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CS/HB 1541

2009 Legislature

1                                   A bill to be entitled  
2           An act relating to the Pine Tree Water Control District,  
3           Palm Beach County; codifying the district's charter;  
4           providing legislative intent; amending, codifying,  
5           reenacting, and repealing chapters 80-572, 82-358, and  
6           2005-295, Laws of Florida; providing for the applicability  
7           of chapters 298 and 189, Florida Statutes, and other  
8           general laws; providing for liberal construction;  
9           providing a savings clause in the event any of the act is  
10          deemed invalid; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. (1) The reenactment of existing law in this  
15 act shall not be construed as a grant of additional authority to  
16 nor to supersede the authority of any entity pursuant to law.  
17 Exceptions to law contained in any special act that are  
18 reenacted pursuant to this act shall continue to apply.

19           (2) The reenactment of existing law in this act shall not  
20 be construed to modify, amend, or alter any covenants,  
21 contracts, or other obligations of the district with respect to  
22 bonded indebtedness. Nothing pertaining to the reenactment of  
23 existing law in this act shall be construed to affect the  
24 ability of the district to levy and collect taxes, assessments,  
25 fees, or charges for the purpose of redeeming or servicing  
26 bonded indebtedness of the district.

27           Section 2. Chapters 80-572, 82-358, and 2005-295, Laws of  
28 Florida, are amended, codified, reenacted, and repealed as

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29 herein provided.

30 Section 3. The charter for the Pine Tree Water Control  
31 District, an independent special district, is re-created and  
32 reenacted to read:

33 Section 1. District created and boundaries thereof;  
34 validating creation of district under chapter 298, Florida  
35 Statutes.--That for the purpose of reclaiming and draining the  
36 lands hereinafter described and protecting such lands from the  
37 effects of water by means of the construction and maintenance of  
38 canals, ditches, levees, dikes, pumping plants, and other  
39 drainage works and improvements, and for the purpose of making  
40 the lands within the district available and habitable for  
41 settlement and agriculture, and for the public convenience,  
42 welfare, utility, and benefit, and for the other purposes stated  
43 in this act, an independent drainage district is hereby created  
44 and established in Palm Beach County, to be known as the Pine  
45 Tree Water Control District, the territorial boundaries of which  
46 shall be as follows, to wit:

47 Beginning at the Southeast corner of Section 24,  
48 Township 44 South, Range 40 East, run South 89° 43'  
49 08" West, along the South line of said Section 24 a  
50 distance of 2,674.64 feet to the Northerly right of  
51 way of Canal L-40; thence North 56° 54' 19" West along  
52 said right of way of Canal L-40, a distance of  
53 9,479.62 feet; thence North 42° 15' 14" West and  
54 continuing along said Canal right of way 7,363.27 feet  
55 to the West line of Section 10, Township 44 South,  
56 Range 40 East; thence South 01° 16' 05" West, along

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57 said West line of said Section 10, a distance of 57.57  
 58 feet; thence North 25° 11' 01" West along the  
 59 aforementioned Northerly right of way of Canal L-40, a  
 60 distance of 12,185.26 feet to the West line of Hiatus  
 61 Lot 4; thence North 01° 14' 08" East along the West  
 62 line of Hiatus Lot 4, a distance of 113.66 feet to the  
 63 Southwest corner of Section 33, Township 43 South,  
 64 Range 40 East; thence North 01° 14' 08" East along the  
 65 West line of said Section 33, a distance of 1,532.34  
 66 feet to the South right-of-way line of the West Palm  
 67 Beach Canal; thence South 88° 23' 22" East along said  
 68 Canal right of way 4,981.18 feet; thence South 01° 04'  
 69 07" West, 1,541 feet to the South line of Section 33,  
 70 Township 43 South, Range 40 East; thence South 42° 09'  
 71 30" East, 643.43 fee to the Northeast corner of  
 72 Section 4, Township 44 South, Range 40 East; thence  
 73 South 01° 16' 05" West along the East line of said  
 74 Section 4, a distance of 5,314.41 feet to the  
 75 Southeast corner of said Section 4; thence North 89°  
 76 44' 30" East along the North line of Section 10,  
 77 Township 44 South, Range 40 East, 4,875.18 feet;  
 78 thence run North 01° 15' 49" East, 5,304.15 feet to a  
 79 point on the South line of Hiatus Lot 3; thence North  
 80 01° 25' 51" East, 515.41 feet; thence North 87° 27'  
 81 20" West, 106.75 feet; thence North 00° 51' 10" East,  
 82 1,336.85 feet to the South right-of-way line of West  
 83 Palm Beach Canal; thence South 88° 21' 18" East along  
 84 the South right of way of said Canal 363,94 feet;

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85 | thence continue along the South line of said Canal  
 86 | right of way South 88° 28' 22" East, 200.02 feet;  
 87 | thence South 00° 56' 00" West, 1,544.21 feet to the  
 88 | South line of Section 35, Township 43, South, Range 40  
 89 | East; thence South 24° 36' 48" East, 325 feet to the  
 90 | North line of Section 2, Township 44 South, Range 40  
 91 | East, said line also being the South line of Hiatus  
 92 | Lot 2; thence South 01° 15' 44" West, 5,302.88 feet to  
 93 | the South line of said Section 2; thence South 89° 44'  
 94 | 30" West along the South line of said Section 2, a  
 95 | distance of 200.07 feet to the Southwest corner of  
 96 | said Section 2; thence South 01° 15' 44" West, along  
 97 | the West line of Section 11, Township 44 South, Range  
 98 | 40 East, 5,278.18 feet to the Southwest corner of said  
 99 | Section 11; thence North 89° 43' 57" East; along the  
 100 | North lines of Sections 14 and 13, Township 44 South,  
 101 | Range 40 East, 10,536.48 feet to the Northeast corner  
 102 | of said Section 13; thence South 01° 17' 26" West  
 103 | along the East line of said Section 13, a distance of  
 104 | 5,276.29 feet to the Southeast corner of said Section  
 105 | 13; thence South 01° 20' 00" West along the East line  
 106 | of Section 24, Township 44 South, Range 40 East,  
 107 | 5,279.90 feet to the Southeast corner of said Section  
 108 | 24 and the Point of Beginning.  
 109 | Containing 4,022 acres, more or less.  
 110 | which said boundary line embraces and includes those  
 111 | certain tracts or parcels of land situate in Palm  
 112 | Beach County, Florida, described as follows:

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113 All of that part of the East Quarter of the Southeast  
 114 Quarter of Section 34, Township 43 South, Range 40  
 115 East, lying South of the South right-of-way line of  
 116 West Palm Beach Canal, the West boundary of which  
 117 parcel being established by that certain Boundary Line  
 118 Agreement dated November 1, 1956, recorded in Deed  
 119 Book 1161, page 371, of the Public Records of Palm  
 120 Beach County, Florida; all that part of the West 200  
 121 feet of Section 35, Township 43 South, Range 40 East,  
 122 lying South of the South right-of-way line of West  
 123 Palm Beach Canal; the West 200 feet of Hiatus Lot 2,  
 124 between Townships 43 and 44 South, Range 40 East; all  
 125 of that part of Hiatus Lot 3, between Townships 43 and  
 126 44 South, Range 40 East, which lies East of that  
 127 certain lines established as a boundary line by  
 128 Boundary Line Agreement dated November 1, 1956,  
 129 recorded in Deed Book 1161, page 371, Public Records  
 130 of Palm Beach County, Florida; all of that part of  
 131 Hiatus Lot 4, between Townships 43 and 44 South, Range  
 132 40 East, lying Easterly of the East right-of-way line  
 133 of Levee L-40, excepting therefrom the east triangular  
 134 portion lying East of a line running from the  
 135 Southeast corner to a point 293 feet West of the  
 136 Northeast corner thereof; the West 200 feet of Section  
 137 2, the East 400 feet of Section 3, all that part of  
 138 Sections 4, 9, 15, 16, 22, 23 and 24, lying North and  
 139 East of the Northeasterly boundary of the right-of-way  
 140 of Levee L-40, and all of Section 10, 13 and 14, all

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141 in Township 44 South, Range 40 East, in Palm Beach  
 142 County, Florida.  
 143 All of Section 33 lying South of West Palm Beach Canal  
 144 in Township 43 South, Range 40 East, less the East 293  
 145 feet.  
 146 Section 2. Provisions of other laws made applicable.--The  
 147 Pine Tree Water Control District, created in 1971, shall  
 148 continue to be a public corporation of this state. The  
 149 provisions of the Drainage and Water Control Laws of Florida  
 150 applicable to water control districts which are embodied in  
 151 chapter 298, Florida Statutes, so far as not inconsistent with  
 152 this act, are declared to be applicable to the Pine Tree Water  
 153 Control District. The Pine Tree Water Control District shall  
 154 have all of the powers and authorities mentioned in or conferred  
 155 by chapters 298 and 189, Florida Statutes, and all other  
 156 applicable general laws, except as herein otherwise provided.  
 157 Section 3. Additional powers of the district.--The Pine  
 158 Tree Water Control District, a water management district, in  
 159 Palm Beach County, created under chapter 298, Florida Statutes,  
 160 being an act relating to the creation and organization of water  
 161 management districts, shall have in addition to the powers  
 162 provided for in chapter 298, Florida Statutes, the power to  
 163 construct, improve, pave, and maintain roadways and roads  
 164 necessary and convenient for the exercise of the powers or  
 165 duties or any of the powers or duties of the district; and in  
 166 furtherance of the purposes and intent of chapter 298, Florida  
 167 Statutes, to construct, improve, pave, and maintain streets,  
 168 roadways, and roads necessary and convenient to provide access

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169 to and efficient development of areas made suitable and  
 170 available for cultivation, agricultural, settlement, and other  
 171 beneficial use and development as a result of the drainage,  
 172 irrigation, and reclamation operations of the district.

173 Section 4. Board of supervisors.--The Board of Supervisors  
 174 of the Pine Tree Water Control District in Palm Beach County  
 175 shall be qualified and elected in accordance with the provisions  
 176 of chapter 298, Florida Statutes; provided, however, that at  
 177 least one of the members of the board of supervisors shall be a  
 178 legal resident of Rustic Ranches in addition to the other  
 179 qualifications provided for in chapter 298, Florida Statutes.

180 Section 5. Amendment of master plan.--The Pine Tree Water  
 181 Control District may amend its master water management plan in  
 182 the manner provided by chapter 298, Florida Statutes, and  
 183 consistent with other applicable provisions of law.

184 Section 4. If any provision of this act or the application  
 185 thereof to any person or circumstance is held invalid, the  
 186 invalidity shall not affect other provisions or applications of  
 187 the act which can be given effect without the invalid provision  
 188 or application, and to this end the provisions of this act are  
 189 declared severable.

190 Section 5. This act shall be construed as a remedial act  
 191 and shall be liberally construed to promote the purpose for  
 192 which it is intended.

193 Section 6. Chapters 80-572, 82-358, and 2005-295, Laws of  
 194 Florida, are repealed.

195 Section 7. To the extent not inconsistent with general  
 196 law, all agreements, obligations, resolutions, and policies of

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197 | the Pine Tree Water Control District now in effect shall remain  
198 | in effect until amended, revised, or repealed by the board of  
199 | supervisors.

200 |       Section 8. This act shall take effect upon becoming a law.