

CHAPTER 2001-313

House Bill No. 879

An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the South Indian River Water Control District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act and chapters 189 and 298, Florida Statutes, as amended from time to time. It is further the intent of this act to preserve all district authority as set forth in this act, and chapters 189 and 298, Florida Statutes, and any other applicable general or special law.

21 Section 2. Chapters 11006 (1925), 12271 (1927), 19344 (1939), 20654 (1941), 21731
22 (1943), 69-1411, 71-820, 78-582, 79-534, 80-575, 81-462, 87-515, 87-517, 91-402, and
23 2000-435, Laws of Florida, related to the South Indian River Water Control District, are
24 amended, codified, reenacted, and repealed as provided herein.

25

26 Section 3. The charter for the South Indian River Water Control District is re-created and
27 reenacted to read:

28

29 Section 1. Creation; status; charter amendments; boundaries.—For the purpose of
30 comprehensive water management and control pursuant to chapter 298, Florida Statutes,
31 as it may be amended from time to time, the South Indian River Water Control District,
32 an independent water control district, is hereby declared to exist. The district is organized
33 and exists for all purposes set forth in this act and chapters 189 and 298, Florida Statutes.
34 The district was created by decree of the Circuit Court of the Fifteenth Judicial Circuit on
35 July 3, 1923. Its charter may be amended only by special act of the Legislature. The
36 boundaries of the district are declared to be as follows:

37

38 A Tract of land lying in Palm Beach County, Florida and being all of Sections 33 and 34,
39 Township 40 South, Range 41 East; all of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16
40 of Township 41 South, Range 41 East; all of Sections 9, 16, 17 and 18 of Township 41

41 South, Range 42 East; portions of Sections 4 and 9 of Township 41 South, Range 41 East,
42 and portions of Sections 7, 15 and 22 of Township 41 South, Range 42 East.

43

44 The boundaries of said Tract of land being more particularly described as follows:

45

46 Beginning at the Northwest corner of the Northeast Quarter of Section 4, Township 41
47 South, Range 41 East, run southerly along the west line of the east half of Section 4 and
48 the east half of Section 9 of said Township 41 South, Range 41 East to the Southwest
49 corner of the Southeast Quarter of said Section 9. Thence run westerly along the north
50 line of Section 16, Township 41 South, Range 41 East, to the Northwest corner of said
51 Section 16. Thence run southerly along the west line of said Section 16 to the Southwest
52 corner of said Section 16. Thence run easterly along the south lines of Sections 16, 15, 14
53 and 13 of said Township 41 South, Range 41 East, to the Southeast corner of said Section
54 13. Thence continue easterly along the south lines of Sections 18, 17, and 16 of Township
55 41 South, Range 42 East to the southeast corner of said Section 16. Thence run southerly
56 along the west line of Section 22, Township 41 South, Range 42 East, to the southwest
57 corner of said Section 22. Thence run easterly along the south line of said Section 22 to a
58 point on the westerly right-of-way line of The Florida Turnpike. Thence run northerly
59 along the westerly right-of-way line of The Florida Turnpike to a point on the north line
60 of Section 22, Township 41 South, Range 42 East; Thence run easterly along the north
61 line of said Section 22, to a point on the Easterly right-of-way line of The Florida
62 Turnpike. Thence run northerly along said easterly right-of-way line of The Florida

63 Turnpike to a point in the south line of the North half of Section 15, Township 41 South,
64 Range 42 East; Thence run easterly along the south line of the North half of said Section
65 15 to a point in the east line of said Section 15. Thence run Northerly along the east line
66 of said Section 15 to the Northeast corner of Section 15, Township 41 South, Range 42
67 East. Thence run westerly along the north line of said Section 15 to the Northwest corner
68 of said Section 15; Thence run northerly along the east line of Section 9, Township 41
69 South, Range 42 East to the Northeast corner of said Section 9. Thence run westerly
70 along the north line of said Section 9 to the northwest corner of said Section 9. Thence
71 run southerly along the west line of said Section 9 to the Southwest corner of said Section
72 9. Thence run westerly along the north line of Section 17, Township 41 South, Range 42
73 East, to the northwest corner of said Section 17. Thence run northerly along the east line
74 of Section 7, Township 41 South, Range 42 East to the Southeast corner of the Northeast
75 quarter of the Northeast quarter of said Section 7. Thence run westerly along the south
76 line of the Northeast quarter of the Northeast quarter of said Section 7 to the Southwest
77 corner of the Northeast quarter of the Northeast quarter of said Section 7. Thence run
78 Northerly along the west line of the Northeast quarter of the Northeast quarter of said
79 Section 7 to a point in the North line of said Section 7. Thence run westerly along the
80 North line of Section 7, Township 41 South, Range 42 East to the Northwest corner of
81 said Section 7. Thence run northerly along the east line of Section 1, Township 41 South,
82 Range 41 East to the Northeast corner of said Section 1. Thence run westerly along the
83 north lines of Sections 1 and 2, Township 41 South, Range 41 East to the Northwest
84 corner of said Section 2. Thence run northerly along the East line of Section 34,
85 Township 40 South, Range 41 East to the Northeast corner of said Section 34. Thence run

86 westerly along the north line of said Sections 34 and 33 to the Northwest corner of said
87 Section 33. Thence run southerly along the west line of said Section 33 to the Southwest
88 corner of said Section 33. Thence run easterly along the north line of Section 4, Township
89 41 South, Range 41 East to the Northwest corner of the Northeast quarter of Section 4
90 and the POINT OF BEGINNING.

91
92 Section 2. Minimum charter requirements. —In accordance with section 189.404(3),
93 Florida Statutes, the following subsections shall constitute the minimum charter
94 requirements for the South Indian River Water Control District:

95 (1) The District is organized and exists for all purposes set forth in this act and chapter
96 298, Florida Statutes, as they may be amended from time to time.

97 (2) The powers, functions, and duties of the District regarding non-ad valorem
98 assessments, bond issuance, other revenue-raising capabilities, budget preparation and
99 approval, liens and foreclosure of liens, use of tax deeds, tax certificates, and contractual
100 agreements shall be as set forth in this act, chapters 170, 189, 197, and 298, Florida
101 Statutes, or any other applicable general or special laws, as they may be amended from
102 time to time.

103 (3) The District was created by judicial decree on July 3, 1923, and confirmed by special
104 act of the Florida Legislature by chapter 11006 (1925), Laws of Florida, in accordance
105 with chapter 298, Florida Statutes.

106 (4) The District's charter may be amended only by special act of the Legislature.

107 (5) In accordance with chapter 189, Florida Statutes, this act, and chapter 298, Florida
108 Statutes, the District is governed by a ~~five member~~ six-member board, elected ~~on a one-~~
109 ~~acre, one vote basis by the landowners in the District based upon the gross acreage~~
110 owned by a landowner. The number of votes cast shall be equal to the landowner's total
111 gross assessable acreage reported by the Property Appraiser of Palm Beach County
112 comprised of one acre or more - including any fractions of acres. Landowners owning
113 less than one assessable acre shall be entitled to one vote. The election, membership, and
114 organization of the board shall be as set forth in this act and chapter 298, Florida Statutes,
115 as they may be amended from time to time.

116 (6) The compensation of board members shall be limited to a maximum of \$50.00 for
117 physically attending a meeting of the Board of Supervisors ~~governed by this act and~~
118 ~~chapter 298, Florida Statutes, as they may be amended from time to time.~~

119 (7) The administrative duties of the Board of Supervisors shall be as set forth in this act
120 and chapter 298, Florida Statutes, as they may be amended from time to time.

121 (8) Requirements for financial disclosure, meeting notices, reporting, public records
122 maintenance, and per diem expenses for officers and employees shall be as set forth in
123 chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to
124 time. No less than every 3 years, competitive bidding shall be advertised for positions of
125 attorney and engineer.

126 (9) The procedures and requirements governing the issuance of bonds, notes, and other
127 evidence of indebtedness by the District shall be as set forth in this act, chapter 298,
128 Florida Statutes, and applicable general laws, as they may be amended from time to time.

129 (10) The procedures for conducting District elections and for qualification of electors
130 shall be pursuant to this act and chapters 189 and 298, Florida Statutes, as they may be
131 amended from time to time. Provided however, a quorum for purposes of holding the
132 annual meeting or any special meeting shall consist of those landowners present in person
133 or represented by proxy at said meeting.

134 (11) The District may be financed by any method established in this act, chapter 298,
135 Florida Statutes, and applicable general laws, as they may be amended from time to time.

136 (12) The methods for collecting non-ad valorem assessments, fees, or service charges
137 shall be as set forth in chapters 170, 197, and 298, Florida Statutes, and other applicable
138 general laws, as they may be amended from time to time.

139 (13) The District's planning requirements shall be as set forth in chapters 189 and 298,
140 Florida Statutes, as they may be amended from time to time.

141 (14) The District's geographic boundary limitations shall be as set forth in section 1 of
142 this charter.

143
144 Section 3. Board of Supervisors; elections.—

145 (1) ~~The Board of Supervisors of the South Indian River Water Control District shall~~
146 ~~consist of five members, at least three of whom but not more than four of whom shall~~
147 ~~reside in the District, at least one of whom shall reside to the East of Canal 18, and at~~
148 ~~least one of whom shall reside to the West of Canal 18.~~ The Board of Supervisors of the
149 South Indian River Water Control District shall consist of six members, three of whom

150 shall reside to the East of Canal 18 and three of whom shall reside West of Canal 18 and
151 shall be elected by the landowners of each respective side of Canal 18. Only the
152 Supervisors elected from West of Canal 18 shall vote on issues affecting the area West of
153 Canal 18 and only the Supervisors elected from East of Canal 18 shall vote on issues
154 affecting the area East of Canal 18 - including but not limited to budget, policy, drainage,
155 and maintenance matters. Immediately following the enactment of this act, an election
156 shall be held for the six positions. The candidates receiving the highest number of votes
157 from each area shall receive a 3-year term, the candidates receiving the second highest
158 number of votes shall receive a 2-year term, and the candidates with the third highest
159 number of votes shall receive a 1-year term. Elections shall occur annually thereafter as
160 the initial terms expire. The candidates with the highest number of votes in the
161 subsequent elections shall be elected for a 3-year term. In even-numbered years, the
162 members of the Board elected from the area East of Canal 18 shall elect the President,
163 Vice-President, and Secretary of the Board. In odd-numbered years, the members of the
164 Board elected from the area West of Canal 18 shall elect the President, Vice-President,
165 and Secretary of the Board for that year.

166
167 (2) The Supervisor of Elections of Palm Beach County shall receive all of the ballots,
168 shall count said ballots, and shall report to the Board of Supervisors the results of the
169 counting as soon as practicable after the election. The Supervisor of Elections will then
170 safeguard all of the ballots and any interested landowner may examine the ballots under
171 the supervision of the Supervisor of Elections so that any landowner may have an

172 opportunity to contest the election by filing objections with the Board of Supervisors
173 concerning any ballot believed to be incorrect or improper. All objections must be filed in
174 writing with the Board of Supervisors no later than 1 week from the date of the election.
175 Members of the board shall be elected for terms of 3 years.

176

177 Section 4. Water control and maintenance taxes.—

178 (1) The Board of Supervisors of the South Indian River Water Control District in Palm
179 Beach County is hereby authorized, empowered, and required to levy upon all the lands
180 within said district against which benefits have been assessed, the annual installment of
181 water control taxes and maintenance taxes as provided for under the general water control
182 laws of the state, and it shall certify said annual installment of water control taxes and
183 maintenance taxes pursuant to this act and chapters 197 and 298, Florida Statutes, in the
184 name of its president and secretary and under its corporate seal, in the manner provided
185 by law. Provided all water control taxes, maintenance taxes, or any other taxes authorized
186 herein shall be defined as non-ad valorem assessments as required by general law.

187 (2)(a) It shall be the duty of the Property Appraiser of said county to assess against each
188 tract of land within said district against which benefits have been assessed as the same is
189 certified to the Property Appraiser each year, the taxes as levied and certified by said
190 Board of Supervisors as hereinabove provided and to extend the total of said taxes upon
191 the assessment roll as required by chapter 197, Florida Statutes; and

192 (b) It shall be the duty of the Tax Collector of Palm Beach County to collect such taxes so
193 levied and assessed in the same manner and at the same time as state and county taxes are
194 collected and the Tax Collector shall pay the same to the Treasurer of said District within
195 the time prescribed for the payment over of state and county taxes. No additional bond
196 shall be required of the Tax Collector over that presently required by the provisions of
197 law.

198 (3) It shall be the duty of said Treasurer to hold said taxes so paid over to him or her for
199 the credit of said District, to be paid out as prescribed by law.

200 (4) That all taxes levied and assessed, as hereinabove provided, shall be due and payable
201 and shall be delinquent and shall thereafter bear the same penalties and the payment
202 thereof be enforced by the Tax Collector of Palm Beach County in the same manner and
203 at the same time as the payment of state and county taxes upon said land is enforced. The
204 right to foreclose delinquent taxes by the District or by bondholders of the District, as
205 provided in chapter 298, Florida Statutes, shall not be affected by anything herein
206 contained.

207 (5) The Property Appraiser and Tax Collector of Palm Beach County shall have and
208 receive the same compensation for said assessment and collection of said taxes as is now
209 allowed by law for the assessment and collection of Water Control District taxes which
210 shall be allowed and paid out of the taxes so collected.

212 Section 5. Maintenance of District accounts.—The Board of Supervisors of the South
213 Indian River Water Control District is hereby required to maintain its accounts and books
214 of record in a manner conforming with generally accepted accounting principles and in a
215 manner which will provide for the tracing of receipts and expenditures applicable to road
216 construction; the tracing of receipts and expenditures applicable to road maintenance; the
217 tracing of receipts and expenditures applicable to the maintenance of water control
218 works; the tracing of receipts and expenditures applicable to the construction of water
219 control works; the tracing of receipts and expenditures applicable to the maintenance of
220 facilities for potable water distribution and wastewater collection systems; and the tracing
221 of receipts and expenditures applicable to the construction of facilities for fresh water and
222 sewage and waste removal. The term "water control works" as used herein shall be
223 defined as those water control works set forth in chapter 298, Florida Statutes. Further,
224 the maintenance budget of the District shall be presented in at least two budgets, which
225 shall not include an administrative budget. All administrative costs must be allocated to
226 the budget affected. Additional budgets will be set up for road construction, traffic
227 control devices, and the construction of facilities for potable water distribution and
228 wastewater collection systems. All assessments will be in direct relationship to the budget
229 and each budget will be a true reflection of the benefits received by the acres or parcels
230 assessed.

231

232 Section 6. Notice of annual landowners' meeting.—

233 (1) The Board of Supervisors of the South Indian River Water Control District is
234 authorized and empowered to notify by mail each landowner in the District of the date,
235 time, and place of the annual landowners' meeting. Said notice shall be postmarked no
236 later than 30 days prior to said meeting and mailed to the mailing address of each
237 landowner as indicated by the Property Appraiser. In the event that the Board of
238 Supervisors sends such notice by mail pursuant to this section, notice shall not be
239 required as provided in section 298.11, Florida Statutes.

240 (2) The Board of Supervisors is authorized and empowered to send with the notice
241 specified in paragraph (1) forms for proxies and absentee ballots to be executed by the
242 respective landowners. Proxy forms and absentee ballots distributed pursuant to this act
243 shall be in a form adopted by the Board of Supervisors. Executed absentee ballots and
244 proxies shall be received by the Secretary of the District at the offices of the District prior
245 to the time of the annual landowners' meeting. Returned absentee ballots and proxies
246 shall be held unopened by the Secretary until said meeting. In the event that the Secretary
247 of the District is a Supervisor whose office is up for election, then the returned absentee
248 ballots and proxies shall be received and held by the President of the Board.

249 (3) The Board of Supervisors of the South Indian River Water Control District in Palm
250 Beach County is hereby authorized, empowered, and permitted to expend funds of the
251 District to pay for the printing and mailing of the notices specified in paragraph (1) and
252 the proxy forms and absentee ballots specified in paragraph (2).

253

254 Section 7. Road maintenance defined.—The purchase and placement of stable materials
255 within the District shall be deemed to constitute road maintenance and not road
256 construction.

257

258 Section 8. Definition of parcel.—For the purposes of this act, land which is under one
259 ownership, is not physically divided by any intervening ownership or easement, which is
260 not subdivided, and which contains no more than one residence shall be deemed to be
261 one parcel. If land which otherwise meets the requirements has more than one residence,
262 it shall be deemed to constitute as many parcels as there are residences.

263

264 Section 9. Annexation; outfall limitation.

265 ~~(1) Upon the occurrence of the events described in paragraph (3), the following lands~~
266 ~~shall be annexed into the South Indian River Water Control District in Palm Beach~~
267 ~~County, and the boundary lines of the South Indian River Water Control District are~~
268 ~~hereby extended to include an area of land consisting of the West one-half of Section 4,~~
269 ~~and the East one-half of Section 5, Township 41 South, Range 41 East, less the State~~
270 ~~Road 706 right of way, in Palm Beach County, said area being contiguous to lands~~
271 ~~presently within the District.~~

272 ~~(2) The Plan of Reclamation for the area to be annexed shall be that Plan which was~~
273 ~~approved by the Engineer for the District, was constructed to the satisfaction of the~~
274 ~~Engineer for the District, and is maintained in the District's Minutes labeled "Indian~~

275 ~~Lakes Estates, Palm Beach County, Florida, prepared by Shalloway, Inc., Engineer of~~
276 ~~Record for Stuart Enterprises, Drawing #79-37-01 consisting of Sheets 1 through 5 plus~~
277 ~~the cover sheet and all amendments/changes thereto." For 25-year storm conditions, the~~
278 ~~maximum outfall from the annexed area into the remainder of the District shall not~~
279 ~~exceed 8 cubic feet per second. For 100-year storm conditions, the maximum outfall from~~
280 ~~the annexed area into the remainder of the District shall not exceed 13 cubic feet per~~
281 ~~second.~~

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

286
287 Section 10. Formulation and implementation of road plan and water control plans.—

288 (1) The Board of Supervisors of the South Indian River Water Control District in Palm
289 Beach County is hereby authorized to proceed in accordance with the provisions of
290 chapter 298, Florida Statutes, and the District Engineer is hereby given the additional
291 authority, in conjunction with the District Engineer's powers pursuant to section 298.16,
292 Florida Statutes, to formulate a road plan and water control plans for all of the lands
293 within the District and to formulate plans for providing potable water distribution and
294 wastewater collection systems to those lands within the District lying East of Canal 18 of
295 the South Florida Water Management District, and to the Northeast Quarter (NE 1/4) of
296 the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N

297 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1,
298 Township 41 South, Range 41 East, in Palm Beach County, with different taxing areas
299 within the taxing District according to the benefits received, and to revise the plans
300 according to the benefits received from time to time, taking into consideration both
301 construction and maintenance benefits so as to most equitably provide for taxation
302 according to benefits. The Board of Supervisors is hereby given the additional authority,
303 in conjunction with its powers pursuant to section 298.22, Florida Statutes, to implement
304 and authorize construction and maintenance of those improvements outlined in the road
305 plan, water control plans, and potable water distribution and wastewater collection
306 systems plans, according to the benefits received so as to most equitably provide for
307 taxation within the taxing District.

308 (2) In order to implement the road plan and water control plans of the District, and the
309 potable water distribution and wastewater collection systems plans for all lands within
310 the District lying East of Canal 18 of the South Florida Water Management District, and
311 to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-
312 half (N 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the
313 Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, in Palm
314 Beach County, the Board of Supervisors of the South Indian River Water Control District
315 is hereby authorized to exercise any and all powers granted to the District in this act,
316 sections 298.22 and 298.23, Florida Statutes, and elsewhere in chapter 298, Florida
317 Statutes. The Board of Supervisors is hereby further authorized to take any and all actions
318 necessary to implement the road plan and water control plans of the District, and potable

319 water distribution and wastewater collection systems plans for all lands lying East of
320 Canal 18 of the South Florida Water Management District, and to the Northeast Quarter
321 (NE 1/4) of the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North
322 one-half (N 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of
323 Section 1, Township 41 South, Range 41 East, in Palm Beach County.

324

325 Section 11. Formation of engineering plan East of Canal 18.—The Board of Supervisors
326 ~~shall authorize is hereby prohibited from authorizing~~ the formation of an engineering
327 plan, including estimated costs, when unless there is documented evidence that at least 25
328 percent of the affected landowners desire to have such a plan formulated.~~, and, thereafter,~~
329 ~~the~~ The Board of Supervisors ~~is prohibited from constructing any new roads shall~~
330 mandate the construction of new roads or ~~increasing~~ increase the quality of any existing
331 road ~~within the District, except for~~ East of Canal 18, including the placement of stable
332 materials, or constructing any facilities to provide potable water distribution and
333 wastewater collection systems to those lands within the District lying East of Canal 18 of
334 the South Florida Water Management District, and to the Northeast Quarter (NE 1/4) of
335 the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N
336 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1,
337 Township 41 South, Range 41 East, in Palm Beach County, ~~until~~ when there has first
338 been a vote in favor of the construction or improvement by the owners of a majority of
339 the parcels represented in the voting after notice has been duly given to all of the owners
340 of the lands within the area to be benefited in the same manner as notice is given and vote

341 taken in the Annual Landowners Meeting. A petition signed and notarized by the owners
342 of 51 percent of the parcels to be assessed ~~and certified by the county Supervisor of~~
343 ~~Elections will shall~~ satisfy each of the above requirements.

344

345 Section 12. Authority to fund engineering studies, road improvements, recreational
346 lands.—The Board of Supervisors of the South Indian River Water Control District in
347 Palm Beach County is hereby authorized, empowered, and permitted to expend funds of
348 the District to pay for engineering studies for the purpose of planning a road
349 improvement program, and to pay for the construction, maintenance, improvement, and
350 repair of dedicated roads and road rights-of-way, including the swales thereof, within the
351 District where such construction, maintenance, improvement, and repair is not performed
352 by other governmental bodies and to levy special assessments to acquire, construct, and
353 maintain said improvements on the basis of parcels benefited rather than acres benefited
354 for said purposes. The Board of Supervisors of the South Indian River Water Control
355 District is further authorized, empowered, and permitted to expend funds of the District
356 to pay for engineering studies for the purpose of planning facilities to provide potable
357 water distribution and wastewater collection systems to those lands lying East of Canal
358 18 of the South Florida Water Management District, and to the Northeast Quarter (NE
359 1/4) of the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-
360 half (N 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of
361 Section 1, Township 41 South, Range 41 East, in Palm Beach County, in cooperation
362 with the Town of Jupiter and the Loxahatchee River Environmental Control District, and

363 to pay for the construction, maintenance, improvement, and repair of those facilities
364 where such construction, maintenance, improvement, and repair is not performed by
365 other governmental bodies, and to levy special assessments, on the basis of parcels or
366 front footage benefited, acres benefited or other lawful basis, for said purposes, and to
367 transfer said facilities to the Town of Jupiter and the Loxahatchee River Environmental
368 Control District for operation and maintenance. The Board of Supervisors of the South
369 Indian River Water Control District is further authorized to receive and maintain real and
370 personal property for recreational purposes for land within the District lying East of
371 Canal 18 of the South Florida Water Management District only, and to make it available
372 for the use of the landowners. The Board of Supervisors is authorized to expend funds of
373 the District to pay for the maintenance of such property, the cost of which shall be borne
374 by the landowners owning land lying East of Canal 18 of the South Florida Water
375 Management District.

376

377 Section 13. One-time assessment for improvement project.—At the time of beginning
378 any improvement project authorized by chapter 298, Florida Statutes, or any special
379 legislation for the South Indian River Water Control District, the Board of Supervisors of
380 the District is authorized and empowered to levy a one-time special assessment not to
381 exceed \$1,000 upon the land to be benefited to pay for the anticipated initial legal and
382 engineering planning cost of said project, after notice has been given and an opportunity
383 afforded to the landowners to discuss the project at a regularly scheduled meeting. The

384 estimated initial planning cost of the project must be presented as part of the annual
385 budget. ~~No~~ district moneys may be expended prior to the levy of said special assessment.

386

387 Section 14. Transfer of roads and potable water distribution or wastewater collection
388 systems to another governmental entity.—If any governmental entity, whether existing at
389 this time or created in the future, elects to construct, improve, or maintain any road
390 within the District, or elects to construct, improve, maintain, or operate facilities to
391 provide potable water distribution and wastewater collection systems to those lands
392 within the District lying East of Canal 18 of the South Florida Water Management
393 District, and to the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) plus the
394 North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of
395 the Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, in Palm
396 Beach County, and the owners of a majority of the parcels within the District as a whole
397 or a majority of the landowners within the area to be benefited are in favor of said
398 election, then the Board of Supervisors shall cease constructing, improving, or
399 maintaining said road or roads or facilities providing potable water distribution and
400 wastewater collection systems to those lands within the District lying East of Canal 18 of
401 the South Florida Water Management District, and to the Northeast Quarter (NE 1/4) of
402 the Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N
403 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1,
404 Township 41 South, Range 41 East, in Palm Beach County, on a date agreeable to the
405 entity which elects to assume such obligation, but in no event later than 30 days after the

406 meeting of the Board of Supervisors wherein the election and vote are communicated to
407 the board. Pursuant to this provision, and with the agreement of the electing entity, the
408 District may transfer equipment, water, sanitary sewage lines, funds, materials, and
409 obligations to the electing entity.

410

411 Section 15. Authority to issue bonds.—The Board of Supervisors of the South Indian
412 River Water Control District is hereby authorized to issue bonds to pay for the purchase
413 of equipment, the construction and improvement of dedicated roads and road rights-of-
414 way including the swales thereof within the District, all drainage improvements within
415 the District, and all potable water distribution and wastewater collection systems
416 improvements for those lands within the District lying East of Canal 18 of the South
417 Florida Water Management District, and to the Northeast Quarter (NE 1/4) of the
418 Northeast Quarter (NE 1/4) plus the North one-half (N 1/2) of the North one-half (N 1/2)
419 of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 1,
420 Township 41 South, Range 41 East, in Palm Beach County. The provisions of chapter
421 298, Florida Statutes, as well as all other applicable laws, shall be followed by the Board
422 of Supervisors of the South Indian River Water Control District in Palm Beach County in
423 issuing said bonds.

424

425 Section 16. No effect on bondholders.—Nothing in this Act shall be deemed or construed
426 in any manner to affect the rights of the holders of any of the bonds heretofore issued by
427 said District in accordance with law, or of depriving said bondholders or any of them of

428 any right of action or remedy given to them by law in connection with said bonds or the
429 enforcement of the collection of taxes to pay principal and interest of the same.

430

431 Section 4. This act shall be construed as remedial and shall be liberally construed to
432 promote the purpose for which it is intended.

433

434 Section 5. In the event that any part of this act should be held void for any reason, such
435 holding shall not affect any other part thereof.

436

437 Section 6. Chapters 11006 (1925), 12271 (1927), 19344 (1939), 20654 (1941), 21731
438 (1943), 69-1411, 71-820, 78-582, 79-534, 80-575, 81-462, 87-515, 87-517, 91-402, and
439 2000-435, Laws of Florida, are repealed.

440

441 Section 7. This act shall take effect upon becoming a law.

442 Approved by the Governor May 25, 2001.

443 Filed in Office Secretary of State May 25, 2001.