

By Representative Waters

1 A bill to be entitled
 2 An act relating to Pinellas Park Water
 3 Management District, Pinellas County; providing
 4 for codification of special laws relating to
 5 Pinellas Park Water Management District
 6 pursuant to s. 189.429, F.S.; providing
 7 legislative intent; amending, repealing,
 8 codifying, and reenacting special acts relating
 9 to the district; providing a title; providing
 10 definitions; providing for creation of the
 11 Pinellas Park Water Management District
 12 Authority and amendment of its charter;
 13 providing for a governing body for the
 14 authority; providing for reimbursement of
 15 expenses pursuant to s. 112.061, F.S.;
 16 providing duties and powers; providing for a
 17 budget; providing boundaries of the authority;
 18 providing for elections and referenda;
 19 providing for amendment of authority
 20 boundaries; providing tax exemptions; providing
 21 construction and effect; providing an effective
 22 date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Pursuant to section 189.429, Florida
 27 Statutes, this act constitutes the codification of all special
 28 acts relating to Pinellas Park Water Management District
 29 Authority. It is the intent of the Legislature to provide a
 30 single, comprehensive special act charter for the authority
 31 including all current legislative authority granted to it by

1 its several legislative enactments and any additional
2 authority granted by this act and chapter 189, Florida
3 Statutes, as it may be amended from time to time. It is
4 further the intent of this act to preserve all authority
5 powers, including the power to annually assess and levy
6 against the taxable property in the district a tax not to
7 exceed 3 mills on the dollar of assessed valuation.

8 Section 2. Chapters 75-491, 77-641, 78-597, 90-448,
9 and 98-456, Laws of Florida, relating to Pinellas Park Water
10 Management District, are amended, codified, reenacted, and
11 repealed as provided herein.

12 Section 3. The charter for the Pinellas Park Water
13 Management District is re-created and reenacted to read:

14 Section 1. Short Title.--This law shall be known and
15 may be cited as the "Pinellas Park Water Management District
16 Law."

17 Section 2. Definitions.--As used in this law and
18 unless the content clearly indicates otherwise:

19 (1) "Authority" means the body politic and corporate,
20 an agency of the county, created by this act.

21 (2) "Members" means the governing body of the
22 authority and "member" means one of the individuals
23 constituting such governing body.

24 (3) "Pinellas Park Water Management District
25 Authority" means initially the municipality of Pinellas Park
26 and the unincorporated areas of Pinellas County surrounding
27 the city limits of Pinellas Park located in the district.

28 (4) "Municipality" means any city, village, borough,
29 or town.

30 (5) "County" means the County of Pinellas.

31 (6) "Storm drainage" means storm water run-off.

1 (7) Words importing singular number shall include the
2 plural number in each case and vice versa, and the words
3 importing persons shall include firms and corporations.

4 Section 3. Pinellas Park Water Management District
5 Authority.--

6 (1) The Pinellas Park Water Management District
7 Authority was created as the Pinellas Park Water Management
8 District by special act of the Legislature in 1975. Its
9 charter may be amended only by special act of the Legislature.

10 (2) The governing body of the authority shall consist
11 of three members, serving and selected as provided herein. Two
12 members shall be appointed by the City Council of Pinellas
13 Park and one member appointed by the Pinellas County
14 Commission. The term of each appointed member shall be for 3
15 years. Each appointed member shall hold office until his or
16 her successor has been appointed and qualified. A vacancy
17 occurring during a term shall be filled only for the balance
18 of the unexpired term. If any selection is not made by the
19 municipality as provided herein, the county commissioners
20 shall appoint an eligible person to the authority with like
21 effect as if the selection were made by the municipality. Any
22 member of the authority shall be eligible for reappointment.

23 (3) Each appointed member of the authority shall be a
24 person who is a qualified elector of the district with an
25 outstanding reputation for civic pride, interest, integrity,
26 responsibility, and business ability. No person who is an
27 officer or employee of any city or of the county in any
28 capacity, except elected officials, shall be an appointed
29 member of the authority.

30 (4) The authority shall annually elect one of its
31 members as chair of the authority and one as a vice chair to

1 serve for 1 year in that capacity or until their successors
2 are elected. At the same time, a secretary and treasurer shall
3 be elected who may or may not be members of the authority, and
4 they shall serve at the will of the authority. The treasurer
5 shall post a good and sufficient surety bond in an amount
6 approved by the Board of County Commissioners. Two members
7 shall constitute a quorum and the vote of two members shall be
8 necessary for any action taken by the authority. No vacancy in
9 the authority shall impair the right of a quorum of the
10 authority to exercise all of the rights and perform all of the
11 duties of the authority. Upon the effective date of his or her
12 appointment or, as soon thereafter as possible, each appointed
13 member of the authority shall enter upon his or her duties.

14 (5) The district shall appoint an engineer who shall
15 be a person of recognized ability and experience to serve at
16 the pleasure of the authority. The district may also appoint
17 or employ such employees as may be necessary for the proper
18 performance of its duties and functions, and may determine the
19 qualifications and fix the compensation of such persons; also,
20 the authority may contract for the services of attorneys,
21 engineers, consultants, and agents for any purpose of the
22 authority, including engineering, management feasibility, and
23 other studies concerning the acquisition, construction,
24 extension, operation, maintenance, regulation, consolidation,
25 and financing of the system in the area.

26 (6) Members of the authority shall be entitled to
27 receive from the authority their traveling and other necessary
28 expenses incurred in connection with the business of the
29 authority, as provided in section 112.061, Florida Statutes,
30 but they shall receive no salaries or other compensation, with
31 the exception of the benefits described in subsection (7).

1 During the unexpired term of any member of the authority, that
2 member may be removed for misconduct, malfeasance,
3 misfeasance, or nonfeasance in office by a two-thirds vote of
4 both appointing governing bodies.

5 (7) In accordance with section 112.08, Florida
6 Statutes, the authority may provide and pay all or part of the
7 premiums out of its available funds for insurance benefits to
8 its board members that are equivalent to the insurance
9 benefits provided to the authority's employees under the
10 authority's group insurance plan.

11 Section 4. Powers and duties.--

12 (1) The authority created and established by the
13 provisions of this act is hereby granted and shall have the
14 right and power to purchase, own, and maintain storm drainage
15 facilities, to contract for construction of facilities, to
16 exercise power of eminent domain, to conduct studies, and to
17 contract with other governmental agencies, private companies,
18 and individuals.

19 (2) The authority is hereby granted, and shall have
20 and may exercise all powers necessary, appurtenant,
21 convenient, or incidental to the carrying out of the aforesaid
22 purposes, including, but without being limited to, the
23 following rights and powers:

24 (a) To sue and be sued, implead and be impleaded,
25 complain and defend in all courts.

26 (b) To adopt, use, and alter at will a corporate seal.

27 (c) To acquire, purchase, hold, lease as a lessee, and
28 use any franchise, property, real, personal, or mixed,
29 tangible, or intangible, or any interest therein, necessary or
30 desirable for carrying out the purposes of the authority, and
31 to sell, lease, transfer, and dispose of any property or

1 interest therein at any time acquired by it. Any sale, lease,
2 or transfer of any property or interest shall be upon
3 competitive bid.

4 (d) To regulate the construction of storm drainage
5 facilities, to establish rules and regulations with respect to
6 storm drainage systems in said area.

7 (e) To collect fees for connection to or use of
8 authority facilities.

9 (f) To make contracts of every name and nature and to
10 execute all instruments necessary or convenient for the
11 carrying on of its business.

12 (g) To enter into management contracts with any person
13 or persons for the management of the district controlled by
14 the authority for such period or periods of time, and under
15 such compensation and other terms and conditions as shall be
16 deemed advisable by the authority.

17 (h) Without limitation, to borrow money and accept
18 gifts or grants or loans of money or other property and to
19 enter into contracts, leases, or other transactions with any
20 federal agency, the state, any agency of the state, the County
21 of Pinellas, or with any other public body of the state.

22 (i) To do all acts and things necessary or convenient
23 for the conduct of its business and the general welfare of the
24 authority in order to carry out the powers granted to it by
25 this part or any other law.

26 (j) To prescribe and promulgate rules and regulations
27 as it deems necessary for the purposes of this act.

28 (3) The authority shall have and the board may
29 exercise all the powers and duties set forth in this act and
30 chapter 189, Florida Statutes, as they may be amended from
31 time to time.

1 (4) The authority shall also hold all powers,
2 functions, and duties set forth in this act and chapter 189,
3 Florida Statutes, as they may be amended from time to time,
4 including, but not limited to, ad valorem taxation, bond
5 issuance, other revenue-raising capabilities, budget
6 preparation and approval, liens and foreclosure of liens, and
7 use of tax deeds and tax certificates. The authority may be
8 financed by any method established in this act or chapter 189,
9 Florida Statutes, as they may be amended from time to time.

10 (5) The methods for assessing and collecting ad
11 valorem taxes, fees, or service charges shall be as set forth
12 in chapters 200, 189, or 197, Florida Statutes, as they may be
13 amended from time to time.

14 (6) The authority's planning requirements shall be as
15 set forth in this act and chapter 189, Florida Statutes, as
16 they may be amended from time to time.

17 (7) The authority's geographic boundary limitations
18 shall be as set forth in this act.

19 (8) Requirements for financial disclosure, meeting
20 notices, reporting, public records maintenance, and per diem
21 expenses for officers and employees shall be as set forth in
22 chapters 112, 119, 189, and 286, Florida Statutes, as they may
23 be amended from time to time.

24 Section 5. Budget.--The budget of the authority is not
25 subject to approval by the Board of County Commissioners of
26 Pinellas County. For planning and budget purposes, the fiscal
27 year of the authority shall commence on October 1 of each year
28 and end on September 30 of the succeeding year. The debts of
29 the authority are the sole responsibility of the authority.
30 The authority shall comply with financial disclosure and
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1 reporting requirements imposed by general law, including
2 chapter 189, Florida Statutes.

3 Section 6. Pinellas Park Water Management District
4 Area.--The Pinellas Park Water Management District shall
5 consist of the major outfall channels #1, 2, 3, 4, and 5,
6 located in certain unincorporated and incorporated areas, all
7 located within Pinellas County, Florida, and more specifically
8 defined as follows:

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10 Beginning at the intersection of Joe's Creek
11 and the Cross Bayou Canal, in the Southeast 1/4
12 of Section 25-30-15; thence proceeding in a
13 general Northeasterly direction along the
14 centerline of Cross Bayou Canal to its
15 intersection with the North side of Section
16 19-30-16, which is also the centerline of 102nd
17 Avenue; thence running East along the
18 centerline of 102nd Avenue and the North
19 section line of Section 19; thence along the
20 North line of Section 20 to the Northeast
21 corner thereof; thence Northerly along the West
22 boundary of Section 16 for 2000' MOL; thence
23 Easterly 2000' MOL to the Westerly R/W line of
24 U.S. 19; thence Southeasterly along the
25 Westerly R/W line of U.S. 19 to the centerline
26 of 102nd Avenue; thence Easterly along the
27 North line of Sections 21, 22, and 23, to the
28 West R/W line of I-275; thence Southerly along
29 the Westerly R/W line of I-275, which is
30 located MOL on the East line of Sections 23 and
31 26; thence proceeding in a Southerly direction

1 to the East 1/4 corner of Section 26; thence in
2 a Southwesterly direction 3000' MOL to the
3 Northeast corner of the Southeast 1/4 of the
4 Southwest 1/4 of Section 26-30-16; thence
5 turning and running West along the North side
6 of the Southeast 1/4 of the Southwest 1/4 of
7 Section 26-30-16 a distance of 330'; thence
8 running South along a line 330' West of and
9 parallel to the 1/2 Section line to the South
10 line of Section 26-30-16; thence turning and
11 running West along the South line of Section
12 26-30-16 a distance of 660' to a point 990'
13 West of the 1/2 Section line; thence turning
14 and running South along a line 990' West of the
15 half section line of Section 35-30-16 to a
16 point on the South line of the Northeast 1/4 of
17 the Southwest 1/4 of Section 35-30-16; thence
18 turning and running East along the South line
19 of the Northeast 1/4 of the Southwest 1/4 of
20 Section 35-30-16 to the half section line and
21 the Northeast corner of the Southeast 1/4 of
22 the Southwest 1/4 of Section 35-30-16; thence
23 turning and running South along the half
24 Section line to the South line of Section
25 35-30-16 and the centerline of 54th Avenue
26 North; thence turning and running West along
27 South line of Sections 35, 34 and 33-30-16 and
28 the centerline of 54th Avenue North to the
29 Southwest corner of Section 33-30-16 also being
30 the Northeast corner of Section 5-31-16; thence
31 west along said centerline of 54th Avenue to a

1 point opposite the dividing line between Lots
2 43 and 44 of Kenneth City of Unit 9 Replat
3 47-31; thence South 550 ft. more or less, along
4 said dividing line and the extension thereof to
5 its intersection with a line running from the
6 Northeast corner of Section 5-31-16
7 Southwesterly to the Southwest corner of the
8 Northwest 1/4 of the Northwest 1/4 of Section
9 5-31-16; thence turning and running Southwest
10 on said line and continuing Southwesterly as an
11 extension of the line to a point of
12 intersection with the waterline of Joe's Creek;
13 thence following the centerline of Joe's Creek
14 R/W in the Northwesterly direction to the
15 intersection of Joe's Creek and Cross Bayou
16 Canal and the Point of Beginning.

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18 Section 7. Exemption from taxation.--Notwithstanding
19 any other law to the contrary, the property, moneys, and other
20 assets of the authority and all revenues or other income of
21 the authority shall be exempt from all taxation, licenses,
22 fees, or other charges of any kind imposed by the state or by
23 the county or by any municipality, political subdivision,
24 taxing district, or other public agency or body of the state.

25 Section 8. Independent special district taxation.--The
26 Pinellas Park Water Management District shall be deemed an
27 independent special district and is authorized to levy ad
28 valorem tax on the taxable real property in the district at a
29 rate sufficient to produce an amount that may be necessary for
30 the purposes of this act, not to exceed 3 mills, provided such
31 millage limit is approved by a vote of the electors who are

1 not wholly exempt from taxation. Property taxes determined and
2 levied under this section shall be certified by the authority
3 to the county auditor, extended, assessed, and collected in
4 like manner as provided by law for regular property taxes for
5 the county or municipalities and in accordance with chapter
6 200, Florida Statutes. The proceeds under this section shall
7 be remitted by the tax collector to the treasurer of the
8 authority who shall credit them to the funds of the authority
9 for use of the purposes of this law. At any time after making
10 a tax levy under this section and certifying the same to the
11 county, the authority may issue tax anticipation notes of
12 indebtedness in anticipation of the collection of such taxes.
13 If property in the district is not receiving or will not
14 receive any benefit from the district's works or activities,
15 such property may be removed from the district by amendment to
16 section 5 of the district's enabling act, pursuant to the
17 requirements of section 11.02, Florida Statutes, and section
18 10, Article III of the State Constitution.

19 Section 9. Expansion of area.--Upon a resolution
20 adopted by the governing body of municipalities adjoining the
21 present water management district area or by the Board of
22 County Commissioners for adjoining unincorporated areas, the
23 authority may include such areas in the Pinellas Park Water
24 Management District Area subject to approval of electors in
25 the added area for tax purposes as provided herein and passage
26 of a special act.

27 Section 10. Elections.--The procedures for conducting
28 elections or referenda by the authority shall be pursuant to
29 chapter 189, Florida Statutes, as it may be amended from time
30 to time.

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1 Section 11. Construction.--This act shall be construed
2 as remedial and shall be liberally construed to promote the
3 purpose for which it is intended.

4 Section 12. Effect.--In the event that any part of
5 this act should be held void for any reason, such holding
6 shall not affect any other part thereof.

7 Section 4. Chapters 75-491, 77-641, 78-597, 90-448,
8 and 98-456, Laws of Florida, are repealed.

9 Section 5. In the event of a conflict of the
10 provisions of this act with the provisions of any other act
11 the provisions of this act shall control to the extent of such
12 conflict.

13 Section 6. This act shall take effect upon becoming a
14 law.

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