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1 A bill to be entitled

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

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. District establishment and boundaries.--For the
21 purposes of providing public infrastructure and services; the
22 assessment, levy, and collection of non-ad valorem assessments
23 and fees; the operation of district facilities and services; and
24 all other purposes stated in this act consistent with chapters
25 189 and 298, Florida Statutes, and other applicable general law,
26 an independent stewardship district is hereby created and
27 established in Palm Beach County, to be known as the Everglades
28 Area Stewardship District (the "district"), the territorial

29 boundaries of which shall be as follows:

30
 31 All land within the incorporated boundaries of the
 32 cities of Pahokee, Belle Glade and South Bay; Kreamer
 33 Island; Torry Island; all privately owned land within
 34 the Sections 33 and 34, Township 41 South, Range 37
 35 East; all privately owned, unincorporated lands within
 36 Sections 9, 10, 15, 16, 19, 20, 21, 22, 27, 28, 29,
 37 30, 31, 32, 33 and 34, Township 42 South, Range 37
 38 East, all privately owned, unincorporated lands within
 39 Township 42 South, Range 36 East; all privately owned,
 40 unincorporated lands within Township 43 South, Range
 41 36 East; all privately held, unincorporated land
 42 within Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17,
 43 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and
 44 34, Township 43 South, Range 37 East; Lots 3, 4, and
 45 5; all privately held, unincorporated land within
 46 Sections 3, 4, 5, 6, 7, 8, 9, and 10, Township 44
 47 South, Range 37 East; all privately held,
 48 unincorporated lands within Sections 1 through 24,
 49 Township 44 South, Range 36 East; all privately held,
 50 unincorporated lands within Sections 1 through 18,
 51 Township 44 South, Range 35 East; all privately held,
 52 unincorporated lands within Township 43 South, Range
 53 35 East within Palm Beach County.

54
 55 Section 2. Provisions of other laws made applicable.--The
 56 provisions of chapters 189 and 298, Florida Statutes, are

57 declared to be applicable to the Everglades Area Stewardship
58 District. The Everglades Area Stewardship District shall have
59 all of the powers and authorities mentioned in or conferred by
60 chapters 189 and 298, Florida Statutes.

61 Section 3. Powers of the district.--The district shall
62 have the following powers:

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

66 (2) To acquire by purchase, gift, or condemnation real and
67 personal property, either or both, within or without the
68 district; and to convey and dispose of such real and personal
69 property, either or both, as may be necessary or convenient to
70 carry out the purposes, or any of the purposes of this act and
71 chapter 298, Florida Statutes.

72 (3) To construct, operate, and maintain canals, ditches,
73 drains, levees, lakes, ponds, and other works for water
74 management and control purposes.

75 (4) To acquire, purchase, operate, and maintain pumps,
76 plants, and pumping systems for water management and control
77 purposes.

78 (5) To construct, operate, and maintain irrigation works,
79 machinery, and plants.

80 (6) To construct, improve, pave, and maintain roadways and
81 roads necessary and convenient for the exercise of the powers or
82 duties or any of the powers or duties of the district or the
83 supervisors thereof; and to include as a component of roads
84 parkways, bridges, landscaping, irrigation, bicycle and jogging

85 paths, street lighting, traffic signals, road striping, and all
86 other customary elements of a modern road system.

87 (7) To finance, fund, plan, establish, acquire, construct
88 or reconstruct, enlarge or extend, equip, operate, and maintain
89 systems and facilities for providing transportation throughout
90 the district, including private or contract carriers, buses,
91 vehicles, railroads, and other transportation facilities, to
92 meet the transportation requirements of the district in
93 activities conducted within the district.

94 (8) To finance, fund, plan, establish, acquire, construct
95 or reconstruct, enlarge or extend, equip, operate, and maintain
96 parking facilities within the district boundaries.

97 (9) To finance, fund, plan, establish, acquire, construct
98 or reconstruct, enlarge or extend, equip, operate, and maintain
99 additional systems and facilities for parks and facilities for
100 indoor and outdoor recreational, cultural, and educational uses.

101 (10) To acquire, construct, finance, operate, and maintain
102 water plants and systems to produce, purify, and distribute
103 water for consumption.

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

107 (12) To levy non-ad valorem assessments; to prescribe,
108 fix, establish, and collect rates, fees, rentals, fares, or
109 other charges, and to revise the same from time to time, for the
110 facilities and services furnished or to be furnished by the
111 district; and to recover the cost of making connection to any
112 district facility or system.

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

120 (14) To enter into agreements with any person, firm, or
121 corporation for the furnishing by such person, firm, or
122 corporation of any facilities and services of the type provided
123 for in this act.

124 (15) To enter into impact fee credit agreements with local
125 general-purpose governments. In the event the district enters
126 into an impact fee credit agreement with a local general-purpose
127 government where the district constructs or makes contributions
128 for public facilities for which impact fee credits would be
129 available, the agreement may provide that such impact fee
130 credits shall inure to the landowners within the district in
131 proportion to their relative assessments, and the district
132 shall, from time to time, execute such instruments, such as
133 assignments of impact fee credits, as may be necessary or
134 desirable to accomplish or confirm the foregoing.

135 (16) To construct and maintain facilities for and take
136 measures to control mosquitoes and other arthropods of public
137 health importance.

138 (17) To finance, fund, plan, establish, acquire, construct
139 or reconstruct, enlarge or extend, equip, operate, and maintain
140 additional systems and facilities for conservation areas,

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141 mitigation areas, and wildlife habitat, including the
142 maintenance of any plant or animal species.

143 (18) To borrow money and issue negotiable or other bonds
144 of the district as hereinafter provided, bearing interest at an
145 amount not to exceed the maximum interest allowable by law, in
146 anticipation of the collection of taxes and assessments or
147 revenues of the district, and to pledge or hypothecate such
148 taxes, assessments, and revenues to secure such bonds, notes, or
149 obligations, and to sell, discount, negotiate, and dispose of
150 the same.

151 (19) To provide public safety, including, but not limited
152 to, security, guardhouses, fences and gates, electronic
153 intrusion detection systems, and patrol cars, when authorized by
154 proper governmental agencies, except that the district may not
155 exercise any police power, but may contract with the appropriate
156 local general-purpose governmental agencies for an increased
157 level of such service within the district boundaries.

158 (20) To provide systems and facilities for fire prevention
159 and control and emergency medical services, including the
160 construction or purchase of fire stations, water mains and
161 plugs, fire trucks, and other vehicles and equipment consistent
162 with any adopted Palm Beach County ordinances, rules, or
163 regulations.

164 (21) To finance, fund, plan, establish, acquire, construct
165 or reconstruct, enlarge or extend, equip, and maintain
166 additional systems and facilities for school buildings and
167 related structures pursuant to this act and chapter 1013,
168 Florida Statutes, which may be leased, sold, or donated to the

169 school district for use in the educational system when
 170 authorized by the district school board.

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

173 (23) To establish and create such departments, committees,
 174 boards, or other agencies, including a public relations
 175 committee, as from time to time the board of supervisors may
 176 deem necessary or desirable in the performance of this act or
 177 other things necessary to the exercise of the powers provided in
 178 this act, and to delegate to such departments, boards, or other
 179 agencies such administrative duties and other powers as the
 180 board of supervisors may deem necessary or desirable.

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

184 (25) To exercise all other powers necessary, convenient,
 185 or proper in connection with any of the powers or duties of the
 186 district stated in this act. The powers and duties of the
 187 district shall be exercised by and through the board of
 188 supervisors thereof, which board shall have the authority to
 189 employ engineers, attorneys, agents, employees, and
 190 representatives as the board of supervisors may from time to
 191 time determine, and to fix their compensation and duties. All
 192 powers and authority of the district shall extend and apply to
 193 the district as a whole and to each unit of development as,
 194 from time to time, may be designated by the board of
 195 supervisors.

196 Section 4. Board of supervisors; organization, powers,

197 duties, and terms of office; vacancies.--

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

204 (2) Members of the board of supervisors shall be appointed
 205 by the Governor. Three members shall be residents and electors
 206 within the Cities of South Bay, Belle Glade, and Pahokee. Two
 207 members shall be landowners within the unincorporated portion of
 208 the district and residents and electors within Palm Beach
 209 County. The Governor shall appoint all board members within 30
 210 days after the date of the referendum required pursuant to
 211 section 10, provided resident electors of the district approve
 212 of district creation. Initial board members appointed as
 213 resident electors of incorporated areas shall serve from the
 214 date of appointment until September 30, 2008, and until their
 215 successors are appointed. Board members appointed from
 216 unincorporated areas shall serve from the date of appointment
 217 until September 30, 2010, and until their successors are
 218 appointed. Thereafter, all terms shall be 4 years each.

219 (3) The Board of Supervisors of the Everglades Area
 220 Stewardship District shall be residents of the state and Palm
 221 Beach County and citizens of the United States. In case of a
 222 vacancy in the office of any supervisor, the remaining
 223 supervisors may fill such vacancy until September 30 of the year
 224 in which the vacancy occurred or September 30 of the year after

225 the vacancy occurred if it occurred on October 1 or thereafter,
 226 when his or her successor shall be appointed by the Governor for
 227 the unexpired term. All supervisors shall hold office until
 228 their successors have been appointed and qualified. A supervisor
 229 may be removed from office by the Governor pursuant to section
 230 298.11, Florida Statutes.

231 (4) As soon as practicable after appointment, the board of
 232 supervisors of the district shall organize by choosing one
 233 member to serve as president of the board of supervisors and by
 234 electing some suitable person, who may or may not be a member of
 235 the board, to serve as secretary. The board of supervisors shall
 236 adopt a seal, which shall be the seal of the district.

237 (5) The board shall thereafter be responsible for the
 238 development, adoption, and implementation of an infrastructure
 239 facilities plan in cooperation with Palm Beach County, the
 240 Cities of South Bay, Belle Glade, and Pahokee, and any other
 241 cooperating political subdivisions and private business
 242 entities. The purpose of the plan shall be development and
 243 implementation of an orderly strategy for the provision of
 244 public infrastructure and facilities within the district to
 245 stimulate redevelopment and sound economic growth.

246 (6) Prior to taking any district action, a quorum must be
 247 present. Quorum for district meetings shall be three
 248 supervisors.

249 Section 5. Compensation of board; per diem.--The board of
 250 supervisors may be compensated up to \$500 per month upon
 251 approval by four of the five board members. The board of
 252 supervisors may, by resolution, adopt a rate of reimbursement

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253 for travel, mileage, and meals for board members and district
254 employees and representatives on official district business
255 pursuant to applicable general law.

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

257 (1) NON-AD VALOREM ASSESSMENTS.--Non-ad valorem
258 assessments for the construction, operation, or maintenance of
259 district facilities, services, and operations shall be assessed,
260 levied, and collected pursuant to chapter 170 or chapter 197,
261 Florida Statutes. The district may levy a uniform initial
262 assessment pursuant to section 298.349, Florida Statutes, for
263 the purposes stated therein against all assessable property
264 within the district, provided, however, that the initial
265 assessment shall not exceed \$10 per acre or any fraction
266 thereof. The uniform initial assessment shall be placed upon the
267 Palm Beach County tax roll by the property appraiser and
268 collected thereafter by the county tax collector upon notice
269 that the board has levied the assessment.

270 (2) ASSESSMENTS AND COSTS; A LIEN ON LAND AGAINST WHICH
271 ASSESSED.--All assessments provided for in this act, together
272 with all penalties for default in payment of the same and all
273 costs in collecting the same, shall, from the date of assessment
274 thereof until paid, constitute a lien of equal dignity with the
275 liens for county taxes, and other taxes of equal dignity with
276 county taxes, upon all the lands against which such taxes shall
277 be levied as is provided in this chapter.

278 (3) COMPENSATION OF PROPERTY APPRAISER, TAX COLLECTOR, AND
279 CLERK OF THE CIRCUIT COURT.--The Property Appraiser, Tax
280 Collector, and Clerk of the Circuit Court of Palm Beach County

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281 shall be entitled to compensation for services performed in
 282 connection with assessments of the district as provided by
 283 general law.

284 (4) LEVY OF NON-AD VALOREM ASSESSMENTS ON LAND LESS THAN 1
 285 ACRE.--In levying and assessing all assessments, each tract or
 286 parcel of land less than 1 acre in area shall be assessed as a
 287 full acre, and each tract or parcel of land more than 1 acre in
 288 area which contains a fraction of an acre shall be assessed at
 289 the nearest whole number of acres, a fraction of one-half or
 290 more to be assessed as a full acre.

291 Section 7. When unpaid assessments delinquent;
 292 penalty.--All assessments provided for in this act shall be and
 293 become delinquent and bear penalties on the amount of the
 294 assessments in the same manner as county taxes.

295 Section 8. Enforcement of assessments.--The collection
 296 and enforcement of all assessments levied by the district shall
 297 be at the same time and in like manner as county taxes; and the
 298 provisions of general law relating to the sale of lands for
 299 unpaid and delinquent county taxes; the issuance, sale, and
 300 delivery of tax certificates for such unpaid and delinquent
 301 county taxes; the redemption thereof; the issuance to
 302 individuals of tax deeds based thereon; and all other
 303 procedures in connection therewith shall be applicable to the
 304 district and the delinquent and unpaid assessments of the
 305 district to the same extent as if the statutory provisions were
 306 expressly set forth in this act. All assessments shall be
 307 subject to the same discounts as county taxes.

308 Section 9. Issuance of revenue bonds, assessment bonds,

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309 and bond anticipation notes.--

310 (1) In addition to the other powers provided the district,
311 and not in limitation thereof, the district shall have the
312 power, pursuant to this act and applicable general law, at any
313 time, and from time to time, after the issuance of any bonds of
314 the district shall have been authorized, to borrow money for the
315 purposes for which such bonds are to be issued in anticipation
316 of the receipt of the proceeds of the sale of such bonds and to
317 issue bond anticipation notes in a principal sum not in excess
318 of the authorized maximum amount of such bond issue.

319 (2) Pursuant to this act and applicable general law, the
320 district shall have the power to issue assessment bonds and
321 revenue bonds from time to time, without limitation as to
322 amount, for the purpose of financing those systems and
323 facilities provided for in section 3. Such bonds may be secured
324 by, or payable from, the gross or net pledge of the revenues to
325 be derived from any project or combination of projects; from the
326 rates, fees, or other charges to be collected from the users of
327 any project or projects; from any revenue-producing undertaking
328 or activity of the district; from non-ad valorem assessments; or
329 from any other source or pledged security. Such bonds shall not
330 constitute an indebtedness of the district, and the approval of
331 the qualified electors shall not be required unless such bonds
332 are additionally secured by the full faith and credit and taxing
333 power of the district.

334 (3) Any issue of bonds may be secured by a trust agreement
335 by and between the district and a corporate trustee or trustees,
336 which may be any trust company or bank having the powers of a

337 trust company within or without the state. The resolution
338 authorizing the issuance of the bonds or such trust agreement
339 may pledge the revenues to be received from any projects of the
340 district and may contain such provisions for protecting and
341 enforcing the rights and remedies of the bondholders as the
342 board may approve, including, without limitation, covenants
343 setting forth the duties of the district in relation to the
344 acquisition, construction, reconstruction, stewardship,
345 maintenance, repair, operation, and insurance of any projects;
346 the fixing and revising of the rates, fees, and charges; and the
347 custody, safeguarding, and application of all moneys and for the
348 employment of consulting engineers in connection with such
349 acquisition, construction, reconstruction, stewardship,
350 maintenance, repair, or operation.

351 (4) Bonds of each issue shall be dated; shall bear
352 interest at such rate or rates, including variable rates, which
353 interest may be tax exempt or taxable for federal income tax
354 purposes; shall mature at such time or times from their date or
355 dates; and may be made redeemable before maturity at such price
356 or prices and under such terms and conditions as may be
357 determined by the board.

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

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

363 Section 10. Referendum.--

364 (1) In conjunction with the general election held on

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365 November 7, 2006, and in accordance with the general laws
 366 governing elections, the Palm Beach County Supervisor of
 367 Elections shall conduct a referendum of qualified electors for
 368 the purpose of posing the following question:

369
 370 Creation of the Everglades Area Stewardship District

371
 372 Shall the Everglades Area Stewardship District be created by
 373 special act of the Legislature and authorized to levy user fees
 374 and non ad-valorem assessments on real property within the
 375 district for the purpose of financing public infrastructure and
 376 providing services within the district?

377
 378 Yes

379 No

380
 381 (2) "Qualified elector" means a person who is registered
 382 to vote in a general election in Palm Beach County and who
 383 resides within the boundaries of the district as set forth in
 384 section 1.

385 Section 11. Severability.--In case any one or more of the
 386 sections or provisions of this act or the application of such
 387 sections or provisions to any situation, circumstance, or person
 388 shall for any reason be held to be unconstitutional, such
 389 unconstitutionality shall not affect any other sections or
 390 provisions of this act or the application of such sections or
 391 provisions to any other situation, circumstance, or person, and
 392 it is intended that this law shall be construed and applied as

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393 if such section or provision had not been included herein for
394 any unconstitutional application.

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