

By the Committee on Natural Resources and Senator Rossin

312-1819-98

1 A bill to be entitled
2 An act relating to water control districts;
3 amending s. 298.005, F.S.; deleting the
4 definition of the term "water control district"
5 and revising the definition of the term "water
6 control plan"; amending s. 298.11, F.S.;
7 providing for landowner vote of fractional
8 acreage; providing quorum requirements;
9 amending s. 298.12, F.S.; providing for
10 appointment of a supervisor; amending s.
11 298.16, F.S.; eliminating surety bond
12 requirements for district engineers; amending
13 s. 298.22, F.S.; providing criteria for
14 awarding construction contracts; amending s.
15 298.225, F.S.; revising requirements for the
16 development and amendment of district water
17 control plans; amending s. 298.26, F.S.;
18 revising use of the district engineer's annual
19 report; amending s. 298.301, F.S.; providing
20 for the determination of benefits and damages;
21 revising notice and report requirements;
22 providing that the approval of a district water
23 control plan and assessments is final unless
24 court action is brought within 30 days after
25 approval; amending s. 298.329, F.S.; conforming
26 a statutory cross-reference; amending s.
27 298.353, F.S.; revising notice requirements;
28 providing that district bonds may be payable
29 from assessments on more than one unit;
30 repealing s. 298.337, F.S., relating to levies
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1 of assessments on land use for land less than 1
2 acre; providing an effective date.

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

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6 Section 1. Subsections (3) and (4) of section 298.005,
7 Florida Statutes, are amended to read:

8 298.005 Definitions.--As used in this chapter, the
9 term:

10 ~~(3) "Water control district" means a special district~~
11 ~~established in accordance with s. 298.01 and operating under~~
12 ~~this chapter.~~

13 (3)(4) "Water control plan" means the comprehensive
14 operational document that describes the activities and
15 improvements to be conducted by a water control district
16 authorized under this chapter and includes any district.
17 ~~Alternatively described as a "plan of reclamation," or "water~~
18 ~~management plan," or "plan of improvement" that prior to~~
19 ~~October 1, 1998, a water control plan details the system of~~
20 ~~water management improvements implemented by a water control~~
21 ~~district.~~

22 Section 2. Section 298.11, Florida Statutes, is
23 amended to read:

24 298.11 Landowners' meetings; election of board of
25 supervisors; duties of Department of Environmental Protection
26 ~~and Governor.~~--

27 (1) Within 20 days after the effective date of a
28 special act creating a district, notice of a landowners'
29 meeting shall be given as provided in the special act. The
30 notice shall be published once a week for 2 consecutive weeks
31 in a newspaper of general circulation in each county in which

1 lands of the district are located, the last publication to be
2 not less than 10 nor more than 15 days before the date of the
3 meeting. The meeting of the owners of the lands located in the
4 district shall be scheduled, at a day and hour specified, at
5 some public place in the county within which most of the
6 district lands are located, for the purpose of electing a
7 board of three supervisors, to be composed of owners of the
8 lands in the district and residents of the county or counties
9 in which the district is located.

10 (2) The landowners, when assembled, shall organize by
11 the election of a chair and secretary of the meeting, who
12 shall conduct the election. At the election, each and every
13 acre of land in the district shall represent one share, and
14 each owner shall be entitled to one vote in person or by proxy
15 in writing duly signed, for every acre of land owned by him or
16 her in the district, and the three persons receiving the
17 highest number of votes shall be declared elected as
18 supervisors. The appointment of proxies shall comply with s.
19 607.0722. Landowners owning less than 1 acre in the aggregate
20 shall be entitled to one vote. Landowners with more than 1
21 acre are entitled to one additional vote for any fraction of
22 an acre greater than 1/2 acre ~~owned~~, when all of the
23 landowners' acreage has been aggregated for purposes of
24 voting. The landowners shall at such election determine the
25 length of the terms of office of each supervisor so elected by
26 them, which shall be respectively 1, 2, and 3 years, and they
27 shall serve until their successors shall have been elected and
28 qualified.

29 (3) The Department of Environmental Protection, at any
30 such meeting, may represent the state, and shall have the
31 right to vote for supervisors, or upon any matter that may

1 come properly before said meeting to the extent of the acreage
2 owned by the state in such district, provided such acreage is
3 subject to assessment by the water control district, which
4 vote may be cast by any person designated by said department.
5 Guardians may represent their wards, executors and
6 administrators may represent estates of deceased persons, and
7 private corporations may be represented by their officers or
8 duly authorized agents. The owners and proxy holders of a
9 majority of district the acreage who are present at a duly
10 noticed landowners' meeting included in such district shall be
11 necessary to constitute a quorum for the purpose of holding
12 such election, or any election thereafter, and in case the
13 owners of a majority of the acreage included in such district
14 are not present in person or duly represented, at the time and
15 the place stated in the notice calling such meeting, then no
16 election shall be held, and notice of such failure shall be
17 given in writing by any person interested to the Governor, who
18 shall as soon as practicable appoint three competent persons
19 who own land in such district as such supervisors for the term
20 of 1, 2, and 3 years respectively, and who shall hold their
21 office until their successors are elected or appointed and
22 qualified.

23 (4) Any elected or appointed supervisor may be removed
24 by the Governor for malfeasance, misfeasance, dishonesty,
25 incompetency, or failure to perform the duties imposed upon
26 him or her by this chapter, and any vacancies which may occur
27 in any such office so filled by appointment shall be filled by
28 the Governor as soon as practicable.

29 Section 3. Subsection (1) of section 298.12, Florida
30 Statutes, is amended to read:

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1 298.12 Annual election of supervisors; term of office;
2 vacancy.--

3 (1) Every year in the same month after the time for
4 the election of the first board of supervisors, it shall call
5 a meeting of the landowners in the district in the same manner
6 as is provided for in s. 298.11, and the owners of land in
7 such district shall meet at the stated time and place and
8 elect one supervisor therefor, or in case of their failure to
9 elect, the Governor shall appoint such supervisor, ~~in like~~
10 ~~manner as prescribed in s. 298.11,~~ who shall hold the
11 supervisor's office for 3 years or until his or her successor
12 is elected and qualified; and in case of a vacancy in any
13 office of supervisor elected by the landowners, the remaining
14 supervisors, or if they fail to act within 30 days, the
15 Governor may fill such vacancy until the next annual meeting,
16 when a successor shall be elected for the unexpired term.

17 Section 4. Section 298.16, Florida Statutes, is
18 amended to read:

19 298.16 Appointment of district chief engineer;
20 engineer's ~~bond~~ and duties.--

21 (1) Within 30 days after organizing, the board of
22 supervisors shall appoint a district chief engineer, who may
23 be an individual, copartnership, or corporation, and who shall
24 engage such assistants as the board of supervisors may
25 approve. Such district chief engineer shall ~~enter into a bond~~
26 ~~with good surety, in a sum to be named by said board, and~~
27 ~~which bond and surety shall be approved by said board,~~
28 ~~conditioned that the chief engineer will~~ faithfully and
29 honestly perform all the duties required of him or her by said
30 supervisors, and deliver to his or her successor all
31 instruments, papers, maps, documents, and other things that

1 may have come into the district ~~chief~~ engineer's hands by
2 virtue of his or her employment.

3 (2) The district ~~chief~~ engineer shall have control of
4 the engineering work in said district and may, whenever he or
5 she deems it necessary, confer with the jurisdictional water
6 management district, and he or she may, by and with the
7 consent of the board of supervisors, consult any eminent
8 engineer and obtain his or her opinion and advice concerning
9 the reclamation of lands in said districts. The said engineer
10 shall make all necessary surveys of the lands within the
11 boundary lines of said district, as described in the petition,
12 and of all lands adjacent thereto that will be improved or
13 reclaimed in part or in whole by any system of drainage that
14 may be outlined and adopted.

15 (3) The engineer shall make a report in writing to the
16 board of supervisors, with maps and profiles of said surveys,
17 which report shall contain a full and complete water control
18 plan for draining and reclaiming the lands described in the
19 petition, or adjacent thereto, from overflow or damage by
20 water, with the length, width, and depth of such canals,
21 ditches, dikes or levees, or other works that may be
22 necessary, in conjunction with any canals, drains, ditches,
23 dikes, levees or other works heretofore constructed or built
24 by the Board of Trustees of the Internal Improvement Trust
25 Fund, or any other person, that may now be in process of
26 construction, or which may be hereafter built by them, that
27 may be necessary or which can be advantageously used in such
28 water control plan; and also, an estimate of the costs of
29 carrying out and completing the water control plan, including
30 the cost of superintending the same and all incidental
31 expenses in connection therewith. Maps and profiles shall also

1 indicate so far as necessary the physical characteristics of
2 the lands, and location of any public roads, railroads and
3 other rights-of-way, roadways and other property or
4 improvements located on such lands. A copy of the report
5 required by this section shall be filed with the
6 jurisdictional water management district.

7 Section 5. Section 298.22, Florida Statutes, is
8 amended to read:

9 298.22 Powers of supervisors.--The board of
10 supervisors of the district has full power and authority to
11 ~~excavate, construct, and complete, operate, maintain, repair,~~
12 and replace any and all works and improvements necessary to
13 execute the water control plan. Subject to the applicable
14 provisions of chapter 373 or chapter 403, the board of
15 supervisors:

16 (1) May employ persons and purchase machinery to
17 directly supervise, construct, maintain, and operate the works
18 and improvements described in the water control plan, or may
19 contract with others for the supervision, construction,
20 maintenance, and operation of such works and improvements
21 either as a whole or in part. Contracts for the construction
22 of district facilities must be awarded under s. 255.20 and
23 applicable general law.~~Contracts must be advertised and let~~
24 ~~to the lowest and best bidder, who shall give a good and~~
25 ~~approved bond, with ample security, upon the condition that he~~
26 ~~or she will well and promptly carry out the contract for the~~
27 ~~described works and improvements. Each contract must be in~~
28 ~~writing and have attached to it complete plans and~~
29 ~~specifications for the work to be done and improvements to be~~
30 ~~made under the contract, which plans and specifications must~~
31 ~~be prepared by the chief engineer of the district. Each~~

1 ~~contract shall be prepared by the attorney for the district,~~
2 ~~approved by the board of supervisors, and executed in~~
3 ~~duplicate by its president and the contractor. The chief~~
4 ~~engineer of the district must be the superintendent of all~~
5 ~~district works and improvements.~~

6 (2) May clean out, straighten, open up, widen, or
7 change the course and flow, alter or deepen any canal, ditch,
8 drain, river, watercourse, or natural stream; and concentrate,
9 divert, or divide the flow of water in or out of said
10 district; construct and maintain main and lateral ditches,
11 canals, levees, dikes, dams, sluices, revetments, reservoirs,
12 holding basins, floodways, pumping stations, and siphons, and
13 may connect same, or any of them, with any canals, drains,
14 ditches, levees, or other works that may have been heretofore,
15 or which may be hereafter constructed by the Department of
16 Environmental Protection or jurisdictional water management
17 district, and with any natural stream, lake, or watercourse in
18 or adjacent to said district.

19 (3) May build and construct any other works and
20 improvements deemed necessary to preserve and maintain the
21 works in or out of said district; acquire, construct, operate,
22 maintain, use, sell, convey, transfer or otherwise provide for
23 pumping stations, including pumping machinery, motive
24 equipment, electric lines and all appurtenant or auxiliary
25 machines, devices or equipment.

26 (4) May contract for the purchase, construction,
27 operation, maintenance, use, sale, conveyance and transfer of
28 the said pumping stations, machinery, motive equipment,
29 electric lines and appurtenant equipment, including the
30 purchase of electric power and energy for the operation of the
31 same.

1 (5) May construct or enlarge, or cause to be
2 constructed or enlarged, any and all bridges that may be
3 needed in or out of said district, across any drain, ditch,
4 canal, floodway, holding basin, excavation, public highway,
5 railroad right-of-way, track, grade, fill or cut; construct
6 roadways over levees and embankments; construct any and all of
7 said works and improvements across, through or over any public
8 highway, railroad right-of-way, track, grade, fill or cut, in
9 or out of said district; remove any fence, building or other
10 improvements, in or out of said district.

11 (6) Shall have the right to hold, control and acquire
12 by donation or purchase and if need be, condemn any land,
13 easement, railroad right-of-way, sluice, reservoir, holding
14 basin or franchise, in or out of said district, for
15 right-of-way, holding basin for any of the purposes herein
16 provided, or for material to be used in constructing and
17 maintaining said works and improvements for implementation of
18 the drainage, protecting and reclaiming the lands in said
19 district water control plan.

20 (7) May condemn or acquire, by purchase or grant, for
21 the use of the district, any land or property within or
22 without said district not acquired or condemned by the court
23 as identified in the engineer's report ~~on the report of the~~
24 ~~commissioners assessing benefits and damages~~, and shall follow
25 the procedure set out in chapter 73. Such powers to condemn or
26 acquire any land or property within or without the district
27 shall also be available for implementing requirements imposed
28 on those districts subject to s. 373.4592.

29 (8) May adopt resolutions and policies to implement
30 the purposes of this chapter.

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1 (9) May assess and collect reasonable fees for the
2 connection to and use of the works of the district.

3 (10) May implement and authorize the comprehensive
4 water control activities, including flood protection, water
5 quantity management, and water quality protection and
6 improvement, described in the water control plan.

7 Section 6. Section 298.225, Florida Statutes, is
8 amended to read:

9 298.225 Water control plan; plan development and
10 amendment.--

11 (1) Effective October 1, 1998, any plan of
12 reclamation,~~or~~ water management plan, or plan of improvement
13 developed and implemented by a water control district created
14 by this chapter or by special act of the Legislature is
15 considered ~~will be referred to as~~ a "water control plan." for
16 purposes of this chapter.

17 (2) By October 1, 2000, the board of supervisors of
18 each water control district must develop or revise the
19 district's water control plan to reflect the minimum
20 applicable requirements set forth in subsection (3).

21 (3) Each water control plan for a district or unit
22 must contain, if applicable ~~at a minimum~~:

23 (a) Narrative descriptions of the statutory
24 responsibilities and powers of the water control district.

25 (b) A map delineating the legal boundary of the water
26 control district and identifying any subdistricts or units
27 within the district.

28 (c) Narrative descriptions of land use within the
29 district and all existing district facilities and their
30 purpose and function, and a map depicting their locations.

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1 (d) Engineering drawings and narrative sufficient to
2 describe each facility's capacity for the management and
3 storage of surface waters and potable water supply, if
4 applicable.

5 (e) A description of any environmental or water
6 quality program that the water control district has
7 implemented or plans to implement.

8 (f) A map and narrative description of any area
9 outside the water control district's legal boundary for which
10 the district provides services.

11 (g) Detailed descriptions of facilities and services
12 that the water control district plans to provide within 5
13 years.

14 (h) A description of the administrative structure of
15 the water control district.

16 ~~(i) Copies of any agreements between the water control~~
17 ~~district and other governmental entities.~~

18 ~~(j) The engineer's report prepared for plan adoption~~
19 ~~or revision.~~

20 ~~(k) The water control district's budget and revenue~~
21 ~~sources for the current year.~~

22 (4) Information contained within a district's
23 facilities plan prepared pursuant to s. 189.415 which
24 satisfies any of the provisions of subsection (3) may be used
25 as part of the district water control plan.

26 (5)~~(4)~~ Before final adoption of the water control plan
27 or plan amendment under s. 298.301, the board of supervisors
28 must submit the proposed plan or amendment to the
29 jurisdictional water management district for review. Within 90
30 days after receipt of the proposed water control plan or
31 amendment, the governing board of the jurisdictional water

1 management district, or the executive director or designee, if
2 delegated, must review the proposed plan or amendment for
3 consistency with the applicable water resource plans and
4 policies and recommend to the board of supervisors any
5 proposed changes. If the jurisdictional water management
6 district determines that the proposed plan or amendment is
7 incomplete, it may notify the water control district and
8 request additional information. Upon such request, the
9 deadline for review may be extended as agreed by the water
10 control district and the jurisdictional water management
11 district. Within 60 days after receipt of the applicable water
12 management district's recommended changes, the board of
13 supervisors shall include the recommendations in the water
14 control plan or plan amendment to the extent practicable. If
15 the recommendations are not incorporated, the board of
16 supervisors must specify its reasons in the water control plan
17 or plan amendment adopted. A copy of the water control plan
18 must be filed with the jurisdictional water management
19 district and each local general purpose government within
20 which all or a portion of the district's lands are located.

21 (6)~~(5)~~ The review or approval of the water control
22 plan by the applicable water management district shall not
23 constitute the granting of any permit necessary for the
24 construction or operation of any water control district work
25 and cannot be relied upon as any future agency action on a
26 permit application.

27 (7)~~(6)~~ The board of supervisors must review the water
28 control plan at least every 5 years following its initial
29 development and adoption, and to the extent necessary, amend
30 the plan in accordance with s. 298.301.

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1 ~~(8)(7)~~ If the preparation of a water control plan or
2 amendment under this section does not result in revision of
3 the district's current plan or require the alteration or
4 increase of any levy of assessments or taxes beyond the
5 maximum amount previously authorized by general law, special
6 law, or judicial proceeding, a change in the use of said
7 assessments or taxes, or substantial change to district
8 facilities, the provisions of s. 298.301(2)-(9) do not apply
9 to the plan adoption process. This section and s.
10 298.301(1)-(9) do not apply to minor, insubstantial amendments
11 to district plans authorized by special law.

12 Section 7. Section 298.26, Florida Statutes, is
13 amended to read:

14 298.26 District ~~Chief~~ engineer to make annual reports
15 to supervisors; approval of reports; water control plan.--The
16 district ~~chief~~ engineer shall make a report in writing to the
17 board of supervisors once every 12 months or as directed by
18 the board. The report shall describe the progress made and
19 activities undertaken in furtherance of the water control
20 plan, and may include suggestions and recommendations to the
21 board as the chief engineer deems appropriate. Upon receipt of
22 the final report of said engineer concerning the surveys made
23 of the lands contained in the district organized and the lands
24 adjacent thereto and for reclaiming the same, the board of
25 supervisors shall adopt such report, or any modification
26 thereof approved by the district ~~chief~~ engineer, after
27 consulting with him or her or someone representing the
28 district ~~chief~~ engineer. ~~Thereafter such adopted report shall~~
29 ~~be the plan for draining or reclaiming such lands from~~
30 ~~overflow or damage by water, and it shall, after such~~
31 ~~adoption, be part of the water control plan.~~

1 Section 8. Section 298.301, Florida Statutes, is
2 amended to read:

3 298.301 District water control plan adoption; district
4 boundary modification; plan amendment; notice forms;
5 objections; hearings; assessments.--

6 (1) District infrastructure and works must be
7 implemented pursuant to a water control plan. In the execution
8 of the powers and authorities granted in this chapter, the
9 district's action must be consistent with any adopted local
10 government comprehensive plan within which the lands of the
11 district are located. The board of supervisors may, by
12 resolution at a regular or special ~~regularly scheduled~~ meeting
13 noticed pursuant to ch. 189, consider the adoption of a
14 district water control plan or plan amendment. Notice,
15 hearing, and final adoption of any proposed water control plan
16 or plan amendment must comply with the provisions of this
17 chapter. After January 1, 1998, lands may be added to or
18 deleted from a district only by legislative modification of
19 the special act or order that contains the charter of the
20 district.

21 (2) Before adopting a water control plan or plan
22 amendment, the board of supervisors must adopt a resolution to
23 consider adoption of the proposed plan or plan amendment. As
24 soon as the resolution proposing the adoption or amendment of
25 the district's water control plan has been filed with the
26 district secretary, the board of supervisors shall give notice
27 of a public hearing on the proposed plan or plan amendment by
28 causing publication to be made once a week for 3 consecutive
29 weeks in a newspaper of general circulation published in each
30 county in which lands and other property described in the

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1 resolution are situated. The notice must be in substantially
2 the following form:

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Notice of Hearing

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To the owners and all persons interested in the lands corporate, and other property in and adjacent to the ...name of district... District.

You are notified that the ...name of district... District has filed in the office of the secretary of the district a resolution to consider approval of a water control plan or an amendment to the current water control plan to provide ...here insert a summary of the proposed water control plan or plan amendment.... On or before its ~~regularly~~ scheduled meeting of ...(date and time)... at the district's offices located at ...(list address of offices)... written objections to the proposed plan or plan amendment may be filed at the district's offices. A public hearing on the proposed plan or plan amendment will be conducted at the ~~regularly~~ scheduled meeting, and written objections will be considered at that time. At the conclusion of the hearing, the board of supervisors may determine to proceed with the process for approval of the proposed plan or plan amendment and direct the district engineer to prepare an engineer's report identifying any property to be taken, determining ~~assessing~~ benefits and damages, and estimating the cost of implementing the improvements ~~improvement~~ associated with the proposed plan or plan amendment. A final hearing on approval of the proposed plan or plan amendment and engineer's report shall be duly noticed and held at a regularly scheduled board of supervisors

1 meeting within 60 days after filing of the engineer's report
2 with the secretary of the district.

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4 Date of first publication:, 19....

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6 (Chairman, Board of Supervisors)

7 County, Florida

8 (3) In addition to the publication of notice, a copy
9 of the notice shall be served by first class mail on any owner
10 of land within the district as shown on the current tax rolls,
11 the water management district created under chapter 373 within
12 which the district is located, the board of county
13 commissioners of the county, and the governing body of any
14 municipality within which the district is located.

15 (4) The engineer may at any time call upon the
16 attorney of the district for legal advice and information
17 relative to his duties. The engineer shall proceed to view the
18 premises and identify ~~determine the value of~~ all lands, within
19 or without the district, to be acquired by purchase or
20 condemnation and used for rights-of-way, or other works set
21 out in the proposed plan or plan amendment. The engineer
22 shall, with the advice of the district attorney, staff, and
23 consultants, determine ~~assess~~ the amount of benefits and the
24 amount of damages, if any, that will accrue to each
25 subdivision of land (according to ownership), from carrying
26 out and putting into effect the proposed plan or plan
27 amendment. The engineer shall determine ~~assess~~ only those
28 benefits that are derived from the construction of the works
29 and improvements set out in the proposed plan or plan
30 amendment. The engineer has no power to change the proposed
31 plan or plan amendment without board approval.

1 (5) The engineer shall prepare a report arranged in
2 tabular form, the columns of which are to be headed as
3 follows: column one, "owner of property ~~assessed~~"; column
4 two, "description of property ~~assessed~~"; column three, "number
5 of acres ~~assessed~~"; column four, "amount of determined benefit
6 ~~annual assessment assessed~~"; column five, "amount of
7 determined damages ~~total assessments~~"; column six, "number of
8 acres to be taken for rights-of-way, district works, etc." ~~+~~
9 ~~column seven, "increased value of property from improvement".~~
10 The engineer shall also, by and with the advice of other
11 employees and consultants of the district, estimate the cost
12 of the works set out in the proposed plan or plan amendment,
13 including the cost of and the probable expense of organization
14 and administration. ~~If the engineer's estimate of increased~~
15 ~~property value exceeds the total amount of assessments to be~~
16 ~~levied against a parcel, benefits are deemed to exceed~~
17 ~~damages.~~A maintenance assessment recommendation must also be
18 included in each engineer's report. However, the maintenance
19 assessment may not be considered as part of the costs of
20 installation or construction specified by the proposed plan or
21 plan amendment in determining whether benefits exceed damages.
22 The report shall be signed by the engineer and filed in the
23 office of the secretary of the district. The secretary of the
24 district, or deputy thereto, shall assist as needed in
25 preparation of the report.

26 (6) Upon the filing of the engineer's report, the
27 board of supervisors shall give notice thereof by arranging
28 the publication of the report together with a geographical
29 depiction of the district once a week for 2 consecutive weeks
30 in a newspaper of general circulation in each county in the
31 district. The notice must be substantially as follows:

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Notice of Filing Engineer's Report for
..... District

Notice is given to all persons interested in the following described land and property in County (or Counties), Florida, viz.: ...(Here describe land and property)... included within the district that the engineer hereto appointed to determine ~~assess~~ benefits and damages to the property and lands situated in the district and to determine the estimated cost of construction required by the water control plan ~~appraise the cash value of the land necessary to be taken for rights-of-way and other works of the district~~, within or without the limits of the district, under the proposed water control plan or plan amendment, filed his report in the office of the secretary of the district, located at ...(list address of district offices),... on the day of, 19...., and you may examine the report and file written objections with the secretary of the district to all, or any part thereof, on or before ...(enter date 20 days after the last scheduled publication of this notice, which date must be before the date of the final hearing).... The report recommends ...(describe benefits and damages assessment schedule).... ~~If approved, the assessment will be collected by the county tax collector.~~A final hearing to consider approval of the report and proposed water control plan or plan amendment shall be held ...(time, place, and date at least 30 days but no later than 60 days after the last scheduled publication of this notice, ~~but no later than 60 days after filing of the engineer's report~~)....

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 Date of first publication: , 19....
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3 (Chairman, Board of Supervisors)
4 County, Florida
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6 (7) Any party identified in subsection (3) may file
7 written objections with the secretary of the district to any
8 part or all of the engineer's report and the proposed plan or
9 plan amendment, within 20 days after the last published notice
10 of filing of the engineer's report.

11 (8) All objections must be heard and determined by the
12 board of supervisors at the public hearing so as to carry out
13 liberally the purposes and needs of the district. If the board
14 of supervisors determines at the final public hearing, upon
15 examination of the engineer's report and upon hearing all of
16 the objections, that the estimated cost of construction of
17 improvements contemplated in the plan or plan amendment is
18 less than the benefits determined for ~~assessed against~~ the
19 lands in the district, the board of supervisors may ~~shall~~
20 approve and confirm the engineer's report; but, if the board
21 of supervisors determines that any of the objections should be
22 sustained, it shall order the report changed to conform with
23 its findings, and when changed, the board of supervisors shall
24 approve and confirm or disapprove, as appropriate, the report
25 and enter its order approving or disapproving, as appropriate,
26 the report and proposed plan or plan amendment. When any land
27 or other property is shown by the engineer's report to be
28 needed for rights-of-way, or other works, the board of
29 supervisors may institute proceedings under chapter 73 or
30 chapter 74 in the circuit court of the proper county to
31 condemn the lands and other property that must be taken or

1 damaged in the making of improvements, with the right and
2 privilege of paying into court a sum to be fixed by the
3 circuit court judge and of proceeding with the work, before
4 the assessment by the jury.

5 (9) The approval and confirmation of the engineer's
6 report by the board of supervisors establishes the amount and
7 apportionment or assessments contained therein. The
8 assessments so established are final and conclusive as to all
9 land assessed, unless within 30 days after approval and
10 confirmation of the engineer's report an action for relief is
11 brought in a court of competent jurisdiction. If the
12 assessment against any land is reduced or abated by the court,
13 the board of supervisors shall cause the engineer's report to
14 be amended accordingly. Unless such an action is commenced
15 within the 30-day period, the assessment set forth in the
16 engineer's report is final and nonappealable as to such land.
17 ~~Any party identified in subsection (3) may challenge the~~
18 ~~decision of the board in the manner and time provided by the~~
19 ~~Florida Rules of Civil and Appellate Procedure. If it is~~
20 ~~determined by court order that any tract or lot of land or~~
21 ~~parts thereof, upon which a non-ad valorem assessment is~~
22 ~~authorized and levied, will not be benefited by or receive any~~
23 ~~benefit from the completion of the plan or plan amendment, or~~
24 ~~will be burdened disproportionately to other similarly~~
25 ~~benefited land, then the non-ad valorem assessment may not be~~
26 ~~levied against that land.~~

27 Section 9. Subsection (1) of section 298.329, Florida
28 Statutes, is amended to read:

29 298.329 When works insufficient, supervisors have
30 power to make a new or amended plan; additional levy; issuance
31 of bonds; procedure.--

1 (1) If the works set out in the district water control
2 plan are found insufficient to develop, in whole or in part,
3 any or all of the lands of the district, the board of
4 supervisors shall have the right to formulate a new or amended
5 water control plan, containing new or modified public
6 infrastructure or other authorized works, and additional
7 assessments may be made in conformity with s. 298.305, the
8 same to be made in proportion to the increased benefits
9 accruing to the lands because of the additional works. Such
10 new or amended plan shall be subject to review by the
11 applicable water management district in accordance with s.
12 298.225 ~~s. 298.225(4)~~.

13 Section 10. Section 298.353, Florida Statutes, is
14 amended to read:

15 298.353 Unit development; powers of board of
16 supervisors to designate units of district; financing
17 assessments for each unit.--The board of supervisors of the
18 district may designate areas or ~~of~~ parts of the district as
19 separate administrative and financial "units." Units must be
20 created or modified as a part of and through the adoption of a
21 water control plan or plan amendment as provided in this
22 chapter. The units into which the district is divided must be
23 given appropriate numbers or names by the board of supervisors
24 so that the units can be readily identified and distinguished.
25 The board may fix and determine the location, area, and
26 boundaries of the lands to be included in each unit, the type
27 and amount of work required in the unit and the order of
28 development, and the method of carrying on the work in each
29 unit. The unit system provided by this section may be
30 conducted, and all the proceedings by this section and this
31 chapter authorized in respect to such unit or units may be

1 carried on and conducted, whenever the board of supervisors
2 finds that it is appropriate. If the board finds that it is
3 advisable to implement the district infrastructure and service
4 plans by units, as authorized by this section, the board
5 shall, by resolution duly adopted and entered upon its
6 minutes, declare its purpose to conduct the work accordingly,
7 and shall proceed through the water control plan adoption or
8 amendment process described in s. 298.301 to fix the number,
9 location, boundaries, and description of lands within each
10 unit or units and give them appropriate numbers or names. All
11 provisions of this chapter shall apply within all units, and
12 the enumeration of or reference in this section to specific
13 powers or duties of the supervisors does not limit or restrict
14 the application of any and all of the proceedings and powers
15 in this chapter within all units. For water control plans
16 applicable to one or more units, but to less than the entire
17 district, the notices to district landowners or municipalities
18 required under s. 298.301 need be provided only to owners of
19 lands within the affected unit or units and municipalities
20 within whose boundaries unit lands are located ~~and immediately~~
21 ~~contiguous properties within the district~~. All assessments,
22 levies, taxes, bonds, and other obligations made, levied,
23 assessed, or issued for or in respect to any unit or units
24 constitute a lien and charge solely and only upon the lands in
25 the unit or units, respectively, for the benefit of which the
26 same have been levied, made, or issued, and not upon the
27 remaining units or lands in the district. However, bonds may
28 be payable from assessments imposed on more than one unit.The
29 board of supervisors may at any time amend the location and
30 description of lands in any unit or units by proceeding in
31 accordance with the provisions of this section for the

1 original creation of the unit or units. If, after the approval
2 of the engineer's report of benefits in any unit or units or
3 the issuance of bonds or other obligations that are payable
4 from taxes or assessments for benefits levied upon lands
5 within any unit or units, the board of supervisors finds that
6 the infrastructure or service plan for the unit or units is
7 insufficient or inadequate for efficient development, the plan
8 may be amended or changed and the unit or units may be amended
9 or changed as provided in this section, by changing the
10 location and description of lands in the unit or units, by
11 detaching lands therefrom, or by adding lands thereto pursuant
12 to this chapter. However, a change or amendment to a
13 designated unit is not authorized if it has the effect of
14 impairing a debt or other obligation of the unit or the
15 district.

16 Section 11. Section 298.337, Florida Statutes, is
17 repealed.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1596

This committee substitute makes a number of mostly technical and other revisions to chapter 298, F.S.

Removes the prohibition that a landowner within a district whose land is assessed for water control benefits may not be required to pay an additional fee for connection to or use of district works as authorized by a water control plan.

Provides that land or property, within or without a district and not acquired or condemned by the court, may be acquired or condemned for the use of the district following the procedure set forth in chapter 73, F.S., but not based on the report of the commissioners assessing benefits and damages.

Repeals s. 298.337, F.S., granting the water control districts discretion on whether to assess a parcel of land less than 1 acre as a full acre.

Eliminates the expanded authority for special laws relating to the water control districts' funding of public infrastructure for agricultural or urban development and requirements for enactment of this provision.