and shall mature within 40 years from
4 their issuance.

5 Section 6. The members of the board of supervisors
6 shall be entitled to the maximum compensation now or hereafter
7 authorized to be paid by section 298.14, Florida Statutes, and
8 shall be reimbursed for their traveling expenses pursuant to
9 section 112.061, Florida Statutes, or as such statutes may
10 hereafter be amended.

11 Section 7. The board of supervisors may enter into
12 arrangements with other drainage or water control districts
13 for the pooling of insurance coverage; for the purchase,
14 rental, or use of supplies, equipment, buildings, or
15 facilities; and for service of employees.

16 Section 4. Chapter 11087, Laws of Florida, 1925;
17 chapter 12118, Laws of Florida, 1927; chapter 18044, Laws of
18 Florida, 1937; chapter 26739, Laws of Florida, 1951; chapter
19 77-625, Laws of Florida; chapter 80-564, Laws of Florida; and
20 chapter 97-321, Laws of Florida, are repealed except to the
21 extent inconsistent herewith.

22 Section 5. If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 invalidity does not affect other provisions or applications of
25 the act which can be given effect without the invalid
26 provision or application, and to this end the provisions of
27 this act are declared severable.

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

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