

By Representative Harper

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 s. 189.429, F.S.,
 5 relating to Highland Glades Water Control
 6 District, a special tax district in Palm Beach
 7 County; providing legislative intent; codifying
 8 and reenacting special acts relating to the
 9 district; providing district status and
 10 boundaries; providing for applicability of
 11 chapters 298 and 189, Florida Statutes, and
 12 other general laws; providing a district
 13 charter; providing for ratification of prior
 14 acts; providing for liberal construction;
 15 providing a saving clause in the event any
 16 provision of the act is deemed invalid;
 17 repealing chapters 8885 (1921) and 89-466, Laws
 18 of Florida; providing an effective date.

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

21
 22 Section 1. Pursuant to section 189.429, Florida
 23 Statutes, this act constitutes the codification of all special
 24 acts relating to the Highland Glades Water Control District.
 25 It is the intent of the Legislature in enacting this law to
 26 provide a single, comprehensive special act charter for the
 27 district, including all current legislative authority granted
 28 to the district by its several legislative enactments and any
 29 additional authority granted by this act.

30 Section 2. Chapters 8885 (1921) and 89-466, Laws of
 31 Florida, relating to the Highland Glades Water Control

1 District, are codified, reenacted, amended, and repealed as
2 herein provided.

3 Section 3. The charter for the Highland Glades Water
4 Control District is re-created and reenacted to read:

5 Section 1. Status and boundaries of Highland Glades
6 Water Control District.--The Highland Glades Water Control
7 District is hereby declared to be an independent water control
8 district and a public corporation of the State of Florida
9 pursuant to chapter 298, Florida Statutes, as it may be
10 amended from time to time, and the lands lying within the area
11 described as follows in Palm Beach County, Florida, shall
12 hereby constitute the Highland Glades Water Control District:

13
14 Begin at the point of intersection of the
15 Township line between Townships forty-two (42)
16 and forty-three (43) with the West bank of the
17 West Palm Beach Canal and run West along said
18 Townships line to the Northwest corner of
19 Section four (4) in Township forty-three (43)
20 South of Range thirty-eight (38) East; thence
21 South along the West lines of Sections four
22 (4), nine (9) sixteen (16) and twenty-one (21)
23 to the Southwest corner of Section twenty-one
24 (21) in said Township forty-three (43) South of
25 Range thirty-eight (38) East; thence West along
26 the North lines of Sections twenty-nine (29)
27 and thirty (30) in said Township to the
28 Northwest corner of said Section thirty (30);
29 thence South along the West lines of Sections
30 thirty (30) and thirty-one (31) in said
31 Township to the Southwest corner of said

1 Section thirty-one (31); thence Southwesterly
2 along the West line of Lot six (6) between
3 Townships forty-three (43) and forty-four (44)
4 in Range thirty-eight (38) to the Southwest
5 corner of said Lot six (6); thence East along
6 the South line of said Lot six (6) to the
7 Northwest corner of Section five (5) in
8 Township forty-four (44) South of Range
9 thirty-eight (38) East; thence South along the
10 West line of Section five (5) and along the
11 West line of Section eight (8) in said Township
12 forty-four (44) South of Range thirty-eight
13 (38) East, to the point of intersection of said
14 West line of Section eight (8) with the North
15 bank of Okeechobee Road Canal; thence in a
16 Northeasterly direction along the North bank of
17 the Okeechobee Road Canal to the Northeast
18 corner of Section four (4) in said Township;
19 thence East along the North lines of Sections
20 three (3), two (2) and one (1) in said
21 Township, to the Northeast corner of said
22 Section one (1) in said Township; thence in a
23 Northeasterly direction along the East line of
24 Lot one (1) between Townships forty-three (43)
25 and forty-four (44) South of Range thirty-eight
26 (38) East to the Northeast corner of said Lot
27 one (1); thence North along the East line of
28 Township forty-three (43) South of Range
29 thirty-eight (38) East to the South bank of the
30 West Palm Beach Canal; thence in a
31 Northwesterly direction along the South bank of

1 at such meeting and determine all questions and elect
2 supervisors for said District regardless of the amount of
3 acreage represented at said meeting. At any such meeting each
4 landowner shall be entitled to one vote for each acre owned by
5 him or her.

6 Section 4. No action, suit, or proceeding shall be
7 brought to contest, set aside, review, or enjoin the
8 collection of any tax levied under the provision of this act,
9 unless such suit, action, or proceeding shall begin within 20
10 days after the final completion and authentication of the
11 assessment roll for that year.

12 Section 5. Whoever shall wilfully damage any ditch,
13 canal, drain, levee, reservoir, roadway, bridge, culvert, or
14 other works established or constructed under this act, or that
15 may have been heretofore constructed within the territory
16 embraced in said District, or shall fill or obstruct the flow
17 of water in any canal, ditch, drain, or waterway, or shall
18 remove any earth, stone, or material from the banks of any
19 canal, drain, or ditch without first having obtained
20 permission in writing from said Board to remove such material,
21 shall be deemed guilty of a misdemeanor and upon conviction
22 shall be fined in a sum not exceeding \$500 or be imprisoned in
23 the county jail not longer than 6 months.

24 Section 6. The Highland Glades Water Control District
25 shall not be liable for personal injuries or injuries to
26 property due to the defective condition of its roads,
27 highways, bridges, or culverts.

28 Section 7. No suit or any cause of action of
29 whatsoever kind or nature against the Highland Glades Water
30 Control District shall be instituted later than 6 months from
31 the date such cause of action shall have accrued.

1 Section 8. No suit or action for the recovery of
2 damages upon any claim or demand arising either ex contractu
3 or ex delicto shall be instituted against the Highland Glades
4 Water Control District unless a written statement giving the
5 particulars of the cause of action and containing a notice of
6 intention to sue shall be filed with the Secretary of said
7 District at least 30 days before the suit or action is
8 instituted.

9 Section 9. In accordance with section 189.404(3),
10 Florida Statutes, the following subsections shall constitute
11 the minimum charter requirements of the Highland Glades Water
12 Control District:

13 (1) The District is organized and exists for all
14 purposes set forth in this act and chapter 298, Florida
15 Statutes, as they may be amended from time to time.

16 (2) The powers, functions, and duties of the District
17 regarding ad valorem taxation, bond issuance, other
18 revenue-raising capabilities, budget preparation and approval,
19 liens and foreclosure of liens, use of tax deeds and tax
20 certificates as appropriate for non-ad valorem assessments,
21 and contractual agreements shall be as set forth in chapters
22 170, 189, 197, and 298, Florida Statutes, or any other
23 applicable general or special law, as they may be amended from
24 time to time.

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

27 (4) In accordance with chapter 189, Florida Statutes,
28 this act, and section 298.11, Florida Statutes, the district
29 is governed by a three-member board, elected on a 1-acre,
30 one-vote basis by the landowners in the district; however,
31 landowners owning less than 1 acre shall be entitled to one

1 vote. Landowners with more than 1 acre shall be entitled to
2 one additional vote for any fraction of an acre greater than
3 1/2 acre owned, when all of the landowner's acreage has been
4 aggregated for purposes of voting. The membership and
5 organization of the Board shall be as set forth in this act
6 and chapter 298, Florida Statutes, as they may be amended from
7 time to time.

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

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

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

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

24 (9) The procedures for conducting district elections
25 and for qualification of electors shall be pursuant to
26 chapters 189 and 298, Florida Statutes, as they may be amended
27 from time to time; however, a quorum for purposes of holding
28 the annual meeting or any special meeting shall consist of
29 those landowners present in person or represented by proxy at
30 said meeting.

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1 (10) The district may be financed by any method
2 established in this act, chapter 298, Florida Statutes, and
3 applicable general laws, as they may be amended from time to
4 time.

5 (11) The methods for collecting non-ad valorem
6 assessments, fees, or service charges shall be as set forth in
7 chapters 170, 197, and 298, Florida Statutes, and other
8 applicable general laws, as they may be amended from time to
9 time.

10 (12) The district's planning requirements shall be as
11 set forth in chapters 189 and 298, Florida Statutes, as they
12 may be amended from time to time.

13 (13) The district's geographic boundary limitations
14 shall be as set forth in this act.

15 (14) The district shall have all powers provided to it
16 by this act, chapters 189 and 298, Florida Statutes, and other
17 applicable general laws, as they may be amended from time to
18 time.

19 Section 10. All acts and proceedings of the circuit
20 court taken by, for, and on behalf of the District since the
21 creation thereof, and all of the acts and proceedings of the
22 Board of Supervisors, the Commissioners, and all other
23 officers and agents of the District, and of the county, acting
24 for and on behalf of the District, and any and all tax levies
25 and assessments which have been made by the Board of
26 Supervisors for and on behalf of the District, are each and
27 every one of them, and each and every part thereof, hereby
28 ratified, validated, and confirmed.

29 Section 4. It is intended that the provisions of this
30 act shall be liberally construed to accomplish the purposes of
31 this act.

1 Section 5. If any section, subsection, sentence,
2 clause, or phrase of this act is held to be unconstitutional,
3 such holding shall not affect the validity of the remaining
4 portions of the act, the Legislature hereby declaring that it
5 would have passed this act and each section, subsection,
6 sentence, clause, and phrase thereof, irrespective of any
7 other separate section, subsection, sentence, clause, or
8 phrase thereof, and irrespective of the fact that any one or
9 more other sections, subsections, sentences, clauses, or
10 phrases thereof may be declared unconstitutional.

11 Section 6. Chapters 8885 (1921) and 89-466, Laws of
12 Florida, relating to the Highland Glades Water Control
13 District shall be repealed 10 days after the effective date of
14 this act.

15 Section 7. This act shall take effect upon becoming a
16 law.

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