

CHAPTER

2001-325

HB 927, First Engrossed/ntc

House Bill No. 927

A bill to be entitled

1  
2 An act relating to Pinellas Park Water  
3 Management District, Pinellas County; providing  
4 for codification of special laws relating to  
5 Pinellas Park Water Management District  
6 pursuant to s. 189.429, F.S.; providing  
7 legislative intent; amending, repealing,  
8 codifying, and reenacting special acts relating  
9 to the district; providing a title; providing  
10 definitions; providing for creation of the  
11 Pinellas Park Water Management District  
12 Authority and amendment of its charter;  
13 providing for a governing body for the  
14 authority; providing for reimbursement of  
15 expenses pursuant to s. 112.061, F.S.;  
16 providing duties and powers; providing for a  
17 budget; providing boundaries of the authority;  
18 providing for elections and referenda;  
19 providing for amendment of authority  
20 boundaries; providing tax exemptions; providing  
21 construction and effect; providing an effective  
22 date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Pursuant to section 189.429, Florida  
27 Statutes, this act constitutes the codification of all special  
28 acts relating to Pinellas Park Water Management District  
29 Authority. It is the intent of the Legislature to provide a  
30 single, comprehensive special act charter for the authority  
31 including all current legislative authority granted to it by

1 its several legislative enactments and any additional  
2 authority granted by this act and chapter 189, Florida  
3 Statutes, as it may be amended from time to time. It is  
4 further the intent of this act to preserve all authority  
5 powers, including the power to annually assess and levy  
6 against the taxable property in the district a tax not to  
7 exceed 3 mills on the dollar of assessed valuation.

8 Section 2. Chapters 75-491, 77-641, 78-597, 90-448,  
9 and 98-456, Laws of Florida, relating to Pinellas Park Water  
10 Management District, are amended, codified, reenacted, and  
11 repealed as provided herein.

12 Section 3. The charter for the Pinellas Park Water  
13 Management District is re-created and reenacted to read:

14 Section 1. Short Title.--This law shall be known and  
15 may be cited as the "Pinellas Park Water Management District  
16 Law."

17 Section 2. Definitions.--As used in this law and  
18 unless the content clearly indicates otherwise:

19 (1) "Authority" or "District" means the body politic  
20 and corporate, an agency of the county, created by this act.

21 (2) "Members" means the governing body of the  
22 authority and "member" means one of the individuals  
23 constituting such governing body.

24 (3) "Pinellas Park Water Management District  
25 Authority" means initially the municipality of Pinellas Park  
26 and the unincorporated areas of Pinellas County surrounding  
27 the city limits of Pinellas Park located in the district.

28 (4) "Municipality" means any city, village, borough,  
29 or town.

30 (5) "County" means the County of Pinellas.

31 (6) "Storm drainage" means storm water run-off.

1       (7) Words importing singular number shall include the  
 2 plural number in each case and vice versa, and the words  
 3 importing persons shall include firms and corporations.

4       Section 3. Pinellas Park Water Management District  
 5 Authority.--

6       (1) The Pinellas Park Water Management District  
 7 Authority was created as the Pinellas Park Water Management  
 8 District by special act of the Legislature in 1975. Its  
 9 charter may be amended only by special act of the Legislature.

10       (2) The governing body of the authority shall consist  
 11 of three members, serving and selected as provided herein. Two  
 12 members shall be appointed by the City Council of Pinellas  
 13 Park and one member appointed by the Pinellas County  
 14 Commission. The term of each appointed member shall be for 3  
 15 years. Each appointed member shall hold office until his or  
 16 her successor has been appointed and qualified. A vacancy  
 17 occurring during a term shall be filled only for the balance  
 18 of the unexpired term. If any selection is not made by the  
 19 municipality as provided herein, the county commissioners  
 20 shall appoint an eligible person to the authority with like  
 21 effect as if the selection were made by the municipality. Any  
 22 member of the authority shall be eligible for reappointment.

23       (3) Each appointed member of the authority shall be a  
 24 person who is a qualified elector of the district with an  
 25 outstanding reputation for civic pride, interest, integrity,  
 26 responsibility, and business ability. No person who is an  
 27 officer or employee of any city or of the county in any  
 28 capacity, except elected officials, shall be an appointed  
 29 member of the authority.

30       (4) The authority shall annually elect one of its  
 31 members as chair of the authority and one as a vice chair. At

1 the same time, a secretary and treasurer shall be elected who  
2 may or may not be members of the authority, and they shall  
3 serve at the will of the authority. The treasurer shall post a  
4 good and sufficient surety bond in an amount approved by the  
5 Board of County Commissioners. Two members shall constitute a  
6 quorum and the vote of two members shall be necessary for any  
7 action taken by the authority. No vacancy in the authority  
8 shall impair the right of a quorum of the authority to  
9 exercise all of the rights and perform all of the duties of  
10 the authority. Upon the effective date of his or her  
11 appointment or, as soon thereafter as possible, each appointed  
12 member of the authority shall enter upon his or her duties.

13 (5) The district shall appoint an engineer who shall  
14 be a person of recognized ability and experience to serve at  
15 the pleasure of the authority. The district may also appoint  
16 or employ such employees as may be necessary for the proper  
17 performance of its duties and functions, and may determine the  
18 qualifications and fix the compensation of such persons; also,  
19 the authority may contract for the services of attorneys,  
20 engineers, consultants, and agents for any purpose of the  
21 authority, including engineering, management feasibility, and  
22 other studies concerning the acquisition, construction,  
23 extension, operation, maintenance, regulation, consolidation,  
24 and financing of the system in the area.

25 (6) Members of the authority shall be entitled to  
26 receive from the authority their traveling and other necessary  
27 expenses incurred in connection with the business of the  
28 authority, as provided in section 112.061, Florida Statutes,  
29 but they shall receive no salaries or other compensation, with  
30 the exception of the benefits described in subsection (7).  
31 During the unexpired term of any member of the authority, that

1 member may be removed for misconduct, malfeasance,  
 2 misfeasance, or nonfeasance in office by a two-thirds vote of  
 3 both appointing governing bodies.

4 (7) In accordance with section 112.08, Florida  
 5 Statutes, the authority may provide and pay all or part of the  
 6 premiums out of its available funds for insurance benefits to  
 7 its board members that are equivalent to the insurance  
 8 benefits provided to the authority's employees under the  
 9 authority's group insurance plan.

10 Section 4. Powers and duties.--

11 (1) The authority created and established by the  
 12 provisions of this act is hereby granted and shall have the  
 13 right and power to purchase, own, and maintain storm drainage  
 14 facilities, to contract for construction of facilities, to  
 15 exercise power of eminent domain, to conduct studies, and to  
 16 contract with other governmental agencies, private companies,  
 17 and individuals.

18 (2) The authority is hereby granted, and shall have  
 19 and may exercise all powers necessary, appurtenant,  
 20 convenient, or incidental to the carrying out of the aforesaid  
 21 purposes, including, but without being limited to, the  
 22 following rights and powers:

23 (a) To sue and be sued, implead and be impleaded,  
 24 complain and defend in all courts.

25 (b) To adopt, use, and alter at will a corporate seal.

26 (c) To acquire, purchase, hold, lease as a lessee, and  
 27 use any franchise, property, real, personal, or mixed,  
 28 tangible, or intangible, or any interest therein, necessary or  
 29 desirable for carrying out the purposes of the authority, and  
 30 to sell, lease, transfer, and dispose of any property or  
 31 interest therein at any time acquired by it. Any sale, lease,

1 or transfer of any property or interest shall be upon  
 2 competitive bid.

3 (d) To regulate the construction of storm drainage  
 4 facilities, to establish rules and regulations with respect to  
 5 storm drainage systems in said area.

6 (e) To collect fees for connection to or use of  
 7 authority facilities.

8 (f) To make contracts of every name and nature and to  
 9 execute all instruments necessary or convenient for the  
 10 carrying on of its business.

11 (g) To enter into management contracts with any person  
 12 or persons for the management of the district controlled by  
 13 the authority for such period or periods of time, and under  
 14 such compensation and other terms and conditions as shall be  
 15 deemed advisable by the authority.

16 (h) Without limitation, to borrow money and accept  
 17 gifts or grants or loans of money or other property and to  
 18 enter into contracts, leases, or other transactions with any  
 19 federal agency, the state, any agency of the state, the County  
 20 of Pinellas, or with any other public body of the state.

21 (i) To do all acts and things necessary or convenient  
 22 for the conduct of its business and the general welfare of the  
 23 authority in order to carry out the powers granted to it by  
 24 this part or any other law.

25 (j) To prescribe and promulgate rules and regulations  
 26 as it deems necessary for the purposes of this act.

27 (3) The authority shall have and the board may  
 28 exercise all the powers and duties set forth in this act and  
 29 chapter 189, Florida Statutes, as they may be amended from  
 30 time to time.

1       (4) The authority shall also hold all powers,  
2 functions, and duties set forth in this act and chapter 189,  
3 Florida Statutes, as they may be amended from time to time,  
4 including, but not limited to, ad valorem taxation, bond  
5 issuance, other revenue-raising capabilities, budget  
6 preparation and approval, liens and foreclosure of liens, and  
7 use of tax deeds and tax certificates. The authority may be  
8 financed by any method established in this act or chapter 189,  
9 Florida Statutes, as they may be amended from time to time.

10       (5) The methods for assessing and collecting ad  
11 valorem taxes, fees, or service charges shall be as set forth  
12 in chapters 200, 189, or 197, Florida Statutes, as they may be  
13 amended from time to time.

14       (6) The authority's planning requirements shall be as  
15 set forth in this act and chapter 189, Florida Statutes, as  
16 they may be amended from time to time.

17       (7) The authority's geographic boundary limitations  
18 shall be as set forth in this act.

19       (8) Requirements for financial disclosure, meeting  
20 notices, reporting, public records maintenance, and per diem  
21 expenses for officers and employees shall be as set forth in  
22 chapters 112, 119, 189, and 286, Florida Statutes, as they may  
23 be amended from time to time.

24       Section 5. Budget.--The budget of the authority is not  
25 subject to approval by the Board of County Commissioners of  
26 Pinellas County. For planning and budget purposes, the fiscal  
27 year of the authority shall commence on October 1 of each year  
28 and end on September 30 of the succeeding year. The debts of  
29 the authority are the sole responsibility of the authority.  
30 The authority shall comply with financial disclosure and  
31

1 reporting requirements imposed by general law, including  
2 chapter 189, Florida Statutes.

3 Section 6. Pinellas Park Water Management District  
4 Area.--The Pinellas Park Water Management District shall  
5 consist of the major outfall channels #1, 2, 3, 4, and 5,  
6 located in certain unincorporated and incorporated areas, all  
7 located within Pinellas County, Florida, and more specifically  
8 defined as follows:

9  
10 Beginning at the intersection of Joe's Creek  
11 and the Cross Bayou Canal, in the Southeast 1/4  
12 of Section 25-30-15; thence proceeding in a  
13 general Northeasterly direction along the  
14 centerline of Cross Bayou Canal to its  
15 intersection with the North side of Section  
16 19-30-16, which is also the centerline of 102nd  
17 Avenue; thence running East along the  
18 centerline of 102nd Avenue and the North  
19 section line of Section 19; thence along the  
20 North line of Section 20 to the Northeast  
21 corner thereof; thence Northerly along the West  
22 boundary of Section 16 for 2000' MOL; thence  
23 Easterly 2000' MOL to the Westerly R/W line of  
24 U.S. 19; thence Southeasterly along the  
25 Westerly R/W line of U.S. 19 to the centerline  
26 of 102nd Avenue; thence Easterly along the  
27 North line of Sections 21, 22, and 23, to the  
28 West R/W line of I-275; thence Southerly along  
29 the Westerly R/W line of I-275, which is  
30 located MOL on the East line of Sections 23 and  
31 26; thence proceeding in a Southerly direction



1 to the East 1/4 corner of Section 26; thence in  
2 a Southwesterly direction 3000' MOL to the  
3 Northeast corner of the Southeast 1/4 of the  
4 Southwest 1/4 of Section 26-30-16; thence  
5 turning and running West along the North side  
6 of the Southeast 1/4 of the Southwest 1/4 of  
7 Section 26-30-16 a distance of 330'; thence  
8 running South along a line 330' West of and  
9 parallel to the 1/2 Section line to the South  
10 line of Section 26-30-16; thence turning and  
11 running West along the South line of Section  
12 26-30-16 a distance of 660' to a point 990'  
13 West of the 1/2 Section line; thence turning  
14 and running South along a line 990' West of the  
15 half section line of Section 35-30-16 to a  
16 point on the South line of the Northeast 1/4 of  
17 the Southwest 1/4 of Section 35-30-16; thence  
18 turning and running East along the South line  
19 of the Northeast 1/4 of the Southwest 1/4 of  
20 Section 35-30-16 to the half section line and  
21 the Northeast corner of the Southeast 1/4 of  
22 the Southwest 1/4 of Section 35-30-16; thence  
23 turning and running South along the half  
24 Section line to the South line of Section  
25 35-30-16 and the centerline of 54th Avenue  
26 North; thence turning and running West along  
27 South line of Sections 35, 34 and 33-30-16 and  
28 the centerline of 54th Avenue North to the  
29 Southwest corner of Section 33-30-16 also being  
30 the Northeast corner of Section 5-31-16; thence  
31 west along said centerline of 54th Avenue to a