

1 A bill to be entitled
2 An act relating to the South Indian River Water
3 Control District, Palm Beach County; amending chapter
4 2001-313, Laws of Florida, as amended; increasing the
5 number of members of the governing board; including
6 fractions of acres in all gross acreage owned by a
7 landowner; providing for compensation for supervisors
8 attending board meetings; requiring competitive
9 bidding for certain positions; revising residence
10 requirements for members of the board; providing for
11 staggering of terms, annual elections, and election of
12 board officers; requiring an election; removing
13 outdated language; requiring the board to authorize
14 the formation of an engineering plan under certain
15 circumstances; providing a limitation of a one-time
16 special assessment; authorizing district money to be
17 expended before the levy of such special assessment;
18 providing an effective date.

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

21
22 **Section 1. Subsections (5), (6), and (8) of section 2,**
23 **subsection (1) of section 3, and sections 9 through 16 of**
24 **section 3 of chapter 2001-313, Laws of Florida, as amended, are**
25 **amended to read:**

26 Section 2. Minimum charter requirements.—In accordance
27 with section 189.404(3), Florida Statutes, the following
28 subsections shall constitute the minimum charter requirements
29 for the South Indian River Water Control District:

30 (5) In accordance with chapter 189, Florida Statutes, this
31 act, and chapter 298, Florida Statutes, the District is governed
32 by a six-member ~~five-member~~ board, elected based upon the gross
33 acreage owned by a landowner. The number of votes cast shall be
34 equal to the landowner's total gross acreage reported by the
35 Property Appraiser of Palm Beach County, including any fractions
36 of acres ~~on a one-acre, one-vote basis by the landowners in the~~
37 ~~District~~. The election, membership, and organization of the
38 board shall be as set forth in this act and chapter 298, Florida
39 Statutes, as they may be amended from time to time.

40 (6) The compensation of board members shall be limited to
41 a maximum of \$50 for physically attending a meeting of the board
42 of supervisors ~~governed by this act and chapter 298, Florida~~
43 ~~Statutes, as they may be amended from time to time.~~

44 (8) Requirements for financial disclosure, meeting
45 notices, reporting, public records maintenance, and per diem
46 expenses for officers and employees shall be as set forth in
47 chapters 112, 189, 286, and 298, Florida Statutes, as they may
48 be amended from time to time. No less than every 3 years, a
49 Request for Proposal (RFP) shall be advertised for positions of
50 accountant, attorney, and engineer.

51 Section 3. Board of Supervisors; elections.—

52 (1) The Board of Supervisors of the South Indian River
53 Water Control District shall consist of six ~~five~~ members, at
54 ~~least~~ three of whom ~~but not more than four of whom shall reside~~
55 ~~in the District, at least one of whom shall reside to the East~~
56 of Canal 18, and three at least one of whom shall reside to the
57 West of Canal 18, and shall each be elected by the landowners of
58 each respective side of Canal 18. Immediately following the
59 enactment of this act, an election shall be held for the six
60 positions. The two candidates receiving the highest number of
61 votes from each area shall serve 3-year terms, the two
62 candidates receiving the second highest number of votes shall
63 serve 2-year terms, and the two candidates with the third
64 highest number of votes shall serve 1-year terms. Elections
65 shall occur annually thereafter as the initial terms expire. The
66 candidates with the highest number of votes in the subsequent
67 elections shall be elected for 3-year terms. In even-numbered
68 years, the members of the board elected from the area East of
69 Canal 18 shall elect the President, the Vice President, and the
70 Secretary for the Board that year.

71 ~~Section 9. Annexation; outfall limitation.—~~

72 ~~(1) Upon the occurrence of the events described in~~
73 ~~paragraph (3), the following lands shall be annexed into the~~
74 ~~South Indian River Water Control District in Palm Beach County,~~
75 ~~and the boundary lines of the South Indian River Water Control~~

~~District are hereby extended to include an area of land consisting of the West one-half of Section 4, and the East one-half of Section 5, Township 41 South, Range 41 East, less the State Road 706 right-of-way, in Palm Beach County, said area being contiguous to lands presently within the District.~~

~~(2) The Plan of Reclamation for the area to be annexed shall be that Plan which was approved by the Engineer for the District, was constructed to the satisfaction of the Engineer for the District, and is maintained in the District's Minutes labeled "Indian Lakes Estates, Palm Beach County, Florida, prepared by Shalloway, Inc., Engineer of Record for Stuart Enterprises, Drawing #79-37-01 consisting of Sheets 1 through 5 plus the cover sheet and all amendments/changes thereto." For 25-year storm conditions, the maximum outfall from the annexed area into the remainder of the District shall not exceed 8 cubic feet per second. For 100-year storm conditions, the maximum outfall from the annexed area into the remainder of the District shall not exceed 13 cubic feet per second.~~

~~(3) This annexation shall take effect upon certification to the Secretary of State of the approval of the Circuit Court of the Eighth Plan of Reclamation, a final Report of the Commissioners, upon the District's ability to implement reverse flow through the G-92 Structure, through contract with the South Florida Water Management District.~~

100 Section ~~9.10.~~ Formulation and implementation of road plan
101 and water control plans.—

102 (1) The Board of Supervisors of the South Indian River
103 Water Control District in Palm Beach County is hereby authorized
104 to proceed in accordance with the provisions of chapter 298,
105 Florida Statutes, and the District Engineer is hereby given the
106 additional authority, in conjunction with the District
107 Engineer's powers pursuant to section 298.16, Florida Statutes,
108 to formulate a road plan and water control plans for all of the
109 lands within the District and to formulate plans for providing
110 potable water distribution and wastewater collection systems to
111 those lands within the District lying East of Canal 18 of the
112 South Florida Water Management District, and to the Northeast
113 Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the
114 North one-half (N 1/2) of the North one-half (N 1/2) of the
115 Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of
116 Section 1, Township 41 South, Range 41 East, in Palm Beach
117 County, with different taxing areas within the taxing District
118 according to the benefits received, and to revise the plans
119 according to the benefits received from time to time, taking
120 into consideration both construction and maintenance benefits so
121 as to most equitably provide for taxation according to benefits.
122 The Board of Supervisors is hereby given the additional
123 authority, in conjunction with its powers pursuant to section
124 298.22, Florida Statutes, to implement and authorize

125 construction and maintenance of those improvements outlined in
126 the road plan, water control plans, and potable water
127 distribution and wastewater collection systems plans, according
128 to the benefits received so as to most equitably provide for
129 taxation within the taxing District.

130 (2) In order to implement the road plan and water control
131 plans of the District, and the potable water distribution and
132 wastewater collection systems plans for all lands within the
133 District lying East of Canal 18 of the South Florida Water
134 Management District, and to the Northeast Quarter (NE 1/4) of
135 the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2)
136 of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4)
137 of the Northeast Quarter (NE 1/4) of Section 1, Township 41
138 South, Range 41 East, in Palm Beach County, the Board of
139 Supervisors of the South Indian River Water Control District is
140 hereby authorized to exercise any and all powers granted to the
141 District in this act, sections 298.22 and 298.23, Florida
142 Statutes, and elsewhere in chapter 298, Florida Statutes. The
143 Board of Supervisors is hereby further authorized to take any
144 and all actions necessary to implement the road plan and water
145 control plans of the District, and potable water distribution
146 and wastewater collection systems plans for all lands lying East
147 of Canal 18 of the South Florida Water Management District, and
148 to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE
149 1/4) plus the North one-half (N 1/2) of the North one-half (N

150 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter
151 (NE 1/4) of Section 1, Township 41 South, Range 41 East, in Palm
152 Beach County.

153 Section 10.11. Formation of engineering plan East of Canal
154 18.—The Board of Supervisors shall authorize ~~is hereby~~
155 ~~prohibited from authorizing~~ the formation of an engineering
156 plan, including estimated costs, when ~~unless~~ there is documented
157 evidence that at least 25 percent of the affected landowners
158 desire to have such a plan formulated, and, thereafter, the
159 Board of Supervisors is prohibited from constructing any new
160 road or increasing the quality of any existing road within the
161 District, except for the placement of stable materials, or
162 constructing any facilities to provide potable water
163 distribution and wastewater collection systems to those lands
164 within the District lying East of Canal 18 of the South Florida
165 Water Management District, and to the Northeast Quarter (NE 1/4)
166 of the Northeast Quarter (NE 1/4) plus the North one-half (N
167 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE
168 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 41
169 South, Range 41 East, in Palm Beach County, until there has
170 first been a vote in favor of the construction or improvement by
171 the owners of a majority of the parcels represented in the
172 voting after notice has been duly given to all of the owners of
173 the lands within the area to be benefited in the same manner as
174 notice is given and vote taken in the Annual Landowners Meeting.

175 A petition signed and notarized by the owners of 51 percent of
176 the parcels to be assessed shall ~~and certified by the county~~
177 ~~Supervisor of Elections will~~ satisfy each of the above
178 requirements.

179 Section ~~11.12.~~ Authority to fund engineering studies, road
180 improvements, recreational lands.—The Board of Supervisors of
181 the South Indian River Water Control District in Palm Beach
182 County is hereby authorized, empowered, and permitted to expend
183 funds of the District to pay for engineering studies for the
184 purpose of planning a road improvement program, and to pay for
185 the construction, maintenance, improvement, and repair of
186 dedicated roads and road rights-of-way, including the swales
187 thereof, within the District where such construction,
188 maintenance, improvement, and repair is not performed by other
189 governmental bodies and to levy special assessments to acquire,
190 construct, and maintain said improvements on the basis of
191 parcels benefited rather than acres benefited for said purposes.
192 The Board of Supervisors of the South Indian River Water Control
193 District is further authorized, empowered, and permitted to
194 expend funds of the District to pay for engineering studies for
195 the purpose of planning facilities to provide potable water
196 distribution and wastewater collection systems to those lands
197 lying East of Canal 18 of the South Florida Water Management
198 District, and to the Northeast Quarter (NE ¹/₄) of the Northeast
199 Quarter (NE ¹/₄) plus the North one-half (N ¹/₂) of the North one-

half (N ¹/₂) of the Southeast Quarter (SE ¹/₄) of the Northeast Quarter (NE ¹/₄) of Section 1, Township 41 South, Range 41 East, in Palm Beach County, in cooperation with the Town of Jupiter and the Loxahatchee River Environmental Control District, and to pay for the construction, maintenance, improvement, and repair of those facilities where such construction, maintenance, improvement, and repair is not performed by other governmental bodies, and to levy special assessments, on the basis of parcels or front footage benefited, acres benefited or other lawful basis, for said purposes, and to transfer said facilities to the Town of Jupiter and the Loxahatchee River Environmental Control District for operation and maintenance. The Board of Supervisors of the South Indian River Water Control District is further authorized to hold, control, acquire by donation or purchase, and maintain real and personal property for recreational purposes for land within the District lying East of Canal 18 of the South Florida Water Management District only, and to make it available for the use of the landowners. The Board of Supervisors is authorized to expend funds of the District to pay for the maintenance of such property, the cost of which shall be borne by the landowners owning land lying East of Canal 18 of the South Florida Water Management District.

Section 12.13. One-time assessment for improvement project.—At the time of beginning any improvement project authorized by chapter 298, Florida Statutes, or any special

225 legislation for the South Indian River Water Control District,
226 the Board of Supervisors of the District is authorized and
227 empowered to levy a one-time special assessment not to exceed
228 \$1,000 upon the land to be benefited to pay for the anticipated
229 initial legal and engineering planning cost of said project,
230 after notice has been given and an opportunity afforded to the
231 landowners to discuss the project at a regularly scheduled
232 meeting. The estimated initial planning cost of the project must
233 be presented as part of the annual budget. ~~No~~ District moneys
234 may be expended prior to the levy of said special assessment.

235 Section 13.14. Transfer of roads and potable water
236 distribution or wastewater collection systems to another
237 governmental entity.—If any governmental entity, whether
238 existing at this time or created in the future, elects to
239 construct, improve, or maintain any road within the District, or
240 elects to construct, improve, maintain, or operate facilities to
241 provide potable water distribution and wastewater collection
242 systems to those lands within the District lying East of Canal
243 18 of the South Florida Water Management District, and to the
244 Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4)
245 plus the North one-half (N 1/2) of the North one-half (N 1/2) of
246 the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4)
247 of Section 1, Township 41 South, Range 41 East, in Palm Beach
248 County, and the owners of a majority of the parcels within the
249 District as a whole or a majority of the landowners within the

250 area to be benefited are in favor of said election, then the
251 Board of Supervisors shall cease constructing, improving, or
252 maintaining said road or roads or facilities providing potable
253 water distribution and wastewater collection systems to those
254 lands within the District lying East of Canal 18 of the South
255 Florida Water Management District, and to the Northeast Quarter
256 (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-
257 half (N 1/2) of the North one-half (N 1/2) of the Southeast
258 Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1,
259 Township 41 South, Range 41 East, in Palm Beach County, on a
260 date agreeable to the entity which elects to assume such
261 obligation, but in no event later than 30 days after the meeting
262 of the Board of Supervisors wherein the election and vote are
263 communicated to the board. Pursuant to this provision, and with
264 the agreement of the electing entity, the District may transfer
265 equipment, water, sanitary sewage lines, funds, materials, and
266 obligations to the electing entity.

267 Section ~~14.15~~. Authority to issue bonds.—The Board of
268 Supervisors of the South Indian River Water Control District is
269 hereby authorized to issue bonds to pay for the purchase of
270 equipment, the construction and improvement of dedicated roads
271 and road rights-of-way including the swales thereof within the
272 District, all drainage improvements within the District, and all
273 potable water distribution and wastewater collection systems
274 improvements for those lands within the District lying East of

Canal 18 of the South Florida Water Management District, and to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, in Palm Beach County. The provisions of chapter 298, Florida Statutes, as well as all other applicable laws, shall be followed by the Board of Supervisors of the South Indian River Water Control District in Palm Beach County in issuing said bonds.

Section ~~15.16~~. No effect on bondholders.—Nothing in this Act shall be deemed or construed in any manner to affect the rights of the holders of any of the bonds heretofore issued by said District in accordance with law, or of depriving said bondholders or any of them of any right of action or remedy given to them by law in connection with said bonds or the enforcement of the collection of taxes to pay principal and interest of the same.

Section 2. This act shall take effect upon becoming a law.