

By Senator Bullard

39-1241-06

See HB 725

1                                   A bill to be entitled  
2           An act relating to the Everglades Area  
3           Stewardship District, Palm Beach County;  
4           creating and establishing the district as an  
5           independent special district; providing  
6           boundaries of the district; providing powers of  
7           the district; providing for a board of  
8           supervisors; providing qualifications, terms of  
9           office, appointment procedures, powers, duties,  
10          and compensation of board members; providing  
11          for non-ad valorem assessments; providing for  
12          penalties on delinquent assessments; providing  
13          for compensation of the property appraiser, tax  
14          collector, and clerk of the circuit court for  
15          assessment services as provided by general law;  
16          providing for enforcement of assessments;  
17          providing for the issuance of bonds; providing  
18          severability; requiring a referendum; providing  
19          an effective date.

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

22  
23           Section 1. District establishment and boundaries.--For  
24 the purposes of providing public infrastructure and services;  
25 the assessment, levy, and collection of non-ad valorem  
26 assessments and fees; the operation of district facilities and  
27 services; and all other purposes stated in this act consistent  
28 with chapters 189 and 298, Florida Statutes, and other  
29 applicable general law, an independent stewardship district is  
30 hereby created and established in Palm Beach County, to be  
31 known as the Everglades Area Stewardship District (the

1 "district"), the territorial boundaries of which shall be as  
2 follows:  
3  
4 All land within the incorporated boundaries of the cities of  
5 Pahokee, Belle Glade and South Bay; Kreamer Island; Torry  
6 Island; all privately owned land within the Sections 33 and  
7 34, Township 41 South, Range 37 East; all privately owned,  
8 unincorporated lands within Sections 9, 10, 15, 16, 19, 20,  
9 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, Township 42 South,  
10 Range 37 East, all privately owned, unincorporated lands  
11 within Township 42 South, Range 36 East; all privately owned,  
12 unincorporated lands within Township 43 South, Range 36 East;  
13 all privately held, unincorporated land within Sections 3, 4,  
14 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29,  
15 30, 31, 32, 33, and 34, Township 43 South, Range 37 East; Lots  
16 3, 4, and 5; all privately held, unincorporated land within  
17 Sections 3, 4, 5, 6, 7, 8, 9, and 10, Township 44 South, Range  
18 37 East; all privately held, unincorporated lands within  
19 Sections 1 through 24, Township 44 South, Range 36 East; all  
20 privately held, unincorporated lands within Sections 1 through  
21 18, Township 44 South, Range 35 East; all privately held,  
22 unincorporated lands within Township 43 South, Range 35 East  
23 within Palm Beach County.

24       Section 2. Provisions of other laws made  
25 applicable.--The provisions of chapters 189 and 298, Florida  
26 Statutes, are declared to be applicable to the Everglades Area  
27 Stewardship District. The Everglades Area Stewardship District  
28 shall have all of the powers and authorities mentioned in or  
29 conferred by chapters 189 and 298, Florida Statutes.

30       Section 3. Powers of the district.--The district shall  
31 have the following powers:

1       (1) To sue and be sued by its name in any court of law  
2 or in equity; to make contracts; and to adopt and use a  
3 corporate seal and alter the same at pleasure.

4       (2) To acquire by purchase, gift, or condemnation real  
5 and personal property, either or both, within or without the  
6 district; and to convey and dispose of such real and personal  
7 property, either or both, as may be necessary or convenient to  
8 carry out the purposes, or any of the purposes of this act and  
9 chapter 298, Florida Statutes.

10       (3) To construct, operate, and maintain canals,  
11 ditches, drains, levees, lakes, ponds, and other works for  
12 water management and control purposes.

13       (4) To acquire, purchase, operate, and maintain pumps,  
14 plants, and pumping systems for water management and control  
15 purposes.

16       (5) To construct, operate, and maintain irrigation  
17 works, machinery, and plants.

18       (6) To construct, improve, pave, and maintain roadways  
19 and roads necessary and convenient for the exercise of the  
20 powers or duties or any of the powers or duties of the  
21 district or the supervisors thereof; and to include as a  
22 component of roads parkways, bridges, landscaping, irrigation,  
23 bicycle and jogging paths, street lighting, traffic signals,  
24 road striping, and all other customary elements of a modern  
25 road system.

26       (7) To finance, fund, plan, establish, acquire,  
27 construct or reconstruct, enlarge or extend, equip, operate,  
28 and maintain systems and facilities for providing  
29 transportation throughout the district, including private or  
30 contract carriers, buses, vehicles, railroads, and other  
31 transportation facilities, to meet the transportation

1 requirements of the district in activities conducted within  
2 the district.

3 (8) To finance, fund, plan, establish, acquire,  
4 construct or reconstruct, enlarge or extend, equip, operate,  
5 and maintain parking facilities within the district  
6 boundaries.

7 (9) To finance, fund, plan, establish, acquire,  
8 construct or reconstruct, enlarge or extend, equip, operate,  
9 and maintain additional systems and facilities for parks and  
10 facilities for indoor and outdoor recreational, cultural, and  
11 educational uses.

12 (10) To acquire, construct, finance, operate, and  
13 maintain water plants and systems to produce, purify, and  
14 distribute water for consumption.

15 (11) To acquire, construct, finance, operate, and  
16 maintain sewer systems for the collection, disposal, and reuse  
17 of waste and to prevent water pollution in the district.

18 (12) To levy non-ad valorem assessments; to prescribe,  
19 fix, establish, and collect rates, fees, rentals, fares, or  
20 other charges, and to revise the same from time to time, for  
21 the facilities and services furnished or to be furnished by  
22 the district; and to recover the cost of making connection to  
23 any district facility or system.

24 (13) To provide for the discontinuance of service and  
25 reasonable penalties, including attorney's fees, against any  
26 user or property for any such rates, fees, rentals, fares, or  
27 other charges that become delinquent and require collection.  
28 However, no charges or fees shall be established until after a  
29 public hearing of the board at the district at which all  
30 affected persons shall be given an opportunity to be heard.

31

1           (14) To enter into agreements with any person, firm,  
2 or corporation for the furnishing by such person, firm, or  
3 corporation of any facilities and services of the type  
4 provided for in this act.

5           (15) To enter into impact fee credit agreements with  
6 local general-purpose governments. In the event the district  
7 enters into an impact fee credit agreement with a local  
8 general-purpose government where the district constructs or  
9 makes contributions for public facilities for which impact fee  
10 credits would be available, the agreement may provide that  
11 such impact fee credits shall inure to the landowners within  
12 the district in proportion to their relative assessments, and  
13 the district shall, from time to time, execute such  
14 instruments, such as assignments of impact fee credits, as may  
15 be necessary or desirable to accomplish or confirm the  
16 foregoing.

17           (16) To construct and maintain facilities for and take  
18 measures to control mosquitoes and other arthropods of public  
19 health importance.

20           (17) To finance, fund, plan, establish, acquire,  
21 construct or reconstruct, enlarge or extend, equip, operate,  
22 and maintain additional systems and facilities for  
23 conservation areas, mitigation areas, and wildlife habitat,  
24 including the maintenance of any plant or animal species.

25           (18) To borrow money and issue negotiable or other  
26 bonds of the district as hereinafter provided, bearing  
27 interest at an amount not to exceed the maximum interest  
28 allowable by law, in anticipation of the collection of taxes  
29 and assessments or revenues of the district, and to pledge or  
30 hypothecate such taxes, assessments, and revenues to secure  
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1 such bonds, notes, or obligations, and to sell, discount,  
2 negotiate, and dispose of the same.

3 (19) To provide public safety, including, but not  
4 limited to, security, guardhouses, fences and gates,  
5 electronic intrusion detection systems, and patrol cars, when  
6 authorized by proper governmental agencies, except that the  
7 district may not exercise any police power, but may contract  
8 with the appropriate local general-purpose governmental  
9 agencies for an increased level of such service within the  
10 district boundaries.

11 (20) To provide systems and facilities for fire  
12 prevention and control and emergency medical services,  
13 including the construction or purchase of fire stations, water  
14 mains and plugs, fire trucks, and other vehicles and equipment  
15 consistent with any adopted Palm Beach County ordinances,  
16 rules, or regulations.

17 (21) To finance, fund, plan, establish, acquire,  
18 construct or reconstruct, enlarge or extend, equip, and  
19 maintain additional systems and facilities for school  
20 buildings and related structures pursuant to this act and  
21 chapter 1013, Florida Statutes, which may be leased, sold, or  
22 donated to the school district for use in the educational  
23 system when authorized by the district school board.

24 (22) To implement district plans and projects within  
25 units of development pursuant to chapter 298, Florida  
26 Statutes.

27 (23) To establish and create such departments,  
28 committees, boards, or other agencies, including a public  
29 relations committee, as from time to time the board of  
30 supervisors may deem necessary or desirable in the performance  
31 of this act or other things necessary to the exercise of the

1 powers provided in this act, and to delegate to such  
2 departments, boards, or other agencies such administrative  
3 duties and other powers as the board of supervisors may deem  
4 necessary or desirable.

5 (24) To accept and utilize grants, gifts, or loans for  
6 the provision of public infrastructure from all available  
7 public and private sources.

8 (25) To exercise all other powers necessary,  
9 convenient, or proper in connection with any of the powers or  
10 duties of the district stated in this act. The powers and  
11 duties of the district shall be exercised by and through the  
12 board of supervisors thereof, which board shall have the  
13 authority to employ engineers, attorneys, agents, employees,  
14 and representatives as the board of supervisors may from time  
15 to time determine, and to fix their compensation and duties.  
16 All powers and authority of the district shall extend and  
17 apply to the district as a whole and to each unit of  
18 development as, from time to time, may be designated by the  
19 board of supervisors.

20 Section 4. Board of supervisors; organization, powers,  
21 duties, and terms of office; vacancies.--

22 (1) There is hereby created the Board of Supervisors  
23 of the Everglades Area Stewardship District, which shall be  
24 the governing body of the district. The board of supervisors  
25 shall consist of five persons who, except as herein otherwise  
26 provided, shall hold office for terms of 4 years each and  
27 until their successors shall be duly appointed.

28 (2) Members of the board of supervisors shall be  
29 appointed by the Governor. Three members shall be residents  
30 and electors within the Cities of South Bay, Belle Glade, and  
31 Pahokee. Two members shall be landowners within the

1 unincorporated portion of the district and residents and  
2 electors within Palm Beach County. The Governor shall appoint  
3 all board members within 30 days after the date of the  
4 referendum required pursuant to section 10, provided resident  
5 electors of the district approve of district creation. Initial  
6 board members appointed as resident electors of incorporated  
7 areas shall serve from the date of appointment until September  
8 30, 2008, and until their successors are appointed. Board  
9 members appointed from unincorporated areas shall serve from  
10 the date of appointment until September 30, 2010, and until  
11 their successors are appointed. Thereafter, all terms shall be  
12 4 years each.

13 (3) The Board of Supervisors of the Everglades Area  
14 Stewardship District shall be residents of the state and Palm  
15 Beach County and citizens of the United States. In case of a  
16 vacancy in the office of any supervisor, the remaining  
17 supervisors may fill such vacancy until September 30 of the  
18 year in which the vacancy occurred or September 30 of the year  
19 after the vacancy occurred if it occurred on October 1 or  
20 thereafter, when his or her successor shall be appointed by  
21 the Governor for the unexpired term. All supervisors shall  
22 hold office until their successors have been appointed and  
23 qualified. A supervisor may be removed from office by the  
24 Governor pursuant to section 298.11, Florida Statutes.

25 (4) As soon as practicable after appointment, the  
26 board of supervisors of the district shall organize by  
27 choosing one member to serve as president of the board of  
28 supervisors and by electing some suitable person, who may or  
29 may not be a member of the board, to serve as secretary. The  
30 board of supervisors shall adopt a seal, which shall be the  
31 seal of the district.



1           (5) The board shall thereafter be responsible for the  
2 development, adoption, and implementation of an infrastructure  
3 facilities plan in cooperation with Palm Beach County, the  
4 Cities of South Bay, Belle Glade, and Pahokee, and any other  
5 cooperating political subdivisions and private business  
6 entities. The purpose of the plan shall be development and  
7 implementation of an orderly strategy for the provision of  
8 public infrastructure and facilities within the district to  
9 stimulate redevelopment and sound economic growth.

10           (6) Prior to taking any district action, a quorum must  
11 be present. Quorum for district meetings shall be three  
12 supervisors.

13           Section 5. Compensation of board; per diem.--The board  
14 of supervisors may be compensated up to \$500 per month upon  
15 approval by four of the five board members. The board of  
16 supervisors may, by resolution, adopt a rate of reimbursement  
17 for travel, mileage, and meals for board members and district  
18 employees and representatives on official district business  
19 pursuant to applicable general law.

20           Section 6. Non-ad valorem assessments.--

21           (1) NON-AD VALOREM ASSESSMENTS.--Non-ad valorem  
22 assessments for the construction, operation, or maintenance of  
23 district facilities, services, and operations shall be  
24 assessed, levied, and collected pursuant to chapter 170 or  
25 chapter 197, Florida Statutes. The district may levy a uniform  
26 initial assessment pursuant to section 298.349, Florida  
27 Statutes, for the purposes stated therein against all  
28 assessable property within the district, provided, however,  
29 that the initial assessment shall not exceed \$10 per acre or  
30 any fraction thereof. The uniform initial assessment shall be  
31 placed upon the Palm Beach County tax roll by the property

1 appraiser and collected thereafter by the county tax collector  
2 upon notice that the board has levied the assessment.

3 (2) ASSESSMENTS AND COSTS; A LIEN ON LAND AGAINST  
4 WHICH ASSESSED.--All assessments provided for in this act,  
5 together with all penalties for default in payment of the same  
6 and all costs in collecting the same, shall, from the date of  
7 assessment thereof until paid, constitute a lien of equal  
8 dignity with the liens for county taxes, and other taxes of  
9 equal dignity with county taxes, upon all the lands against  
10 which such taxes shall be levied as is provided in this  
11 chapter.

12 (3) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR,  
13 AND CLERK OF THE CIRCUIT COURT.--The Property Appraiser, Tax  
14 Collector, and Clerk of the Circuit Court of Palm Beach County  
15 shall be entitled to compensation for services performed in  
16 connection with assessments of the district as provided by  
17 general law.

18 (4) LEVY OF NON-AD VALOREM ASSESSMENTS ON LAND LESS  
19 THAN 1 ACRE.--In levying and assessing all assessments, each  
20 tract or parcel of land less than 1 acre in area shall be  
21 assessed as a full acre, and each tract or parcel of land more  
22 than 1 acre in area which contains a fraction of an acre shall  
23 be assessed at the nearest whole number of acres, a fraction  
24 of one-half or more to be assessed as a full acre.

25 Section 7. When unpaid assessments delinquent;  
26 penalty.--All assessments provided for in this act shall be  
27 and become delinquent and bear penalties on the amount of the  
28 assessments in the same manner as county taxes.

29 Section 8. Enforcement of assessments.--The collection  
30 and enforcement of all assessments levied by the district  
31 shall be at the same time and in like manner as county taxes;

1 and the provisions of general law relating to the sale of  
2 lands for unpaid and delinquent county taxes; the issuance,  
3 sale, and delivery of tax certificates for such unpaid and  
4 delinquent county taxes; the redemption thereof; the issuance  
5 to individuals of tax deeds based thereon; and all other  
6 procedures in connection therewith shall be applicable to the  
7 district and the delinquent and unpaid assessments of the  
8 district to the same extent as if the statutory provisions  
9 were expressly set forth in this act. All assessments shall be  
10 subject to the same discounts as county taxes.

11 Section 9. Issuance of revenue bonds, assessment  
12 bonds, and bond anticipation notes.--

13 (1) In addition to the other powers provided the  
14 district, and not in limitation thereof, the district shall  
15 have the power, pursuant to this act and applicable general  
16 law, at any time, and from time to time, after the issuance of  
17 any bonds of the district shall have been authorized, to  
18 borrow money for the purposes for which such bonds are to be  
19 issued in anticipation of the receipt of the proceeds of the  
20 sale of such bonds and to issue bond anticipation notes in a  
21 principal sum not in excess of the authorized maximum amount  
22 of such bond issue.

23 (2) Pursuant to this act and applicable general law,  
24 the district shall have the power to issue assessment bonds  
25 and revenue bonds from time to time, without limitation as to  
26 amount, for the purpose of financing those systems and  
27 facilities provided for in section 3. Such bonds may be  
28 secured by, or payable from, the gross or net pledge of the  
29 revenues to be derived from any project or combination of  
30 projects; from the rates, fees, or other charges to be  
31 collected from the users of any project or projects; from any

1 revenue-producing undertaking or activity of the district;  
2 from non-ad valorem assessments; or from any other source or  
3 pledged security. Such bonds shall not constitute an  
4 indebtedness of the district, and the approval of the  
5 qualified electors shall not be required unless such bonds are  
6 additionally secured by the full faith and credit and taxing  
7 power of the district.

8       (3) Any issue of bonds may be secured by a trust  
9 agreement by and between the district and a corporate trustee  
10 or trustees, which may be any trust company or bank having the  
11 powers of a trust company within or without the state. The  
12 resolution authorizing the issuance of the bonds or such trust  
13 agreement may pledge the revenues to be received from any  
14 projects of the district and may contain such provisions for  
15 protecting and enforcing the rights and remedies of the  
16 bondholders as the board may approve, including, without  
17 limitation, covenants setting forth the duties of the district  
18 in relation to the acquisition, construction, reconstruction,  
19 stewardship, maintenance, repair, operation, and insurance of  
20 any projects; the fixing and revising of the rates, fees, and  
21 charges; and the custody, safeguarding, and application of all  
22 moneys and for the employment of consulting engineers in  
23 connection with such acquisition, construction,  
24 reconstruction, stewardship, maintenance, repair, or  
25 operation.

26       (4) Bonds of each issue shall be dated; shall bear  
27 interest at such rate or rates, including variable rates,  
28 which interest may be tax exempt or taxable for federal income  
29 tax purposes; shall mature at such time or times from their  
30 date or dates; and may be made redeemable before maturity at  
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1 such price or prices and under such terms and conditions as  
2 may be determined by the board.

3 (5) The district shall have the power to issue bonds  
4 for the purpose of refunding any outstanding bonds of the  
5 district.

6 (6) All bonds issued by the district shall comply with  
7 the applicable provisions of chapter 298, Florida Statutes,  
8 and other applicable general law.

9 Section 10. Referendum.--

10 (1) In conjunction with the general election held on  
11 November 7, 2006, and in accordance with the general laws  
12 governing elections, the Palm Beach County Supervisor of  
13 Elections shall conduct a referendum of qualified electors for  
14 the purpose of posing the following question:

15  
16 Creation of the Everglades Area Stewardship District

17  
18 Shall the Everglades Area Stewardship District be created by  
19 special act of the Legislature and authorized to levy user  
20 fees and non ad-valorem assessments on real property within  
21 the district for the purpose of financing public  
22 infrastructure and providing services within the district?

23  
24 Yes

25 No

26  
27 (2) "Qualified elector" means a person who is  
28 registered to vote in a general election in Palm Beach County  
29 and who resides within the boundaries of the district as set  
30 forth in section 1.

31

1           Section 11. Severability.--In case any one or more of  
2 the sections or provisions of this act or the application of  
3 such sections or provisions to any situation, circumstance, or  
4 person shall for any reason be held to be unconstitutional,  
5 such unconstitutionality shall not affect any other sections  
6 or provisions of this act or the application of such sections  
7 or provisions to any other situation, circumstance, or person,  
8 and it is intended that this law shall be construed and  
9 applied as if such section or provision had not been included  
10 herein for any unconstitutional application.

11           Section 12. This act shall take effect only upon its  
12 approval by a majority vote of those qualified electors of the  
13 area described in section 1 voting in a referendum election  
14 held in accordance with section 10, except that this section  
15 and section 10 shall take effect upon becoming a law.

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