

Senate Bill No. 2688

An act relating to Broward County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to Old Plantation Water Control District, a special tax district in Broward County; providing legislative intent, and codifying and reenacting provisions of chapter 24416, Laws of Florida, 1947, chapter 25710, Laws of Florida, 1949, chapter 27425, Laws of Florida, 1951, chapter 28936, Laws of Florida, 1953, chapter 30638, Laws of Florida, 1955, chapter 59-1146, Laws of Florida, and chapter 88-468, Laws of Florida; providing for the ratification, restatement and approval of the district formation; providing the status and boundaries of the district; providing for the applicability of chapters 170, 189, 197, and 298, F.S., and other general laws; providing for a district charter; providing for compensation of board members; providing for repeal of all prior special acts related to Old Plantation Water Control District; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to Old Plantation Water Control District. It is the intent of the Legislature in enacting this law 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.

Section 2. Chapter 24416, Laws of Florida, 1947; chapter 25710, Laws of Florida, 1949; chapter 27425, Laws of Florida, 1951; chapter 28936, Laws of Florida, 1953; chapter 30638, Laws of Florida, 1955; chapter 59-1146, Laws of Florida and chapter 88-468, Laws of Florida, relating to Old Plantation Water Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. District formation ratified, restated, and approved.—The decree of the circuit court in and for the Fifteenth Judicial Circuit, Broward County, Florida, entered on November 19, 1946, in Chancery No. 11,878, with respect to OLD PLANTATION WATER CONTROL DISTRICT, a public corporation of the State of Florida, and any subsequent proceedings taken in that circuit court concerning the district, including the provisions setting the boundaries of the district, are ratified, confirmed, and approved.

Section 4. Status and boundaries.—The Old Plantation Water Control district is declared to be an independent water control district and a public corporation of the state pursuant to chapter 298, Florida Statutes, as it may be amended from time to time, having the following boundaries in Broward County, Florida, to-wit:

Commence at the N.W. corner of Section 31, Township 49 South, Range 41, East; thence run East along the North line of Sections 31, 32, 33 and 34, Township 49 South, Range 41 East, to the N.E. corner of Section 34;

thence South along the East line of Section 34 to the S.E. corner thereof; thence East along the North line of Section 2, Township 50 South, Range 41 East, to the N.E. corner thereof; thence South along the East line of Sections 2 and 11, Township 50 South, Range 41 East, to the S.E. corner of Section 11; thence East along the North line of Section 14. Township 50 South, Range 41 East, a distance of 672.3 feet, more or less, to the N.E. corner of Tier 24, of Section 14, as the same is shown on the map of Newman's Survey recorded in Plat Book 2, page 26, Public Records of Dade County, Florida; thence in a Southerly direction along the Easterly line of Tier 24 of Section 14, as aforesaid, to a point at right angles to and 130 feet North of the center line of North New River Canal; thence in a Northwesterly direction parallel to and 130 feet from the center line of North New River Canal, as aforesaid, a distance of 26,605.4 feet, more or less, to the West line of Section 7, Township 50 South, Range 41 East, at a point that is 130 feet North of the center line of North New River Canal; thence North along the West line of Sections 7 and 6, Township 50 South, Range 41 East, and the West line of Section 31, Township 49 South, Range 41 East, to the point or place of beginning, which the boundary line embraces and includes those certain tracts or parcels of lands situate, lying, and being in Broward County, Florida, described as follows, to-wit:

All of Sections 31, 32, 33 and 34, Township 49 South, Range 41 East; all of Sections 2, 3, 4, 5, 6, 9, 10 and 11 and all that part of Sections 7, 8, 14, 15, 16 and 17, Township 50 South, Range 41 East, that lies North of North New River Canal, containing 9694 acres, more or less.

Section 5. Tax exemption.—Any bonds issued by the district and the interest thereon shall be exempt from taxation by the State of Florida or any county, municipality, or political subdivision thereof.

Section 6. Unit development.—The board of supervisors shall have the power to establish administrative and financial “units” within the district, as described and governed by section 298.353, Florida Statutes, as it may be amended from time to time.

Section 7. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the charter of the Old Plantation Water Control District:

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

(2) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 170, 189, 197, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The district was created by judicial decree on November 19, 1946, and confirmed by special act of the Legislature by chapter 24416, Laws of Florida, 1947, in accordance with chapter 298, Florida Statutes.

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

(5) In accordance with chapter 189, Florida Statutes, this act, and section 298.11, Florida Statutes, the district is governed by a three-member board, elected on a 1-acre, one-vote basis by the landowners in the district. However, landowners owning less than 1 acre shall be entitled to one vote. Landowners with more than 1 acre shall be entitled to 1 additional acre for any fraction of an acre owned when all acreage has been aggregated for purposes of voting. The membership and organization of the board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(6) The compensation of board members shall be governed by this act and chapter 298, Florida Statutes, as they may be amended from time to time.

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

(8) Requirements for financial disclosure, meeting notices, reporting, public-records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

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

(10) The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, as they may be amended from time to time. However, a quorum for purposes of holding the annual meeting or any special meeting shall consist of those landowners present in person or represented by proxy at the meeting.

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

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

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

(14) The district's geographic boundary limitations shall be as set forth in section 4.

Section 8. Compensation of board members.—Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$300 per month. The exact amount of this compensation shall be set by the board of supervisors.

Section 9. Conflict.—In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 10. Invalidity.—If any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity and enforceability of each other section and provision of this act.

Section 11. Chapter 24416, Laws of Florida, 1947; chapter 25710, Laws of Florida, 1949; chapter 27425, Laws of Florida, 1951; chapter 28936, Laws of Florida, 1953; chapter 30638, Laws of Florida, 1955; sections 2, 3, 4, 5, 6, and 7 of chapter 59-1146, Laws of Florida; and chapter 88-468, Laws of Florida, are repealed.

Section 12. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.