

House Bill No. 1433

An act relating to the Hobe-St. Lucie Conservancy District, Martin County; codifying, amending, reenacting, and repealing chapter 88-514, Laws of Florida, relating to the district; providing legislative intent; providing boundaries; providing powers; providing for a referendum to expand territorial boundaries; providing effective dates.

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

Section 1. Pursuant to section 189.429(1), Florida Statutes, this act constitutes the codification of all special acts relating to the Hobe-St. Lucie Conservancy 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 prior legislative enactment and any additional authority granted by this act. It is further the intent of this act to preserve all district powers and authority as set forth herein.

Section 2. Chapter 88-514, Laws of Florida, is codified, reenacted, amended, and repealed as herein provided.

Section 3. The Hobe-St. Lucie Conservancy District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. All of those certain pieces, parcels, and tracts of land in Martin County included and contained within the following described boundary lines, to wit:

Lands in Township 39 South, Range 40 East, Township 39 South, Range 41 East, Township 40 South, Range 40 East and Township 40 South, Range 41 East, Martin County, Florida, lying within the boundary lines described as follows.

BEGINNING at the Northwest corner of the East one-half ($\frac{1}{2}$) of Section 33, Township 39 South, Range 41 East, (1) Thence proceed South $0^{\circ}22'19''$ East along the West line of the East one-half ($\frac{1}{2}$) of Section 33 for a distance of 3945.28 feet to the Northeast corner of the Southeast one-quarter ($\frac{1}{4}$) of the Southwest one-quarter ($\frac{1}{4}$) of Section 33. (2) Thence proceed South $89^{\circ}59'02''$ West along the North line of the Southeast one-quarter ($\frac{1}{4}$) of the Southwest one-quarter ($\frac{1}{4}$) of Section 33 for a distance of 1327.45 feet to the Northwest corner of said Southeast one-quarter ($\frac{1}{4}$) of the Southwest one-quarter ($\frac{1}{4}$). (3) Thence proceed South $0^{\circ}19'59''$ West along the West line of the Southeast one-quarter ($\frac{1}{4}$) of the Southwest one-quarter ($\frac{1}{4}$) of Section 33 for a distance of 1315.00 feet to the Southwest corner of said Southeast one-quarter ($\frac{1}{4}$) of the Southwest one-quarter ($\frac{1}{4}$). Said point also being on the North line of Section 4, Township 40 South, Range 41 East. (4) Thence proceed (in Township 40 South, Range 41 East) South $89^{\circ}59'16''$ West along the North line of Sections 4 and 5 for a distance of 6351.02 feet to the Northwest corner of Section 5. (5) Thence proceed South $0^{\circ}11'06''$ West

along the West line of Section 5 for a distance of 5215.45 feet to the Southwest corner of Section 5. (6) Thence proceed South 0°16'55" West along the West line of Section 8 for a distance of 5267.71 feet to the Southwest corner of Section 8. (7) Thence proceed South 0°01'00" West along the West line of Section 17 for a distance of 5305.45 feet to the Southwest corner of Section 17. (8) Thence proceed South 89°55'10" East along the South line of Section 17 for a distance of 5311.95 feet to the Southeast corner of Section 17. (9) Thence proceed South 89°55'01" East along the South line of Section 16 for a distance of 5289.75 feet to the Southeast corner of Section 16. (10) Thence proceed South 89°47'56" East along the South line of Section 15 for a distance of 4998.10 feet to the Southeast corner of Section 15. (11) Thence proceed North 89°36'04" East along the South line of Section 14 for a distance of 5309.04 feet to the Southeast corner of Section 14. (12) Thence proceed North 89°47'43" East along the South line of Section 13 for a distance of 2427.75 feet to the Southeast corner of the West 2427.75 feet of Section 13. (13) Thence proceed North 0°08'02" West along the East line of the West 2427.75 feet of Section 13 for a distance of 3920.30 feet to a point on the Southerly right of way line of the Sunshine State Parkway. (14) Thence proceed North 45°58'27" West along the Westerly right of way line of the Sunshine State Parkway for a distance of 1930.31 feet to a point on the North line of Section 13. (15) Thence proceed North 89°11'44" East along the North line of Section 13 for a distance of 427.70 feet to a point on the Easterly right of way line of the Sunshine State Parkway. (16) Thence proceed South 45°58'27" East along the Easterly right of way line of the Sunshine State Parkway for a distance of 3370.93 feet to a point of curve to the right. (17) Thence proceed along the arc of said curve for a distance of 381.59 feet to a point on the South line of the North one-half (½) of Section 13. (18) Thence proceed East along the South line of the North one-half (½) of Section 13 for a distance of 1146.37 feet to the Southeast corner of the North one-half (½) of Section 13. (19) Thence proceed North along the East line of Section 13 for a distance of 2656.12 feet to the Northeast corner of Section 13. (20) Thence proceed North 0°06'37" East along the East line of Section 12 for a distance of 5293.90 feet to the Northeast corner of Section 12. (21) Thence proceed South 89°06'14" West along the North line of Section 12 for a distance of 5296.62 feet to the Northwest corner of said Section 12. (22) Thence proceed South 89°53'34" West along the South line of Section 2 for a distance of 2661.17 feet to the Southeast corner of the West one-half (½) of Section 2. (23) Thence proceed North 0°18'25" East along the East line of the West one-half (½) of Section 2 for a distance of 623.27 feet to a point. (24) Thence proceed North 89°41'30" West along the South line of the North 4620.70 feet of the West one-half (½) of Section 2 for a distance of 1992.30 feet to the Easterly right of way line of the Sunshine State Parkway. (25) Thence proceed South 45°58'27" East along the Easterly right of way line of the Sunshine State Parkway for a distance of 904.60 feet to a point on the South line of Section 2. (26) Thence proceed South 89°53'34" West along the South line of Section 2 to the Westerly right of way line of said Sunshine State Parkway. (27) Thence proceed Northwest and Northerly along the Westerly right of way line of the Sunshine State Parkway to its point of

intersection with the North line of Section 33, Township 39 South, Range 41 East. (28) Thence proceed South 89°58'17" West along the North line of said Section 33 for a distance of 2310.82 feet to the point or place of beginning.

TOGETHER WITH a strip of land described as follows: the East 130 feet of Section 34, Township 39 South, Range 41 East. The East 130 feet of the North 130 feet of Section 3, Township 40 South, Range 41 East. The North 130 feet of the West one-half (½) of Section 2, Township 40 South, Range 41 East. The East 130 feet of the North 4490.70 feet of the West one-half (½) of Section 2, Township 40 South, Range 41 East.

TOGETHER WITH also a strip of land more particularly described as follows: the East 80 feet of that part of Section 28, Township 39 South, Range 40 East, that lies between the South right of way line of the St. Lucie Canal and the North right of way line of State Road No. 76. The East 100 feet of that part of said Section 28 that lies South of the North right of way line of State Road No. 76. ALSO the East 100 feet of Section 33, Township 39 South, Range 40 East. ALSO the North 100 feet of the East 100 feet of Section 4, Township 40 South, Range 40 East. ALSO the North 100 feet of Section 1, 2 and 3, Township 40 South, Range 40 East. ALSO the South 100 feet of the North 130 feet of the West one-half (½) of Section 6, Township 40 South, Range 41 East, and the East 300 feet of the North 30 feet of the West one-half (½) of said Section 6. ALSO the South 100 feet of the East 2522.32 feet of Section 31, Township 39 South, Range 41 East. ALSO the South 100 feet of the West 379.48 feet of Section 32, Township 39 South, Range 41 East.

EXCEPTING THEREFROM easements and or rights of way and borrow pits previously conveyed for the Sunshine State Parkway, State Road 708 Rights of Way, State Road 76 Rights of Way and State Road 711 Rights of Way.

TOGETHER WITH

Those certain tracts or parcels of land situate in Martin County, Florida, described as follows: the Southeast one-quarter (¼) of the Southwest one-quarter (¼) of Section 33, all of that part of the East one-half (½) of Section 33 that lies West of the Westerly right of way line of the Sunshine State Parkway and that part of Section 34 that lies West of the Westerly right of way line of the Sunshine State Parkway, all in Township 39 South, Range 41 East. ALSO, in Township 40 South, Range 41 East, the West one-half (½) of Section 2 less the North 4620.70 feet thereof. That part of Section 3 that lies West of the Westerly right of way line of the Sunshine State Parkway. All of Section 4. The North one-half (½) of Section 5. Section 9 less the South 3113.0 feet thereof. All of Section 10. All of Section 11. All of that part of Section 12 that lies East of the Easterly right of way line of the Sunshine State Parkway. All of that part of the North one-half (½) of Section 13 that lies East of the Easterly right of way line of the Sunshine State Parkway. ALSO the East 130 feet of Section 34, Township 39 South, Range 41 East. ALSO the East 130 feet of the North 130 feet of Section 3, Township 40 South, Range 41 East. ALSO the North 130 feet of the West one-half (½) of Section 2, Township 40 South, Range 41 East. ALSO the East 130 feet of the North 4490.70

feet of the West one-half (½) of Section 2, Township 40 South, Range 41 East.

In Section 28, Township 39 South, Range 40 East: The East 80 feet of that part of Section 28 that lies between the South right of way line of the St. Lucie Canal and the North right of way line of State Road No. 76. The East 100 feet of that part of Section 28 that lies South of the North right of way line of State Road No. 76.

In Section 33, Township 39 South, Range 40 East: The East 100 feet of said Section 33.

In Section 4, Township 40 South, Range 40 East: The North 100 feet of the East 100 feet of said Section 4.

In Sections 1, 2 and 3, Township 40 South, Range 40 East: The North 100 feet of said Sections 1, 2 and 3.

In Section 6, Township 40 South, Range 41 East: The South 100 feet of the North 130 feet of the West one-half (½) of said Section 6 and the East 300 feet of the North 30 feet of the West one-half (½) of said Section 6.

In Section 31, Township 39 South, Range 41 East: The South 100 feet of the East 2522.32 feet of said Section 31.

In Section 32, Township 39 South, Range 41 East: The South 100 feet of the West 379.48 feet of said Section 32.

EXCEPTING THEREFROM easements and or rights of way and borrow pits previously conveyed for the Sunshine State Parkway, State Road 708 Rights of Way, State Road 76 Rights of Way, State Road 711 Rights of Way, and State Road 9 Rights of Way.

AND,

The South one-half (½) of Section 5. All of Sections 8, 14, 15, 16 and 17, the South 3113.00 feet of Section 9 and that part of the West 2427.75 feet of Section 13 that lies West of the Westerly right of way line of the Sunshine State Parkway, all in Township 40 South, Range 41 East, less any and all rights of way for State Road No. 711.

TOTAL ACREAGE: (approximately) 8,067.

TOGETHER WITH

The South three-quarters (S ¾) of Section 14, all of Section 23 and all of Section 26, Township 39 South, Range 41 East, Martin County, Florida.

be and the same are hereby created and established into a drainage district and declared and decreed to be a public corporation of the State of Florida by, under and pursuant to and authorized by Chapter 298, Florida Statutes.

Section 2. (1) The territorial limits of Hobe-St. Lucie Conservancy District shall also embrace and include those parcels of land described as follows:

Consisting of Parcel 1A, Parcel 2A, Parcel 3, Parcel 4, Parcel 5, Parcel 6, and more particularly described as follows: PARCEL 1A: A parcel of

land lying in portions of Sections 4, 5, 6, 7, 8, 9, 14, 15, 16, 21, 22, 23 and 27, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows, to-wit: Begin at the Southwest corner of Section 7 and run North 00 degrees 11 minutes 13 seconds East along the West line of said Section 7 a distance of 2,648.87 feet to the West one quarter corner of said Section 7; thence North 00 degrees 12 minutes 01 seconds East along the West line a distance of 2,647.72 feet to the Southwest corner of Section 6; thence North 00 degrees 16 minutes 38 seconds East along the West line thereof a distance of 2,649.62 feet to the West one quarter corner of said Section 6; thence North 00 degrees 08 minutes 10 seconds East along the West line of said Section 6 a distance of 124.72 feet to a point; thence South 89 degrees 48 minutes 10 seconds East a distance of 5,278.52 feet to the West line of Section 5; thence South 89 degrees 48 minutes 10 seconds East a distance of 2,079.83 feet to the Southwest corner of lands conveyed to Mr. Michael Zarrella as recorded in Official Records Book 164, page 258, public records of Martin County, Florida; thence continue South 89 degrees 48 minutes 10 seconds East along the South line of said Zarrella property a distance of 2,805.71 feet to the Southeast corner of said property; thence continue South 89 degrees 48 minutes 10 seconds East a distance of 208.72 feet to the easterly right-of-way line of the S-1 Canal and the westerly property line of lands conveyed to Mr. William J. Matheson as recorded in Official Records Book 340, page 1231, public records of Martin County, Florida; thence southerly along the East right-of-way line of said S-1 Canal the following courses and distances: South 22 degrees 54 minutes 28 seconds East along the West line of said Matheson property a distance of 491.65 feet to the East line of Section 5; thence continue South 22 degrees 54 minutes 28 seconds East along the West line of said Matheson property a distance of 2,625.68 feet to the South line of Section 4 and the Northwest corner of lands conveyed to Charles O. Melear and Jimmy E. Melear as recorded in Official Records Book 220, Page 348, public records of Martin County, Florida; thence South 22 degrees 45 minutes 48 seconds East along the West line of said Melear property, a distance of 4,256.91 feet to the Northwest corner of Parcel 1 of lands conveyed to Melear Bros. Dairy, Inc. as recorded in Official Records Book 334, page 198, public records of Martin County, Florida; thence continue South 22 degrees 45 minutes 48 seconds East along said Melear Bros. Dairy Inc. property a distance of 1,460.24 feet to the South line of Section 9; thence continue South 22 degrees 45 minutes 48 seconds East a distance of 531.88 feet; thence South 32 degrees 45 minutes 17 seconds East a distance of 2,259.06 feet to the beginning of a curve concave to the Northeast, having a radius of 1,766.00 feet; thence southeasterly along the arc of said curve, through a central angle of 26 degrees 27 minutes 40 seconds, a distance of 815.60 feet to the intersection with the East line of said Section 16; thence continue along mentioned curve, through a central angle of 11 degrees 18 minutes 13 seconds a distance of 348.41 feet to the South line of said Melear Bros. Dairy, Inc. property and the North right-of-way line of the S-2 Canal; thence South 89 degrees 35 minutes 32 seconds East nontangent to the aforementioned curve and along the North line of said S-2 Canal a distance of 3,283.27 feet to the Southwest corner of lands conveyed to Golden Bear Land Company, Inc. as recorded in Official

Records Book 554, page 361, public records of Martin County, Florida; thence continue South 89 degrees 35 minutes 32 seconds East along the South line of said Golden Bear Land Company, Inc. property a distance of 1,660.62 feet to the East line of said Section 15; thence continue South 89 degrees 35 minutes 32 seconds East a distance of 93.20 feet to the westerly right-of-way line of Citrus Boulevard (County Road 726), said point being on a curve concave to the Southwest having a radius of 5,679.58 feet and a chord bearing of South 00 degrees 06 minutes 56 seconds East; thence southerly along the arc of said curve through a central angle of 00 degrees 48 minutes 26 seconds, a distance of 80.00 feet to the South right-of-way line of the S-2 Canal; thence North 89 degrees 35 minutes 32 seconds West parallel and 80.00 feet South of, as measured at right angles to, the North right-of-way line of said S-2 Canal a distance of 93.99 feet to the East line of said Section 15; thence North 89 degrees 35 minutes 32 seconds West and continuing along said described line a distance of 4,734.69 feet to the easterly right-of-way line of the S-1 Canal and a point of nontangent curve concave to the Southwest, having a radius of 1,575.00 feet; thence southeasterly along the arc of said curve having a chord bearing of South 48 degrees 57 minutes 26 seconds East and a central angle of 31 degrees 37 minutes 36 seconds, a distance of 869.38 feet; thence South 33 degrees 08 minutes 39 seconds East along the East right-of-way line of the S-1 Canal a distance of 1,855.52 feet to a point; thence South 89 degrees 39 minutes 37 seconds East along a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of Section 15, a distance of 3,056.23 feet to the East line of said Section 15; thence South 89 degrees 34 minutes 48 seconds East along a line that is parallel to and 55.00 feet North of, as measured at right angles to, the South line of Section 14, a distance of 98.82 feet to the westerly right-of-way line of said Citrus Boulevard; thence South 00 degrees 19 minutes 04 seconds West along the West line of said Citrus Boulevard a distance of 55.0 feet to a point on the South line of Section 14, said point bearing South 89 degrees 34 minutes 48 seconds East a distance of 98.95 feet from the Southwest corner of said Section 14; thence continue South 00 degrees 19 minutes 04 seconds West along said West line of said Citrus Boulevard a distance of 970.53 feet to the beginning of a curve concave to the Northwest having a radius of 3,769.72 feet; thence southerly along said right-of-way line and the arc of said curve, through a central angle of 31 degrees 08 minutes 47 seconds a distance of 2,049.25 feet to a point of compound curvature of a curve concave to the Northwest having a radius of 2,814.79 feet; thence southwesterly along said right-of-way line and the arc of said curve, through a central angle of 36 degrees 48 minutes 39 seconds a distance of 1,808.41 feet; thence South 68 degrees 16 minutes 30 seconds West a distance of 3,710.39 feet to the intersection with the West line of Section 27; thence North 00 degrees 34 minutes 20 seconds East, departing the northerly right-of-way line of said Citrus Boulevard, a distance of 146.35 feet to the Southwest corner of Section 22; thence North 00 degrees 07 minutes 41 seconds East a distance of 2,033.56 feet to a point that is 3,288.30 feet South of the Northwest corner of said Section 22, as measured along the section line; thence North 26 degrees 36 minutes 02 seconds West a distance of 3,688.57 feet to a point 1,659.00 feet West of

the Northeast corner of Section 21, as measured along the North line of said Section 21; thence North 26 degrees 07 minutes 18 seconds West a distance of 5,955.05 feet to the intersection with the North line of Section 16; thence North 89 degrees 35 minutes 37 seconds West along the North line of said Section 16 a distance of 998.45 feet to the Northwest corner of said Section 16; thence North 89 degrees 32 minutes 12 seconds West along the South line of Section 8 a distance of 5,284.04 feet to the Southwest corner of said Section 8; thence North 89 degrees 32 minutes 28 seconds West along the South line of Section 7 a distance of 5,263.65 feet to the Point of Beginning, containing 3,207.46 acres, more or less. PARCEL 2A (S-2 Canal):Commence at the Southwest corner of Section 14, Township 39 South, Range 40 East, Martin County, Florida; thence run South 89 degrees 34 minutes 48 seconds East along the South line of said Section 14 a distance of 198.95 feet to the point of intersection with the easterly right-of-way line of Citrus Boulevard (County Road 726) and the centerline of S.W. Greenridge Street, as shown and recorded on the Plat of Greenridge Estates, Plat Book 7, page 45, public records of Martin County, Florida; thence North 00 degrees 19 minutes 04 seconds East along the East right-of-way line of said Citrus Boulevard a distance of 30.00 feet to the intersection with the North right-of-way line of said S.W. Greenridge Street; thence continue North 00 degrees 19 minutes 04 seconds East along the East line of said Citrus Boulevard a distance of 2,114.17 feet to the South right-of-way line of the S-2 Canal and the Point of Beginning; thence continue North 00 degrees 19 minutes 04 seconds East along the East line of said Citrus Boulevard a distance of 9.85 feet to the beginning of a curve concave to the Southwest having a radius of 5,779.58 feet; thence northerly along the arc of said curve and the easterly right-of-way line of said Citrus Boulevard through a central angle of 00 degrees 41 minutes 44 seconds a distance of 70.15 feet to the Southwest corner of lands conveyed to Stuart Cut Flowers, Inc. as recorded in Official Records Book 421, page 2014, public records of Martin County, Florida, and the North right-of-way line of the S-2 Canal; thence South 89 degrees 41 minutes 35 seconds East a distance of 2,533.05 feet to the Southeast corner of said Stuart Cut Flowers, Inc. property; thence continue South 89 degrees 41 minutes 35 seconds East a distance of 11.68 feet to the westerly right-of-way line of S.W. Greenridge Lane as shown on said Plat of Greenridge Estates; thence South 31 degrees 27 minutes 08 seconds West along the westerly right-of-way line of said S.W. Greenridge Lane a distance of 93.47 feet to the South right-of-way line of the S-2 Canal; thence North 89 degrees 41 minutes 35 seconds West a distance of 2,495.97 feet to the Point of Beginning, containing 4.63 acres, more or less. PARCEL 3:A parcel of land located in Section 14, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows, to wit: This parcel of land is labeled as "Drainage R/W (Not included)" in the Plat of Greenridge Estates as recorded in Plat Book 7, page 45, public records of Martin County, Florida, and is bounded on the North by the South line of Lot 6 according to the Plat thereof; bounded on the South by the North line of Lot 7 according to the Plat thereof; bounded on the West by the East right-of-way line of S.W. Greenridge Lane according to the Plat thereof; and bounded on the East by the westerly right-of-way line of St. Lucie Canal as recorded

in Plat Book 2, page 35; public records of Martin County, Florida, containing 2.24 acres. PARCEL 4: Being a parcel of land located in Section 22, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows, to-wit: This parcel of land is bounded on the Southwest by the northeasterly line of Lot 25 of the Plat of Greenridge West, as recorded in Plat Book 9, page 32, public records of Martin County, Florida; bounded on the Southeast by the northwesterly right-of-way line of St. Lucie Canal as recorded in Plat Book 2, page 35, public records of Martin County, Florida; bounded on the Northeast by the Southwest line of Lot 32, according to the Plat of Greenridge Estates, as recorded in Plat Book 7, page 45, public records of Martin County, Florida; and bounded on the Northwest by the southeasterly right-of-way line of Citrus Boulevard (County Road 726), containing 2.9 acres, more or less. PARCEL 5: Being a parcel of land located in Sections 22 and 27, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows, to-wit: A parcel of land labeled "Not a part of this Plat", according to the Plat of Greenridge West, as recorded in Plat Book 9, page 32, public records of Martin County, Florida, said parcel being bounded on the Northeast by the southwesterly lot line of Lot 5, according to the Plat thereof; bounded on the Southwest by the northeasterly line of Lot 4, according to the Plat thereof; bounded on the Southeast by the "Cane Slough Spillway" of the St. Lucie Canal, as recorded in Plat Book 2, page 35, public records of Martin County, Florida; and bounded on the Northwest by the southeasterly right-of-way line of Citrus Boulevard (County Road 726), containing 2.1 acres, more or less. PARCEL 6: A strip of land 10 feet wide located in Section 14, Township 39 South, Range 40 East, Martin County, Florida, more particularly described as follows, to-wit: Bounded on the North by the easterly prolongation of the North line of lands conveyed to Stuart Cut Flowers, Inc. as recorded in Official Records Book 421, page 2014, public records of Martin County, Florida; bounded on the South by the easterly prolongation of the South line of lands conveyed to Stuart Cut Flowers, Inc. as recorded in Official Records Book 421, page 2014, public records of Martin County, Florida, and the North line of Parcel 2A (being the S-2 Canal easement); bounded on the East by the West line of the Plat of Greenridge Estates as recorded in Plat Book 7, page 45, public records of Martin County, Florida; and bounded on the West by the easterly line of lands conveyed to Stuart Cut Flowers, Inc. as recorded in Official Records Book 421, page 2014, public records of Martin County, Florida (being 10.00 feet West of, as measured at right angles to tangent lines and radial to curved lines) the West line of said Plat of Greenridge Estates, containing 0.51 acres, more or less.

(2) No expansion of the territorial boundaries of the district under subsection (1) shall be effective until a landowner referendum is conducted by the board of supervisors within 60 days after the effective date of this act on the question of expanding the territorial boundaries of the district. All landowners (which includes the landowners within the current district and expanded district boundaries) are entitled to vote in the referendum held pursuant to this section. The referendum shall be held on a one-acre, one-vote basis at the expense of the district. If the landowners approve the

referendum described in this section by a majority vote of the acreage cast, then such section shall take effect immediately.

Section 3. The Hobe-St. Lucie Conservancy District is hereby expressly designated as a water control district in accordance with section 298.001, Florida Statutes, and is required to comply with the provisions of chapter 298, Florida Statutes.

Section 4. The Hobe-St. Lucie Conservancy District, an independent special district, created under general law, shall have, in addition to the powers provided for under general law, the following powers:

(1) The district shall have the power to sue and be sued by its name in any court of law or in equity; to make contracts; to adopt and use a corporate seal and to alter the same at pleasure; to acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act; as provided by law, to construct, operate, and maintain canals, ditches, drains, levees, and other works for roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said district or the supervisors thereof; and in furtherance of the purposes and intent of this act and as provided by law; to construct, improve, pave, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the district; to acquire, construct, finance, and maintain water plants and systems to produce, purify, and distribute water for consumption; to acquire, construct, finance, and maintain sewer systems for the collection, disposal, and reuse of waste and to prevent water pollution in the district; to fix rates, fees, and charges to be collected from the users from any project or projects; to distribute from its water plants water for consumption to users within and without the district boundaries and to provide sewer collection and disposal of waste to lands within and without the district boundaries; to construct and maintain a system of roads; to acquire, construct, and maintain passive parks and recreational facilities, conservation areas, mitigation areas, and sanctuaries for the storage of water for water control and irrigation purposes and for preservation of wildlife habitat; to borrow money and issue negotiable or other bonds of said district as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of said district therefor, bearing interest at not exceeding the maximum interest allowable by law in anticipation of the collection of taxes, levies, and assessments or revenues of said district; and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same; and to exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties of said district stated in this act. The powers and duties of said district shall be exercised by and through the board of supervisors thereof, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may from time to time determine, and to fix their compensation and

duties. In addition, said district shall have all of the powers provided by law. All powers and authority of the district shall extend and apply to the district as a whole and to each unit of development as from time to time may be designated by the board of supervisors.

(2) In further expansion of its powers, the district shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain distribution systems and facilities for the following:

(a) Water supply, sewer, and wastewater management, or any combination thereof, and to construct and operate connecting, intercepting, or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, within or without district boundaries.

(b) Waste collection, treatment, and disposal or disposal of any effluent, residue, or other byproducts of such system or sewer system, within or without district boundaries.

(c) The supply and level of water within and without the district boundaries, including the diversion of waters from one area, lake, pond, river, stream, basin, or water control facility to another; the control and restriction of the development and use of natural or artificial streams or bodies of water, lakes, or ponds; and the taking of measures determined by the board to be necessary or desirable to prevent or alleviate land erosion.

Section 5. (1) In addition to the other powers provided the district, and not in limitation thereof, the district shall have the power, at any time, and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue.

(2) The district shall have the power to issue revenue bonds from time to time without limitation as to amount for the purpose of financing those systems and facilities provided for in this act. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source or pledged security.

(3) Any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of

the district in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; the custody, safeguarding, and application of all moneys; and the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation.

(4) Bonds of each issue shall be dated; shall bear interest at such rate or rates, including variable rates, which interest may be tax exempt or taxable for federal income tax purposes; shall mature at such time or times from their date or dates; and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be determined by the board.

(5) The district shall have the power to issue bonds for the purpose of refunding any outstanding bonds of the district.

Section 6. (1) The Board of Supervisors of Hobe-St. Lucie Conservancy District shall have the power and is hereby authorized in its discretion to manage water within said district by designated area or parts of said district to be called "units." The units into which said district may be so divided shall be given appropriate numbers or names by said board of supervisors, so that said units may be readily identified and distinguished. The board of supervisors shall have the power to fix and determine the location, area, and boundaries of and lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this act authorized in respect to such unit or units may be carried on and conducted at the same time as or implementation of the district water control plan under the provisions of this act. If the board of supervisors shall determine that it is advisable to conduct the work of draining, irrigating, and reclaiming the lands in said district by units, as authorized by this section of this act, said board shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct such work accordingly, and shall at the same time and manner fix the number, location, and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. As soon as practicable after the adoption and recording of such resolution said board of supervisors shall publish notice once a week for 2 consecutive weeks in a newspaper published in Martin County, briefly describing the units into which said district has been divided and the lands embraced in each unit, giving the name, number, or other designation of such units, requiring all owners of lands in said district to show cause in writing before said board of supervisors at a time and place to be stated in such notice why such subdivision of said district into such units should not be approved, and said system of development by units should not be adopted and given effect by said board, and why the proceedings and powers authorized by this section of this act should not be had, taken, and exercised. At the time and place stated in said notice, said board of supervisors shall hear all objections or causes of objection (all of which shall be in writing) of any landowner in said district in the matters mentioned and referred to in such notice, and if no objections are made, or if said objections, if made, shall be overruled by said

board, then said board shall enter in its minutes its finding and order confirming said resolution, and may thereafter proceed with the development, drainage, irrigation, and reclamation of said district by units pursuant to such resolution and to the provisions of this act. If, however, said board of supervisors shall find as a result of such objections, or any of them, or the hearing thereon, that the division of said district into such units as aforesaid should not be approved, or that said system of development by units should not be adopted and given effect, or that the proceedings and powers authorized by this section should not be had, taken, or exercised, or that any other matter or thing embraced in said resolution would not be in the best interest of the landowners of said district or would be unjust or unfair to any landowner therein or otherwise inconsistent with fair and equal protection and enforcement of the rights of every landowner in said district, then said board of supervisors shall not proceed further under such resolutions, but the board of supervisors may, as a result of such hearing, modify or amend said resolution so as to meet such objections so made, and thereupon the board may confirm said resolution as so modified or amended and may thereafter proceed accordingly. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of said board under this action; however, at any time not less than 1 year after the date of the hearing upon any such resolution, the board of supervisors may adopt other resolutions under this section and thereupon proceed on due notice in like manner as above. If the board of supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner shall deem himself or herself aggrieved by any action of the board of supervisors in respect to any objections so filed, such landowner may, within 10 days after the ruling of said board, file his or her complaint in the Circuit Court for Martin County against said district, praying an injunction or other appropriate relief against the action or any part of such action proposed by such resolution or resolutions of said board, and such suits shall be conducted in accordance with the Florida Rules of Civil Procedure. Upon the hearing of cause said circuit court shall have the power to hear the objections and receive the evidence thereon of all parties to such cause and approve or disapprove said resolutions and action of said board in whole or in part, and to render such judgment in such cause as right and justice require. When said resolutions creating said unit system have been confirmed by the board of supervisors (or by the Circuit Court for Martin County, if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized), said board of supervisors may adopt a water control plan or plans for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned by the district engineer, and the engineer's report considered and confirmed, all in like manner as is provided by law in regard to water control plans for and assessments of benefits and damages of the entire district. With respect to the water control plan, notices, and engineer's report and notice and confirmation thereof, the levy of assessments and taxes, including maintenance taxes, the issuance of bonds, and all other proceedings as to each and all of such units, the board shall follow and comply with the same procedure as is provided by law with respect to the entire district; and said board of supervisors shall have the same powers in respect to each and all of such units as is vested in them with

respect to the entire district. All the provisions of this act shall apply to the water management, water control, and improvement of each, any, and all of such units, and the enumeration of or reference to specific powers or duties of the supervisors or any other officers or other matters in this act as hereinabove set forth shall not limit or restrict the application of any and all of the proceedings and powers herein to such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this act where the entire district is mentioned or referred to. All assessments, levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made, or issued, and not upon the remaining units or lands in said district. The board of supervisors may at any time amend its said resolutions by changing the location and description of lands in any such unit or units; however, if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units. Moreover, no lands against which benefits shall have been assessed may be detached from any such unit after the confirmation of the engineer's report of benefits in such unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon the lands within such unit or units.

(2) If, after the confirmation of the engineer's report of benefits in such unit or units, or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board of supervisors finds the water control plan for any such unit or units insufficient or inadequate for efficient development, the water control plan may be amended or changed as provided by law, and the unit or units may be amended or changed as provided in this section, by changing the location and description of lands in any such unit or units, by detaching lands therefrom or by adding lands thereto. In such event all assessments, levies, taxes, bonds, and other obligations made, levied, assessed, incurred, or issued for or in respect to any such unit or units may be allocated and apportioned to the amended unit or units in proportion to the benefits assessed by the engineer's report for the amended water control plan and said report shall specifically provide for such allocation and apportionment. However, a change or amendment to a designated unit is not authorized if it has the effect of impairing a debt or other obligation of the unit or district.

(3) No lands shall be detached from any unit after the issuance of bonds or other obligations for such unit except upon the consent of all the holders of such bonds or other obligations. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, taxes, bonds, and other obligations in proportion to the benefits assessed by the commissioners' or engineer's report, as the case may be, for the amended water management plan, the holders of bonds or other obligations heretofore issued for the original unit who consent to such allocations and apportionment shall be

entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended Plan.

Section 7. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within the district. The district does not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. The district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

Section 8. The power of the district to condemn property outside the boundaries of the district shall be restricted to the acquisition of easements or rights-of-way, including the fee simple title thereto, to accomplish the purposes of the district. Nothing contained in this act shall empower the district to condemn the water or sewer systems of any other unit of government.

Section 4. Chapter 88-514, Laws of Florida, is repealed.

Section 5. In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situation, circumstance, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the application of such sections or provisions to any other situation, circumstance, or person, and it is intended that this act shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 6. This act shall take effect upon becoming a law, except that subsection (1) of section 2 of the district charter shall take effect only upon its approval at a referendum to be held as provided in subsection (2) of section 2 of the district charter.

Approved by the Governor June 13, 2005.

Filed in Office Secretary of State June 13, 2005.