

By the Committee on Water & Resource Management and
Representative Putnam

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 for 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; providing
15 clarification of when districts may assess and
16 collect fees for connection to district works;
17 amending s. 298.225, F.S.; revising
18 requirements for the development and amendment
19 of district water control plans; amending s.
20 298.26, F.S.; revising use of the district
21 engineer's annual report; amending s. 298.301,
22 F.S.; providing for the determination of
23 benefits and damages; revising notice and
24 report requirements; providing that the
25 approval of a district water control plan and
26 assessments is final unless court action is
27 brought within 30 days after approval; amending
28 s. 298.329, F.S.; conforming a statutory cross
29 reference; amending s. 298.353, F.S.; revising
30 notice requirements; providing that district
31 bonds may be payable from assessments on more

1 than one unit; repealing s. 298.337, F.S.,
2 relating to levies of assessments on land less
3 than 1 acre; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

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

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

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

23 Section 2. Subsections (2) and (3) of section 298.11,
24 Florida Statutes, are amended to read:

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

28 (2) The landowners, when assembled, shall organize by
29 the election of a chair and secretary of the meeting, who
30 shall conduct the election. At the election, each and every
31 acre of land in the district shall represent one share, and

1 each owner shall be entitled to one vote in person or by proxy
2 in writing duly signed, for every acre of land owned by him or
3 her in the district, and the three persons receiving the
4 highest number of votes shall be declared elected as
5 supervisors. The appointment of proxies shall comply with s.
6 607.0722. Landowners owning less than 1 acre in the aggregate
7 shall be entitled to one vote. Landowners with more than 1
8 acre are entitled to one additional vote for any fraction of
9 an acre greater than 1/2 acre ~~owned~~, when all of the
10 landowners' acreage has been aggregated for purposes of
11 voting. The landowners shall at such election determine the
12 length of the terms of office of each supervisor so elected by
13 them, which shall be respectively 1, 2, and 3 years, and they
14 shall serve until their successors shall have been elected and
15 qualified.

16 (3) The Department of Environmental Protection, at any
17 such meeting, may represent the state, and shall have the
18 right to vote for supervisors, or upon any matter that may
19 come properly before said meeting to the extent of the acreage
20 owned by the state in such district, provided such acreage is
21 subject to assessment by the water control district, which
22 vote may be cast by any person designated by said department.
23 Guardians may represent their wards, executors and
24 administrators may represent estates of deceased persons, and
25 private corporations may be represented by their officers or
26 duly authorized agents. The owners and proxy holders ~~of a~~
27 majority of district the acreage who are present at a duly
28 noticed landowners' meeting ~~included in such district shall be~~
29 ~~necessary to~~ constitute a quorum for the purpose of holding
30 such election, ~~or any election thereafter, and in case the~~
31 ~~owners of a majority of the acreage included in such district~~

1 ~~are not present in person or duly represented, at the time and~~
2 ~~the place stated in the notice calling such meeting, then no~~
3 ~~election shall be held, and notice of such failure shall be~~
4 ~~given in writing by any person interested to the Governor, who~~
5 ~~shall as soon as practicable appoint three competent persons~~
6 ~~who own land in such district as such supervisors for the term~~
7 ~~of 1, 2, and 3 years respectively, and who shall hold their~~
8 ~~office until their successors are elected or appointed and~~
9 ~~qualified.~~

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

12 298.12 Annual election of supervisors; term of office;
13 vacancy.--

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

28 Section 4. Section 298.16, Florida Statutes, is
29 amended to read:

30 298.16 Appointment of district chief engineer;
31 engineer's ~~bond and~~ duties.--

1 (1) Within 30 days after organizing, the board of
2 supervisors shall appoint a district ~~chief~~ engineer, who may
3 be an individual, copartnership, or corporation, and who shall
4 engage such assistants as the board of supervisors may
5 approve. Such district ~~chief~~ engineer shall ~~enter into a bond~~
6 ~~with good surety, in a sum to be named by said board, and~~
7 ~~which bond and surety shall be approved by said board,~~
8 ~~conditioned that the chief engineer will~~ faithfully and
9 honestly perform all the duties required of him or her by said
10 supervisors, and deliver to his or her successor all
11 instruments, papers, maps, documents, and other things that
12 may have come into the district ~~chief~~ engineer's hands by
13 virtue of his or her employment.

14 (2) The district ~~chief~~ engineer shall have control of
15 the engineering work in said district and may, whenever he or
16 she deems it necessary, confer with the jurisdictional water
17 management district, and he or she may, by and with the
18 consent of the board of supervisors, consult any eminent
19 engineer and obtain his or her opinion and advice concerning
20 the reclamation of lands in said districts. The said engineer
21 shall make all necessary surveys of the lands within the
22 boundary lines of said district, as described in the petition,
23 and of all lands adjacent thereto that will be improved or
24 reclaimed in part or in whole by any system of drainage that
25 may be outlined and adopted.

26 (3) The engineer shall make a report in writing to the
27 board of supervisors, with maps and profiles of said surveys,
28 which report shall contain a full and complete water control
29 plan for draining and reclaiming the lands described in the
30 petition, or adjacent thereto, from overflow or damage by
31 water, with the length, width, and depth of such canals,

1 ditches, dikes or levees, or other works that may be
2 necessary, in conjunction with any canals, drains, ditches,
3 dikes, levees or other works heretofore constructed or built
4 by the Board of Trustees of the Internal Improvement Trust
5 Fund, or any other person, that may now be in process of
6 construction, or which may be hereafter built by them, that
7 may be necessary or which can be advantageously used in such
8 water control plan; and also, an estimate of the costs of
9 carrying out and completing the water control plan, including
10 the cost of superintending the same and all incidental
11 expenses in connection therewith. Maps and profiles shall also
12 indicate so far as necessary the physical characteristics of
13 the lands, and location of any public roads, railroads and
14 other rights-of-way, roadways and other property or
15 improvements located on such lands. A copy of the report
16 required by this section shall be filed with the
17 jurisdictional water management district.

18 Section 5. Section 298.22, Florida Statutes, is
19 amended to read:

20 298.22 Powers of supervisors.--The board of
21 supervisors of the district has full power and authority to
22 ~~excavate, construct, and complete, operate, maintain, repair,~~
23 and replace any and all works and improvements necessary to
24 execute the water control plan. Subject to the applicable
25 provisions of chapter 373 or chapter 403, the board of
26 supervisors:

27 (1) May employ persons and purchase machinery to
28 directly supervise, construct, maintain, and operate the works
29 and improvements described in the water control plan, or may
30 contract with others for the supervision, construction,
31 maintenance, and operation of such works and improvements

1 either as a whole or in part. Contracts for the construction
2 of district facilities must be awarded under s. 255.20 and
3 applicable general law.~~Contracts must be advertised and let~~
4 ~~to the lowest and best bidder, who shall give a good and~~
5 ~~approved bond, with ample security, upon the condition that he~~
6 ~~or she will well and promptly carry out the contract for the~~
7 ~~described works and improvements. Each contract must be in~~
8 ~~writing and have attached to it complete plans and~~
9 ~~specifications for the work to be done and improvements to be~~
10 ~~made under the contract, which plans and specifications must~~
11 ~~be prepared by the chief engineer of the district. Each~~
12 ~~contract shall be prepared by the attorney for the district,~~
13 ~~approved by the board of supervisors, and executed in~~
14 ~~duplicate by its president and the contractor. The chief~~
15 ~~engineer of the district must be the superintendent of all~~
16 ~~district works and improvements.~~

17 (2) May clean out, straighten, open up, widen, or
18 change the course and flow, alter or deepen any canal, ditch,
19 drain, river, watercourse, or natural stream; and concentrate,
20 divert, or divide the flow of water in or out of said
21 district; construct and maintain main and lateral ditches,
22 canals, levees, dikes, dams, sluices, revetments, reservoirs,
23 holding basins, floodways, pumping stations, and siphons, and
24 may connect same, or any of them, with any canals, drains,
25 ditches, levees, or other works that may have been heretofore,
26 or which may be hereafter constructed by the Department of
27 Environmental Protection or jurisdictional water management
28 district, and with any natural stream, lake, or watercourse in
29 or adjacent to said district.

30 (3) May build and construct any other works and
31 improvements deemed necessary to preserve and maintain the

1 works in or out of said district; acquire, construct, operate,
2 maintain, use, sell, convey, transfer or otherwise provide for
3 pumping stations, including pumping machinery, motive
4 equipment, electric lines and all appurtenant or auxiliary
5 machines, devices or equipment.

6 (4) May contract for the purchase, construction,
7 operation, maintenance, use, sale, conveyance and transfer of
8 the said pumping stations, machinery, motive equipment,
9 electric lines and appurtenant equipment, including the
10 purchase of electric power and energy for the operation of the
11 same.

12 (5) May construct or enlarge, or cause to be
13 constructed or enlarged, any and all bridges that may be
14 needed in or out of said district, across any drain, ditch,
15 canal, floodway, holding basin, excavation, public highway,
16 railroad right-of-way, track, grade, fill or cut; construct
17 roadways over levees and embankments; construct any and all of
18 said works and improvements across, through or over any public
19 highway, railroad right-of-way, track, grade, fill or cut, in
20 or out of said district; remove any fence, building or other
21 improvements, in or out of said district.

22 (6) Shall have the right to hold, control and acquire
23 by donation or purchase and if need be, condemn any land,
24 easement, railroad right-of-way, sluice, reservoir, holding
25 basin or franchise, in or out of said district, for
26 right-of-way, holding basin for any of the purposes herein
27 provided, or for material to be used in constructing and
28 maintaining said works and improvements for implementation of
29 the drainage, protecting and reclaiming the lands in said
30 district water control plan.

31

1 (7) May condemn or acquire, by purchase or grant, for
2 the use of the district, any land or property within or
3 without said district not acquired or condemned by the court
4 as identified in the engineer's report ~~on the report of the~~
5 ~~commissioners assessing benefits and damages~~, and shall follow
6 the procedure set out in chapter 73. Such powers to condemn or
7 acquire any land or property within or without the district
8 shall also be available for implementing requirements imposed
9 on those districts subject to s. 373.4592.

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

12 (9) May assess and collect reasonable fees for the
13 connection to and use of the works of the district. A
14 landowner within a district whose land is assessed for water
15 control benefits may not be required to pay an additional fee
16 for connection to or use of district works authorized by a
17 water control plan.

18 (10) May implement and authorize the comprehensive
19 water control activities, including flood protection, water
20 quantity management, and water quality protection and
21 improvement, described in the water control plan.

22 Section 6. Section 298.225, Florida Statutes, is
23 amended to read:

24 298.225 Water control plan; plan development and
25 amendment.--

26 (1) Effective October 1, 1998, any plan of
27 reclamation, or water management plan, or plan of improvement
28 developed and implemented by a water control district created
29 by this chapter or by special act of the Legislature is
30 considered ~~will be referred to as~~ a "water control plan-" for
31 purposes of this chapter.

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

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

7 (a) Narrative descriptions of the statutory
8 responsibilities and powers of the water control district.

9 (b) A map delineating the legal boundary of the water
10 control district and identifying any subdistricts or units
11 within the district.

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

15 (d) Engineering drawings and narrative sufficient to
16 describe each facility's capacity for the management and
17 storage of surface waters and potable water supply, if
18 applicable.

19 (e) A description of any environmental or water
20 quality program that the water control district has
21 implemented or plans to implement.

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

25 (g) Detailed descriptions of facilities and services
26 that the water control district plans to provide within 5
27 years.

28 (h) A description of the administrative structure of
29 the water control district.

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

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

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

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

9 (5)~~(4)~~ Before final adoption of the water control plan
10 or plan amendment under s. 298.301, the board of supervisors
11 must submit the proposed plan or amendment to the
12 jurisdictional water management district for review. Within 90
13 days after receipt of the proposed water control plan or
14 amendment, the governing board of the jurisdictional water
15 management district, or the executive director or designee, if
16 delegated, must review the proposed plan or amendment for
17 consistency with the applicable water resource plans and
18 policies and recommend to the board of supervisors any
19 proposed changes. If the jurisdictional water management
20 district determines that the proposed plan or amendment is
21 incomplete, it may notify the water control district and
22 request additional information. Upon such request, the
23 deadline for review may be extended as agreed by the water
24 control district and the jurisdictional water management
25 district. Within 60 days after receipt of the applicable water
26 management district's recommended changes, the board of
27 supervisors shall include the recommendations in the water
28 control plan or plan amendment to the extent practicable. If
29 the recommendations are not incorporated, the board of
30 supervisors must specify its reasons in the water control plan
31 or plan amendment adopted. A copy of the water control plan

1 must be filed with the jurisdictional water management
2 district and each local general purpose government within
3 which all or a portion of the district's lands are located.

4 ~~(6)(5)~~ The review or approval of the water control
5 plan by the applicable water management district shall not
6 constitute the granting of any permit necessary for the
7 construction or operation of any water control district work
8 and cannot be relied upon as any future agency action on a
9 permit application.

10 ~~(7)(6)~~ The board of supervisors must review the water
11 control plan at least every 5 years following its initial
12 development and adoption, and to the extent necessary, amend
13 the plan in accordance with s. 298.301.

14 ~~(8)(7)~~ If the preparation of a water control plan or
15 amendment under this section does not result in revision of
16 the district's current plan or require the alteration or
17 increase of any levy of assessments or taxes beyond the
18 maximum amount previously authorized by general law, special
19 law, or judicial proceeding, a change in the use of said
20 assessments or taxes, or substantial change to district
21 facilities, the provisions of s. 298.301(2)-(9) do not apply
22 to the plan adoption process. This section and s.
23 298.301(1)-(9) do not apply to minor, insubstantial amendments
24 to district plans authorized by special law.

25 Section 7. Section 298.26, Florida Statutes, is
26 amended to read:

27 298.26 District ~~Chief~~ engineer to make annual reports
28 to supervisors; approval of reports; water control plan.--The
29 district ~~chief~~ engineer shall make a report in writing to the
30 board of supervisors once every 12 months or as directed by
31 the board. The report shall describe the progress made and

1 activities undertaken in furtherance of the water control
2 plan, and may include suggestions and recommendations to the
3 board as the district ~~chief~~ engineer deems appropriate. Upon
4 receipt of the final report of said engineer concerning the
5 surveys made of the lands contained in the district organized
6 and the lands adjacent thereto and for reclaiming the same,
7 the board of supervisors shall adopt such report, or any
8 modification thereof approved by the district ~~chief~~ engineer,
9 after consulting with him or her or someone representing the
10 district ~~chief~~ engineer. ~~Thereafter such adopted report shall~~
11 ~~be the plan for draining or reclaiming such lands from~~
12 ~~overflow or damage by water, and it shall, after such~~
13 ~~adoption, be part of the water control plan.~~

14 Section 8. Subsections (1), (2), (4), (5), (6), (8),
15 and (9) of section 298.301, Florida Statutes, are amended to
16 read:

17 298.301 District water control plan adoption; district
18 boundary modification; plan amendment; notice forms;
19 objections; hearings; assessments.--

20 (1) District infrastructure and works must be
21 implemented pursuant to a water control plan. In the execution
22 of the powers and authorities granted in this chapter, the
23 district's action must be consistent with any adopted local
24 government comprehensive plan within which the lands of the
25 district are located. The board of supervisors may, by
26 resolution at a regular or special ~~regularly scheduled~~ meeting
27 noticed pursuant to chapter 189, consider the adoption of a
28 district water control plan or plan amendment. Notice,
29 hearing, and final adoption of any proposed water control plan
30 or plan amendment must comply with the provisions of this
31 chapter. After January 1, 1998, lands may be added to or

1 deleted from a district only by legislative modification of
2 the special act or order that contains the charter of the
3 district.

4 (2) Before adopting a water control plan or plan
5 amendment, the board of supervisors must adopt a resolution to
6 consider adoption of the proposed plan or plan amendment. As
7 soon as the resolution proposing the adoption or amendment of
8 the district's water control plan has been filed with the
9 district secretary, the board of supervisors shall give notice
10 of a public hearing on the proposed plan or plan amendment by
11 causing publication to be made once a week for 3 consecutive
12 weeks in a newspaper of general circulation published in each
13 county in which lands and other property described in the
14 resolution are situated. The notice must be in substantially
15 the following form:

16
17 Notice of Hearing

18
19 To the owners and all persons interested in the lands
20 corporate, and other property in and adjacent to the ...name
21 of district... District.

22 You are notified that the ...name of district...
23 District has filed in the office of the secretary of the
24 district a resolution to consider approval of a water control
25 plan or an amendment to the current water control plan to
26 provide ...here insert a summary of the proposed water control
27 plan or plan amendment.... On or before its ~~regularly~~
28 scheduled meeting of ...(date and time)... at the district's
29 offices located at ...(list address of offices)... written
30 objections to the proposed plan or plan amendment may be filed
31 at the district's offices. A public hearing on the proposed

1 plan or plan amendment will be conducted at the ~~regularly~~
2 scheduled meeting, and written objections will be considered
3 at that time. At the conclusion of the hearing, the board of
4 supervisors may determine to proceed with the process for
5 approval of the proposed plan or plan amendment and direct the
6 district engineer to prepare an engineer's report identifying
7 any property to be taken, determining ~~assessing~~ benefits and
8 damages, and estimating the cost of implementing the
9 improvements ~~improvement~~ associated with the proposed plan or
10 plan amendment. A final hearing on approval of the proposed
11 plan or plan amendment and engineer's report shall be duly
12 noticed and held at a regularly scheduled board of supervisors
13 meeting within 60 days after filing of the engineer's report
14 with the secretary of the district.

15
16 Date of first publication: , 19....
17
18 (Chairman, Board of Supervisors)
19 County, Florida

20
21 (4) The engineer may at any time call upon the
22 attorney of the district for legal advice and information
23 relative to his duties. The engineer shall proceed to view the
24 premises and identify ~~determine the value of~~ all lands, within
25 or without the district, to be acquired by purchase or
26 condemnation and used for rights-of-way, or other works set
27 out in the proposed plan or plan amendment. The engineer
28 shall, with the advice of the district attorney, staff, and
29 consultants, determine ~~assess~~ the amount of benefits and the
30 amount of damages, if any, that will accrue to each
31 subdivision of land (according to ownership), from carrying

1 out and putting into effect the proposed plan or plan
2 amendment. The engineer shall determine ~~assess~~ only those
3 benefits that are derived from the construction of the works
4 and improvements set out in the proposed plan or plan
5 amendment. The engineer has no power to change the proposed
6 plan or plan amendment without board approval.

7 (5) The engineer shall prepare a report arranged in
8 tabular form, the columns of which are to be headed as
9 follows: column one, "owner of property ~~assessed~~"; column
10 two, "description of property ~~assessed~~"; column three, "number
11 of acres ~~assessed~~"; column four, "amount of determined benefit
12 ~~annual assessment assessed~~"; column five, "amount of
13 determined damages total assessments"; column six, "number of
14 acres to be taken for rights-of-way, district works, etc." +
15 ~~column seven, "increased value of property from improvement".~~

16 The engineer shall also, by and with the advice of other
17 employees and consultants of the district, estimate the cost
18 of the works set out in the proposed plan or plan amendment,
19 including the cost of and the probable expense of organization
20 and administration. ~~If the engineer's estimate of increased~~
21 ~~property value exceeds the total amount of assessments to be~~
22 ~~levied against a parcel, benefits are deemed to exceed~~
23 ~~damages.~~ A maintenance assessment recommendation must also be
24 included in each engineer's report. However, the maintenance
25 assessment may not be considered as part of the costs of
26 installation or construction specified by the proposed plan or
27 plan amendment in determining whether benefits exceed damages.
28 The report shall be signed by the engineer and filed in the
29 office of the secretary of the district. The secretary of the
30 district, or deputy thereto, shall assist as needed in
31 preparation of the report.

1 (6) Upon the filing of the engineer's report, the
2 board of supervisors shall give notice thereof by arranging
3 the publication of the report together with a geographical
4 depiction of the district once a week for 2 consecutive weeks
5 in a newspaper of general circulation in each county in the
6 district. The notice must be substantially as follows:
7

8 Notice of Filing Engineer's Report for
9 District
10

11 Notice is given to all persons interested in the
12 following described land and property in County (or
13 Counties), Florida, viz.: ...(Here describe land and
14 property)... included within the district that
15 the engineer hereto appointed to determine ~~assess~~ benefits and
16 damages to the property and lands situated in the district and
17 to determine the estimated cost of construction required by
18 the water control plan ~~appraise the cash value of the land~~
19 ~~necessary to be taken for rights-of-way and other works of the~~
20 ~~district~~, within or without the limits of the district, under
21 the proposed water control plan or plan amendment, filed his
22 report in the office of the secretary of the district, located
23 at ...(list address of district offices),... on the
24 day of, 19..., and you may examine the report
25 and file written objections with the secretary of the district
26 to all, or any part thereof, on or before ...(enter date 20
27 days after the last scheduled publication of this notice,
28 which date must be before the date of the final hearing)....
29 The report recommends ...(describe benefits and damages
30 ~~assessment schedule~~).... ~~If approved, the assessment will be~~
31 ~~collected by the county tax collector.~~A final hearing to

1 consider approval of the report and proposed water control
2 plan or plan amendment shall be held ...(time, place, and date
3 at least 30 days but no later than 60 days after the last
4 scheduled publication of this notice, ~~but no later than 60~~
5 ~~days after filing of the engineer's report~~)....

6
7 Date of first publication:, 19....

8
9 (Chairman, Board of Supervisors)

10 County, Florida

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

1 condemn the lands and other property that must be taken or
2 damaged in the making of improvements, with the right and
3 privilege of paying into court a sum to be fixed by the
4 circuit court judge and of proceeding with the work, before
5 the assessment by the jury.

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

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

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31

1 298.329 When works insufficient, supervisors have
2 power to make a new or amended plan; additional levy; issuance
3 of bonds; procedure.--

4 (1) If the works set out in the district water control
5 plan are found insufficient to develop, in whole or in part,
6 any or all of the lands of the district, the board of
7 supervisors shall have the right to formulate a new or amended
8 water control plan, containing new or modified public
9 infrastructure or other authorized works, and additional
10 assessments may be made in conformity with s. 298.305, the
11 same to be made in proportion to the increased benefits
12 accruing to the lands because of the additional works. Such
13 new or amended plan shall be subject to review by the
14 applicable water management district in accordance with s.
15 298.225 ~~s. 298.225(4)~~.

16 Section 10. Section 298.353, Florida Statutes, is
17 amended to read:

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

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

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

19 Section 11. Section 298.337, Florida Statutes, is
20 repealed.

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

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24 *****

25 LEGISLATIVE SUMMARY

26 Amends various sections of chapter 298, F.S., regulating
27 water control districts by revising the powers and duties
28 of boards of supervisors and district engineers which
29 affect water control plans. Revises voting, notice, and
30 land assessment requirements. Provides for the
31 determination of benefits and damages. Provides that the
approval of a plan is final unless court action is
initiated within 30 days after approval.