

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 Shawano Water Control District, a  
 6           special tax district in Palm Beach County;  
 7           providing legislative intent; codifying,  
 8           repealing, amending, and reenacting special  
 9           acts relating to the district; providing  
 10          district status and boundaries; providing for  
 11          applicability of chapters 298 and 189, Florida  
 12          Statutes, and other general laws; providing a  
 13          district charter; providing for ratification of  
 14          prior acts; providing for liberal construction;  
 15          providing a saving clause in the event any  
 16          provision of the act is deemed invalid;  
 17          providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Pursuant to section 189.429, Florida  
 22 Statutes, this act constitutes the codification of all special  
 23 acts relating to the Shawano Water Control District. It is the  
 24 intent of the Legislature in enacting this law to provide a  
 25 single, comprehensive special act charter for the district,  
 26 including all current legislative authority granted to the  
 27 district by its several legislative enactments and any  
 28 additional authority granted by this act.

29           Section 2. Chapters 11864 (1927), 13579 (1929), 24254  
 30 (1947), 25328 (1949), 28406 (1953), 57-488, and 63-863, Laws  
 31 of Florida, relating to the Shawano Water Control District,

1 are codified, reenacted, amended, and repealed as herein  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

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

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

13  
14 Beginning at the northeast corner of Section  
15 Five (5), Township Forty-five (45) South, Range  
16 Thirty-Nine (39) East; thence run west along  
17 the township line between Townships Forty-four  
18 (44) and Forty-five (45) south to the  
19 intersection of the north boundary of Township  
20 Forty-five (45), Range Thirty-eight (38) East  
21 with the center line of the Hillsboro Canal;  
22 thence southeasterly along the center line of  
23 said Hillsboro Canal to the intersection of  
24 Hillsboro Canal with the south boundary of  
25 Section Thirteen (13), Township Forty-five (45)  
26 South, Range Thirty-eight (38) East;

27  
28 Thence west along the center of said Township  
29 Forty-five (45) South, Range Thirty-eight (38)  
30 East to the southwest corner of Section  
31

1       Eighteen (18), Township Forty-five (45) South,  
2       Range Thirty-eight (38) East;  
3  
4       Thence south along the range line between  
5       Ranges Thirty-seven (37) and Thirty-eight (38)  
6       East to the southwest corner of Township  
7       Forty-five (45) South, Range Thirty-eight (38)  
8       East;  
9  
10       Thence continuing south across the hiatus  
11       between Townships Forty-five (45) and Forty-six  
12       (46) South to the northwest corner of Township  
13       Forty-six (46) South, Range Thirty-eight (38)  
14       East;  
15  
16       Thence continuing south along the range line  
17       between Ranges Thirty-seven (37) and  
18       Thirty-eight (38) East, to the southwest corner  
19       of Section Seven (7), Township Forty-six (46)  
20       South, Range Thirty-eight (38) East;  
21  
22       Thence East along the south boundary of  
23       Sections Seven (7), Eight (8) and Nine (9) to  
24       the southeast corner of Section Nine (9),  
25       Township Forty-six (46) South, Range  
26       Thirty-eight (38) East;  
27  
28       Thence south along the west boundary of  
29       Sections Fifteen (15), Twenty-two (22),  
30       Twenty-seven (27) and Thirty-four (34) to the  
31       southwest corner of Section Thirty-four (34)

1       Township Forty-six (46) South, Range  
2       Thirty-eight (38) East;  
3  
4       Then east along the township line between  
5       Townships Forty-six (46) and Forty-seven (47)  
6       South, to the intersection of said township  
7       line with the center line of the Hillsboro  
8       Canal located in Range Forty (40) East;  
9  
10       Thence along said center line of Hillsboro  
11       Canal northwestwardly to the intersection of  
12       said center line with the range line between  
13       ranges Thirty-nine(39) and Forty (40) East;  
14  
15       Thence north along the range line between  
16       Ranges Thirty-nine (39) and Forty (40) East, to  
17       the northeast corner of Township Forty-six (46)  
18       South, Range Thirty-nine (39) East;  
19  
20       Thence continuing north across the hiatus  
21       between Townships Forty-five (45) and Forty-six  
22       (46) South, to the southeast corner of Township  
23       Forty-five (45) South, Range Thirty-nine (39)  
24       East;  
25  
26       Thence continuing north along the range line  
27       between Ranges Thirty-nine (39) and Forty (40)  
28       East, to the northeast corner of Section  
29       Twenty-four (24), Township Forty-five (45)  
30       South, Range Thirty-nine (39) East;  
31





1       Sections 25, 26, 34, 35 and 36, Township 46  
2       South, Range 38 East.  
3  
4       That part of Sections 30 and 31 lying North and  
5       West of Levee L-6, one of the works of the Plan  
6       of Flood Control for Central and Southern  
7       Florida Flood Control District, Township 46  
8       South, Range 39 East.  
9  
10       That part of Sections 31 and 32 lying North and  
11       East of Hillsboro Canal and all of Section 33,  
12       Township 45 South, Range 39 East.  
13  
14       That part of Hiatus Lots 4 and 5 lying North  
15       and East of Hillsboro Canal, Township 45/46  
16       South, Range 39 East.  
17  
18       That part of Section 4 lying North and East of  
19       Hillsboro Canal, Township 46 South, Range 39  
20       East.  
21  
22                               and  
23  
24       Lands in Palm Beach County described as  
25       follows:  
26  
27       All of Section 24 in Township 45 South, Range  
28       38 East, lying North and East of Hillsboro  
29       Canal.  
30  
31





1 court of law or in equity, to make contracts, to adopt and use  
2 a corporate seal and to alter the same at pleasure; to acquire  
3 by purchase, gift, or condemnation real and personal property,  
4 either or both, within or without the District, and to convey  
5 and dispose of such real and personal property, either or  
6 both, as may be necessary or convenient to carry out the  
7 purposes, or any of the purposes, of this Act; to construct,  
8 operate, and maintain canals, ditches, drains, levees, and  
9 other works for drainage purposes; to acquire, purchase,  
10 operate, and maintain pumps, plants, and pumping systems for  
11 drainage purposes; to construct, operate, and maintain  
12 irrigation works, machinery, and plants; to construct,  
13 improve, pave, and maintain roadways and roads necessary and  
14 convenient for the exercise of the powers or duties or any of  
15 the powers or duties of said District or the Supervisors  
16 thereof; to borrow money and issue negotiable or other bonds  
17 of said District as hereinafter provided; to borrow money,  
18 from time to time, and issue negotiable or other notes of said  
19 District therefor, bearing interest at not exceeding 8 percent  
20 per annum, in anticipation of the collection of taxes, levies,  
21 and assessments or revenues of said District, and to pledge or  
22 hypothecate such taxes, levies, assessments, and revenues to  
23 secure such bonds, notes, or obligations, and to sell,  
24 discount, negotiate, and dispose of the same; and to exercise  
25 all other powers necessary, convenient, or proper in  
26 connection with any of the powers or duties of said District  
27 stated in this Act. The powers and duties of said District  
28 shall be exercised by and through the Board of Supervisors  
29 thereof, which Board shall have the authority to employ  
30 engineers, attorneys, agents, employees, and representatives  
31

1 as the Board of Supervisors may from time to time determine,  
2 and to fix their compensation and duties.  
3 Section 3. Board of Supervisors; election,  
4 organization, powers, duties, and terms of office.--There is  
5 hereby created a Board of Supervisors of Shawano Water Control  
6 District which shall be the governing body of said District.  
7 Said Board of Supervisors shall consist of three persons, who,  
8 except as herein otherwise provided, shall hold office for the  
9 term of 3 years and until their successors shall be duly  
10 elected and qualified. The first Board of Supervisors of said  
11 District shall be composed of three persons; one of whom shall  
12 hold office for 4 years from July 1 A.D. 1927, one of whom  
13 shall hold office for 3 years from July 1 A.D. 1927, and one  
14 of whom shall hold office for 2 years from July 1 A.D. 1927.  
15 Within 30 days after this Act becomes a law, the Clerk of the  
16 Circuit Court of Palm Beach County shall call a special  
17 meeting of landowners of Shawano Water Control District for  
18 the purpose of electing the first Board of Supervisors for  
19 Shawano Water Control District as herein provided. Notice of  
20 such special meeting of landowners shall be given by said  
21 Clerk of the Circuit Court of Palm Beach County by causing  
22 publication thereof to be made once a week for 2 consecutive  
23 weeks prior to such meeting, in some newspaper published in  
24 Palm Beach County. Such special meeting of landowners shall be  
25 held in some public place in Palm Beach County, and the place,  
26 date, and hour of holding such meeting and the purpose thereof  
27 shall be stated in the notice. The landowners when assembled  
28 shall organize by electing a chair, who shall preside at the  
29 meeting, and a secretary thereof. At such meeting, each and  
30 every acre of land in the District shall represent one share  
31 and each owner shall be entitled to one vote by person or by

1 written proxy for every acre of land owned by him or her in  
2 the District. The landowners shall first vote for the  
3 Supervisor who is to hold office for the term of 4 years as  
4 hereinbefore provided, and the person receiving the highest  
5 number of votes for such Supervisor shall be declared and  
6 elected as such Supervisor. Said landowners shall next vote  
7 for the Supervisor who is to hold office for the term of 3  
8 years as hereinbefore provided, and the person receiving the  
9 highest number of votes for such Supervisor shall be declared  
10 and elected as such Supervisor. Said landowners shall next  
11 vote for the Supervisor who is to hold office for the term of  
12 2 years as hereinbefore provided, and the person receiving the  
13 highest number of votes for such Supervisor shall be declared  
14 and elected as such Supervisor.

15 Each year during the month of June, beginning with the  
16 month of June A.D. 1929, a Supervisor shall be elected, as  
17 hereinafter provided, by the landowners of said District to  
18 take the place of the retiring Supervisor. All vacancies or  
19 expirations on said Board shall be filled as required by this  
20 Act. The Supervisors of said Shawano Water Control District  
21 need not be residents of said District or of the State of  
22 Florida, and they may or may not be owners of lands or  
23 property within said District. In case of a vacancy in the  
24 office of any Supervisor, the remaining Supervisors may fill  
25 such vacancy until the next annual meeting of the landowners,  
26 when his or her successor shall be elected by the landowners  
27 for the unexpired term. As soon as practicable after their  
28 election, the Board of Supervisors of said District shall  
29 organize by choosing one of their number president of said  
30 Board of Supervisors and by electing some suitable person  
31 secretary, who may or may not be a member of said Board. The

1 secretary shall be required to execute bond for the faithful  
2 performance of his or her duties in such penal amount as the  
3 Board may determine. The Board of Supervisors shall adopt a  
4 seal which shall be the seal of said District. At each annual  
5 meeting of the landowners of the District, the Board of  
6 Supervisors shall report all work undertaken or completed  
7 during the preceding year, and the status of the finances of  
8 the District.

9 All Supervisors shall hold office until their  
10 successors shall be elected and qualified. Whenever any  
11 election shall be authorized or required by this Act to be  
12 held by the landowners at any particular or stated time or  
13 day, and if for any reason such election shall not or cannot  
14 be held at such time or on such day, then in such event and in  
15 all and every such event, the power or duty to hold such  
16 election shall not cease or lapse, but such election shall be  
17 held thereafter as soon as practicable and consistent with  
18 this Act.

19 Section 4. Supervisors to take oath.--Each Supervisor  
20 before entering upon his or her official duties shall take and  
21 subscribe to an oath before some officer authorized by law to  
22 administer oaths, that he or she will honestly, faithfully,  
23 and impartially perform the duties devolving upon him or her  
24 in office as Supervisor of the Shawano Water Control District  
25 to which he or she was elected or appointed, and that he or  
26 she will not neglect any of the duties imposed upon him or her  
27 by this Act.

28 Section 5. Compensation of board.--Each Supervisor  
29 shall be paid for his or her services a per diem of \$10 for  
30 each day actually engaged in work pertaining to the said  
31 District; but the said Supervisors shall not in any 1 month be

1 paid more than \$100 each, except that in addition to the said  
2 per diem, they shall be paid 10 cents per mile for each mile  
3 actually traveled in going to and from their place of  
4 residence to the place of meeting.

5 Section 6. Meetings of landowners; election of  
6 supervisors.--Each year during the month of June, beginning  
7 with the month of June in the year 1929, a meeting of the  
8 landowners of said District shall be held for the purpose of  
9 electing a Supervisor to take the place of the retiring  
10 Supervisor, and hearing reports of the Board of Supervisors,  
11 provided, however, that a meeting of the landowners shall be  
12 held during the month of June 1928 for the purpose of  
13 receiving reports of the Board of Supervisors and considering  
14 any matters upon which the Board of Supervisors may request  
15 the advice and views of the landowners. The Board of  
16 Supervisors shall have the power to call special meetings of  
17 the landowners at any time to receive reports of the Board of  
18 Supervisors or consider and act upon any matter upon which the  
19 Board of Supervisors may request advice. Notice of all  
20 meetings of the landowners shall be given by the Board of  
21 Supervisors by causing publication thereof to be made for 2  
22 consecutive weeks prior to such meeting in some newspaper  
23 published in Palm Beach County. The meetings of the landowners  
24 shall be held in some public place in said County, and the  
25 place, day, and hour of holding such meetings shall be stated  
26 in the notice. The landowners when assembled shall organize by  
27 electing a chair who shall preside at the meeting. The  
28 secretary of the Board of Supervisors shall be the secretary  
29 of such meeting. At all such meetings each and every acre of  
30 land in the District shall represent one share, and each owner  
31 shall be entitled to one vote in person or by written proxy

1 for every acre of land owned by him or her in the District.  
2 The person receiving the highest number of votes for  
3 Supervisor shall be declared and elected as such Supervisor. A  
4 majority of the number of acres in the District shall  
5 constitute a quorum at any meeting of the landowners. If no  
6 quorum is present or represented at such meeting at the time  
7 and place the same is called to be held, the landowners  
8 present and represented, although less than a quorum, may  
9 adjourn from day to day for not exceeding 1 week, and if at  
10 the expiration of such period of 1 week, after such successive  
11 adjournments, no quorum is present, then a majority in acreage  
12 of the landowners present and represented, although  
13 constituting less than a quorum, shall have the power to elect  
14 a Supervisor and transact all the business which could be  
15 transacted by a quorum.

16 The Board of Trustees of the Internal Improvement Trust  
17 Fund of Florida may represent and vote in respect to all lands  
18 belonging to the State of Florida, the Board of Trustees of  
19 the Internal Improvement Trust Fund of Florida, or the Board  
20 of Commissioners of Everglades Drainage District, and they  
21 shall have the right to vote for Supervisors and upon all  
22 other matters that may come before any such meetings of the  
23 landowners to the extent of the acreage in such District owned  
24 by the State of Florida or the Board of Trustees of the  
25 Internal Improvement Trust Fund, or the Board of Commissioners  
26 of the Everglades Drainage District, upon the same basis of  
27 one vote for each acre of land as prescribed in this Act for  
28 private landowners in said District. The votes to be cast by  
29 said Board of Trustees of the Internal Improvement Trust Fund  
30 may be cast by any member of said Board of Trustees or by any  
31 person holding a proxy or proxies from said Board of Trustees.

1 Guardians may represent their wards, executors and  
2 administrators may represent the estates of deceased persons,  
3 trustees may represent lands held by them in trust, and  
4 private corporations may be represented by their officers or  
5 duly authorized agents. Guardians, executors, administrators,  
6 trustees, and corporations may vote by proxy.

7 Section 7. Uniform acreage tax for payment of  
8 expenses.--There is hereby levied by the Legislature of the  
9 State of Florida upon each and every acre of land within said  
10 Shawano Water Control District as bounded and defined in this  
11 act a uniform tax of 25 cents per acre to be used by said  
12 District, through its said Board of Supervisors, for the  
13 purpose of paying expenses incurred or to be incurred in  
14 making surveys of the lands in said District, assessing  
15 benefits and damages and other expenses necessarily incurred,  
16 as may be estimated or determined by said Board of  
17 Supervisors, before said Board of Supervisors shall be in  
18 funds under the subsequent provisions of this Act. Such tax  
19 shall become due and payable on the first day of November A.D.  
20 1927, and shall become delinquent 90 days thereafter. Said tax  
21 shall be a lien upon the lands in said District from the date  
22 of the enactment of this Act and shall be collected in the  
23 same manner as the annual installment of taxes. If it shall  
24 appear to the Board of Supervisors to be necessary to obtain  
25 funds to pay any expenses incurred or to be incurred in  
26 organizing said District, making said surveys, preparing the  
27 Plan of Reclamation, or other expenses of the conduct and  
28 operation of said District before a sufficient sum can be  
29 obtained by the collection of the acreage tax levied by this  
30 Section of this Act, said Board of Supervisors may borrow a  
31 sufficient sum of money for any of said purposes at a rate of

1 interest not exceeding 8 percent per annum, and may issue  
2 negotiable notes or bonds therefor signed by the members of  
3 said Board of Supervisors, and may pledge any and all  
4 assessments of said acreage tax levied under the provisions of  
5 this Section for the repayment thereof. Said Board of  
6 Supervisors may issue to any person or persons performing work  
7 or services or furnishing anything of value in the  
8 organization of said District or making surveys of the same  
9 and assessing benefits or damages or preparing said Plan of  
10 Reclamation and other expenses necessarily incurred before the  
11 receipt of funds arising from assessments or benefits,  
12 negotiable evidence of debt bearing interest at the rate of  
13 not exceeding 8 percent per annum.

14 Section 8. Annual tax levies.--The Board of  
15 Supervisors shall each year thereafter determine, order, and  
16 levy the amount of the annual installments of the total taxes  
17 levied under the preceding Section, which shall become due and  
18 be collected during said year at the same time that State and  
19 County taxes are due and collected, which said annual  
20 installment and levy shall be evidenced and certified by the  
21 said Board not later than November 1 of each year to the Tax  
22 Collector of Palm Beach County. The certificate of such  
23 installment tax shall be substantially in the following form:

24  
25 COUNTY OF PALM BEACH  
26 STATE OF FLORIDA.

27  
28 THIS IS TO CERTIFY that by virtue and authority  
29 of the provisions of an Act of the Legislature  
30 entitled "An Act to Create, Establish and  
31 Incorporate the Shawano Water Control District



1       in Palm Beach County, etc.," as enacted by the  
2       Legislature of the State of Florida and  
3       approved in the year 1927, the Board of  
4       Supervisors of Shawano Water Control District  
5       of Florida have levied and do hereby levy the  
6       sum of ..... Dollars (\$ ) as the  
7       annual installment of tax for the year .....  
8       of the total tax levied under the provisions of  
9       this Act, which said total tax has heretofore  
10       been certified to the Clerk of the Circuit  
11       Court of Palm Beach County; and said Board of  
12       Supervisors of said Water Control District by  
13       and with the authority of this Act has levied  
14       also the sum of ..... Dollars (\$ ) as  
15       a maintenance tax for said year; said annual  
16       installment of tax and maintenance tax on the  
17       real estate situate in Palm Beach County are  
18       set out in the following table, in which are:  
19       first, the names of the owners of said lands,  
20       or the word "unknown" if the names of the  
21       owners are not known to the Board of  
22       Supervisors; second, the description of said  
23       lands opposite the names of said owners; third,  
24       the amount of said installment of tax levied  
25       against each tract of land; fourth, the amount  
26       of said maintenance tax levied against the  
27       same.  
28       Said taxes shall be payable and collectable the  
29       present year at the same time that State and  
30       County taxes are due and collected, and you are  
31       directed and ordered to demand and collect said

1 taxes at the same time you demand and collect  
2 the State and County taxes due on the same  
3 lands, and this "Drainage Tax Book" shall be  
4 your warrant and authority for making such  
5 demand and collection.

6  
7 Witness the signature of the President of the  
8 Board of Supervisors attested by the seal of  
9 said District and the signature of the  
10 Secretary of the said Board this .... day of  
11 ....., A.D. ....

12 SHAWANO WATER CONTROL DISTRICT,  
13 By .....  
14 President of the Board of Supervisors.

15  
16 .....  
17 (SEAL) Secretary

18  
19 Then shall follow a table or schedule showing in  
20 properly ruled columns, first, the names of the owners of said  
21 lands, or the word "unknown" if the names of the owners are  
22 not known to the Board of Supervisors; second, the description  
23 of the said lands opposite the names of said owners; third,  
24 the amount of the said annual installment tax levied on each  
25 tract of land; fourth, the amount of maintenance tax; fifth, a  
26 blank column in which the Collector shall record the several  
27 amounts as collected by him or her, with the dates of payment  
28 thereof; and sixth, a blank column in which the Collector  
29 shall record the names of the person or persons paying several  
30 amounts. The columns in which the annual installment tax and  
31 the maintenance tax, if any, shall appear, shall be correctly

1 totaled and the total amount shall correspond to the amount  
2 set out in the above-mentioned certificate. The said  
3 certificate and table shall be prepared in the form of a  
4 well-bound book which shall be endorsed and named "Drainage  
5 Tax Book, Shawano Water Control District, Palm Beach County,  
6 Florida, for the year . . . .," which endorsement shall also be  
7 printed at the top on each page.

8 Section 9. Attorney to be employed.--The Board of  
9 Supervisors, as soon as practicable after organizing, shall  
10 employ an attorney or attorneys to act for the District and to  
11 advise said Board. Such employment shall be evidenced by an  
12 agreement in writing, which as far as possible shall specify  
13 the exact amount to be paid to said attorney for all services  
14 and expenses. Such attorney shall conduct all legal  
15 proceedings and suits in court where the District is a party  
16 or interested, and shall in all legal matters advise the Board  
17 of Supervisors, all officers, employees, or agents of said  
18 District and Board, and generally look after and attend to all  
19 matters of a legal nature for said Board and District. When  
20 the said Board may deem it necessary, they may, by and with  
21 the advice of said attorney, and under the like terms and  
22 conditions as above set forth, employ a consulting and other  
23 attorney or attorneys.

24 Section 10. Maintenance tax may be levied.--To  
25 maintain and preserve the ditches, drains, and other  
26 improvements made pursuant to this Act, and to repair and  
27 restore the same, when needed, and for the purpose of  
28 defraying the current expenses of the District, including any  
29 sum which may be required to pay state, county, and Everglades  
30 Drainage District taxes on any lands which may have been  
31 purchased and which are held by the District under the

1 provisions of this Act, the Board of Supervisors may, upon the  
2 completion of the said improvements in whole or in part, as  
3 may be certified to the said Board by the Chief Engineer, and  
4 on or before the first day of November in each year  
5 thereafter, levy a tax, which shall become due and be  
6 collected at the same time State and County taxes are due and  
7 collected, upon each tract or parcel of land within the  
8 District, to be known as a maintenance tax. Said maintenance  
9 tax may be apportioned upon the basis of the net assessments  
10 of benefits accruing for original construction, and shall be  
11 certified to the Tax Collector of Palm Beach County in the  
12 same book in like manner and at the same time as the annual  
13 installment tax is certified, but in a separate column under  
14 the heading "maintenance tax." The Tax Collector shall demand  
15 and collect the maintenance tax and make return thereof and  
16 shall receive the same compensation therefor, and be liable  
17 for the same penalties for failure or neglect so to do as is  
18 provided herein for the annual installment of taxes.

19 Section 11. Duty of county, etc., to make payment of  
20 taxes.--Whenever, under the provisions of this Act, the Water  
21 Control District tax is levied against a county, city,  
22 village, township, or other political subdivision of the  
23 State, it shall be the duty of the governing or taxing body of  
24 such political subdivision immediately to take all the legal  
25 and necessary steps to make payment of such tax, including, if  
26 necessary, steps for the levying and collection of a tax to  
27 make such payment as other taxes of such political subdivision  
28 are levied and collected, and such tax shall not be affected  
29 by any statutory limitation upon the rate or amount of the  
30 taxes of such political subdivision.

31

1           Section 12. Unit development; powers of Board of  
2 Supervisors to designate units of district and adopt system of  
3 progressive drainage by units; plans of reclamation and  
4 financing assessments, etc., for each unit.--The Board of  
5 Supervisors of Shawano Water Control District shall have the  
6 power and is hereby authorized in its discretion to drain and  
7 reclaim or more completely and intensively to drain and  
8 reclaim the lands in said District by designated areas or  
9 parts of said District to be called "units." The units into  
10 which said District may be so divided shall be given  
11 appropriate numbers or names by said Board of Supervisors, so  
12 that said units may be readily identified and distinguished.  
13 The Board of Supervisors shall have the power to fix and  
14 determine the location, area, and boundaries of and lands to  
15 be included in each and all such units, the order of  
16 development thereof, and the method of carrying on the work in  
17 each unit. The unit system of drainage provided by this  
18 Section may be conducted and all of the proceedings by this  
19 Section and this Act authorized in respect to such unit or  
20 units may be carried on and conducted at the same time as or  
21 after the work of draining and reclaiming of the entire  
22 District has been or is being or shall be instituted or  
23 carried on under the provisions of this Act. If the Board of  
24 Supervisors shall determine that it is advisable to conduct  
25 the work of draining and reclaiming the lands in said District  
26 by units, as authorized by this Section of this Act, said  
27 Board shall, by resolution duly adopted and entered upon its  
28 minutes, declare its purpose to conduct such work accordingly,  
29 and shall at the same time and manner fix the number,  
30 location, and boundaries of and description of lands within  
31 such unit or units and give them appropriate numbers or names.

1 As soon as practicable after the adoption and recording of  
2 such resolution said Board of Supervisors shall publish notice  
3 once a week for 2 consecutive weeks in a newspaper published  
4 in Palm Beach County briefly describing the units into which  
5 said District has been divided and the lands embraced in each  
6 unit, giving the name, number, or other designation of such  
7 units, requiring all owners of lands in said District to show  
8 cause in writing before said Board of Supervisors at a time  
9 and place to be stated in such notice why such division of  
10 said District into such units should not be approved, and said  
11 system of development by units should not be adopted and given  
12 effect by said Board, and why the proceedings and powers  
13 authorized by this Section of this Act should not be had,  
14 taken, and exercised. At the time and place stated in said  
15 notice, said Board of Supervisors shall hear all objections or  
16 causes of objection (all of which shall be in writing) of any  
17 landowners in said District to the matters mentioned and  
18 referred to in such notice, and if no objections are made, or  
19 if said objections, if made, shall be overruled by said Board,  
20 then said Board shall enter in this minutes its finding and  
21 order confirming said resolution, and may thereafter proceed  
22 with the development, drainage, and reclamation of said  
23 District by units pursuant to such resolution and to the  
24 provisions of this Act. If, however, said Board of Supervisors  
25 shall find as a result of such objections, or any of them, or  
26 the hearing thereon, that the division of said District into  
27 such units as aforesaid should not be approved or that said  
28 system of development by units should not be adopted and given  
29 effect, or that the proceedings and powers authorized by this  
30 Section of this Act should not be had, taken, or exercised, or  
31 that any other matter or thing embraced in said resolution

1 would not be in the best interest of the landowners of said  
2 District or would be unjust or unfair to any landowner therein  
3 or otherwise inconsistent with fair and equal protection and  
4 enforcement of the rights of every landowner in said District,  
5 then said Board of Supervisors shall not proceed further under  
6 such resolution, but said Board of Supervisors may, as a  
7 result of such hearing, modify or amend said resolution so as  
8 to meet such objections so made, and thereupon said Board may  
9 confirm said resolution as so modified or amended and may  
10 thereafter proceed accordingly. The sustaining of such  
11 objections and the rescinding of such resolutions shall not  
12 exhaust the power of said Board under this Section; but, at  
13 any time not less than 1 year after the date of the hearing  
14 upon any such resolution, the Board of Supervisors may adopt  
15 other resolutions under this Section and thereupon proceed on  
16 due notice in like manner as above. If said Board of  
17 Supervisors shall overrule or refuse to sustain any such  
18 objections in whole or in part made by any landowner in the  
19 District, or if any such landowner shall deem himself or  
20 herself aggrieved by any action of the Board of Supervisors in  
21 respect to any objections so filed, such landowner may, within  
22 10 days after the ruling of said Board, file his or her bill  
23 of complaint in the Circuit Court for Palm Beach County in  
24 Chancery, against said District, praying an injunction or  
25 other appropriate relief against the action or any part of  
26 such action proposed by such resolution or resolutions of said  
27 Board, and such suits shall be conducted like other Chancery  
28 suits, except that said suits shall have preference over all  
29 other pending actions except criminal actions and writs of  
30 habeas corpus. Upon the hearing of said cause said circuit  
31 court shall have the power to hear the objections and receive

1 the evidence thereon of all parties to such cause and approve  
2 or disapprove said resolutions and action of said Board in  
3 whole or in part, and to render such decree in such cause as  
4 right and justice require. When said resolutions creating said  
5 unit system shall be confirmed by the Board of Supervisors (or  
6 by the Circuit Court for Palm Beach County, if such proposed  
7 action shall be challenged by a landowner by the judicial  
8 proceedings hereinabove authorized), said Board of Supervisors  
9 may adopt a Plan or Plans of Reclamation for and in respect to  
10 any or all such units, and to have the benefits and damages  
11 resulting therefrom assessed and apportioned by Commissioners  
12 appointed by the circuit court, and the report of the said  
13 Commissioners considered and confirmed, all in like manner as  
14 is provided in this Act in regard to Plans of Reclamation for  
15 the assessments for benefits and damages of the entire  
16 District. With respect to the Plan of Reclamation, notices,  
17 appointment of Commissioners to assess benefits and damages,  
18 report of Commissioners and notice and confirmation thereof,  
19 the levy of assessments and taxes, including maintenance  
20 taxes, and the issuance of bonds and all other proceedings as  
21 to each and all of such units, said Board shall follow and  
22 comply with the same procedure as is provided in this Act with  
23 respect to the entire District; and said Board of Supervisors  
24 shall have the same powers in respect to each and all of such  
25 units as is by this Act vested in the Board with respect to  
26 the entire District. All the provisions of this Act shall  
27 apply to the drainage, reclamation, and improvement of each,  
28 any, and all of such units, and the enumeration of or  
29 reference to specific powers of duties of the Supervisors or  
30 any other officers or other matters in this Act as hereinabove  
31 set forth, shall not limit or restrict the application of any



1 and all of the proceedings and powers herein to the drainage  
2 and reclamation of such units as fully and completely as if  
3 such unit or units were specifically and expressly named in  
4 every section and clause of this Act where the entire District  
5 is mentioned or referred to. All assessments, levies, taxes,  
6 bonds, and other obligations made, levied, assessed, or issued  
7 for or in respect to any such unit or units shall be a lien  
8 and charge solely and only upon the lands in such unit or  
9 units, respectively, for the benefit of which the same shall  
10 be levied, made, or issued, and not upon the remaining units  
11 or lands in said District. The Board of Supervisors may at any  
12 time amend its said resolutions by changing the location and  
13 description of lands in any such unit or units, provided that,  
14 if the location of or description of lands located in any such  
15 unit or units is so changed, notice of such change shall be  
16 published as hereinabove required in this section for notice  
17 of the formation or organization of such unit or units, and  
18 all proceedings shall be had and done in that regard as are  
19 provided in this Section for the original creation of such  
20 unit or units. However, no lands against which benefits shall  
21 have been assessed may be detached from any such unit after  
22 the confirmation of the Commissioners' report of benefits in  
23 such unit or units or the issuance of bonds or other  
24 obligations which are payable from taxes or assessments for  
25 benefits levied upon the lands within such unit or units.

26 However, if, after the confirmation of the  
27 Commissioners' report of benefits in such unit or units, or  
28 the issuance of bonds or other obligations which are payable  
29 from taxes or assessments for benefits levied upon lands  
30 within such unit or units, the Board of Supervisors finds the  
31 Plan of Reclamation for any such unit or units insufficient or

1 inadequate for efficient development, the Plan of Reclamation  
2 may be amended or changed as provided herein, and the unit or  
3 units may be amended or changed as provided in this Section,  
4 by changing the location and description of lands in any such  
5 unit or units, by detaching lands therefrom or by adding lands  
6 thereto, upon the approval of at least 51 percent of the  
7 landowners according to acreage, in any such unit and of all  
8 of the holders of bonds issued in respect to any such unit,  
9 and provided that in such event all assessments, levies,  
10 taxes, bonds, and other obligations made, levied, assessed,  
11 incurred, or issued in respect to any such unit or units may  
12 be allocated and apportioned to the amended unit or units in  
13 proportion to the benefits assessed by the Commissioners'  
14 report for the amended Plan of Reclamation and said report  
15 shall specifically provide for such allocation and  
16 apportionment. The landowners and all of the bondholders shall  
17 file their approval of or objections to such amended Plan of  
18 Reclamation within the time provided herein and shall file  
19 their approval of or objections to the amendment of such unit  
20 as provided in this Section.

21 No lands shall be detached from any unit after the  
22 issuance of bonds or other obligations for such unit except  
23 upon the consent of all the holders of such bonds or other  
24 obligations. In the event of the change of the boundaries of  
25 any unit as provided herein and the allocation and  
26 apportionment to the amended unit or units of assessments,  
27 levies, taxes, bonds, and other obligations in proportion to  
28 the benefits assessed by the Commissioners' report for the  
29 amended Plan of Reclamation, the holders of bonds or other  
30 obligations heretofore issued for the original unit who  
31 consent to such allocation and apportionment shall be entitled

1 to all rights and remedies against any lands added to the  
2 amended unit or units as fully and to the same extent as if  
3 such added lands had formed and constituted a part of the  
4 original unit or units at the time of the original issuance of  
5 such bonds or other obligations, and regardless of whether the  
6 holders of such bonds or other obligations are the original  
7 holders thereof or the holders from time to time hereafter,  
8 and the rights and remedies of such holders against the lands  
9 in the amended unit or units, including any lands added  
10 thereto, under such allocation and apportionment, shall  
11 constitute vested and irrevocable rights and remedies to the  
12 holders from time to time of such bonds or other obligations  
13 as fully and to the same extent as if such bonds or other  
14 obligations had been originally issued to finance the  
15 improvements in such amended unit or units under such amended  
16 Plan of Reclamation.

17 Section 13. Minimum charter requirements.--In  
18 accordance with section 189.404(3), Florida Statutes, the  
19 following subsections shall constitute the charter of the  
20 Shawano Water Control District:

21 (1) The District is organized and exists for all  
22 purposes set forth in this Act and chapter 298, Florida  
23 Statutes, as they may be amended from time to time.

24 (2) The powers, functions, and duties of the District  
25 regarding ad valorem taxation, bond issuance, other  
26 revenue-raising capabilities, budget preparation and approval,  
27 liens and foreclosure of liens, use of tax deeds and tax  
28 certificates as appropriate for non-ad valorem assessments,  
29 and contractual agreements shall be as set forth in chapters  
30 170, 189, 197, and 298, Florida Statutes, or any other  
31

1 applicable general or special law, as they may be amended from  
2 time to time.

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

5 (4) In accordance with chapter 189, Florida Statutes,  
6 this Act, and section 298.11, Florida Statutes, the District  
7 is governed by a three-member Board, elected on a one-acre,  
8 one-vote basis by the landowners in the District; however,  
9 landowners owning less than 1 acre shall be entitled to one  
10 vote. Landowners with more than 1 acre shall be entitled to  
11 one additional vote for any fraction of an acre greater than  
12 1/2 acre owned, when all of the landowner's acreage has been  
13 aggregated for purposes of voting. The membership and  
14 organization of the Board shall be as set forth in this Act  
15 and chapter 298, Florida Statutes, as they may be amended from  
16 time to time.

17 (5) The compensation of Board members shall be  
18 governed by this Act and chapter 298, Florida Statutes, as  
19 they may be amended from time to time.

20 (6) The administrative duties of the Board of  
21 Supervisors shall be as set forth in this Act and chapter 298,  
22 Florida Statutes, as they may be amended from time to time.

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

28 (8) The procedures and requirements governing the  
29 issuance of bonds, notes, and other evidence of indebtedness  
30 by the District shall be as set forth in chapter 298, Florida  
31

1 Statutes, and applicable general laws, as they may be amended  
2 from time to time.

3 (9) The procedures for conducting District elections  
4 and for qualification of electors shall be pursuant to  
5 chapters 189 and 298, Florida Statutes, as they may be amended  
6 from time to time; however, a quorum for purposes of holding  
7 the annual meeting or any special meeting shall consist of  
8 those landowners present in person or represented by proxy at  
9 said meeting.

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

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

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

22 (13) The District's geographic boundary limitations  
23 shall be as set forth in this Act.

24 (14) The District shall have all powers provided to it  
25 by this Act, chapters 189 and 298, Florida Statutes, and other  
26 applicable general laws, as they may be amended from time to  
27 time.

28 Section 14. Ratification of prior acts.--All acts and  
29 proceedings of the Circuit Court taken by, for, and on behalf  
30 of the District since the creation thereof, and all of the  
31 acts and proceedings of the Board of Supervisors, the

1 Commissioners, and all other officers and agents of the  
2 District, and of the County, acting for and on behalf of the  
3 District, and any and all tax levies and assessments which  
4 have been made by the Board of Supervisors for and on behalf  
5 of the District, are each and every one of them, and each and  
6 every part thereof, hereby ratified, validated, and confirmed.

7       Section 4. It is intended that the provisions of this  
8 act shall be liberally construed for accomplishing the work  
9 authorized and provided for or intended to be provided for by  
10 this act, and when strict construction would result in the  
11 defeat of the accomplishment of any part of the work  
12 authorized by this act and a liberal construction would permit  
13 or assist in the accomplishment of any part of the work  
14 authorized by this act, the liberal construction shall be  
15 chosen.

16       Section 5. If any section, subsection, sentence,  
17 clause, or phrase of this act is held to be unconstitutional,  
18 such holding shall not affect the validity of the remaining  
19 portions of the act, the Legislature hereby declaring that it  
20 would have passed this act and each section, subsection,  
21 sentence, clause, and phrase thereof, irrespective of any  
22 other separate section, subsection, sentence, clause, or  
23 phrase thereof, and irrespective of the fact that any one or  
24 more other sections, subsections, sentences, clauses, or  
25 phrases thereof may be declared unconstitutional.

26       Section 6. Chapters 11864 (1927), 13579 (1929), 24254  
27 (1947), 25328 (1949), 28406 (1953), 57-488, and 63-863, Laws  
28 of Florida, are repealed.

29       Section 7. This act shall take effect upon becoming a  
30 law.

31