

1 A bill to be entitled
2 An act relating to drainage districts; amending
3 ss. 298.005, 298.11, 298.12, 298.15, 298.16,
4 298.22, 298.23, 298.24, 298.25, 298.26, 298.28,
5 298.36, 298.47, and 298.59, F.S.; creating ss.
6 298.225, 298.301, 298.305, 298.329, 298.333,
7 298.337, 298.341, 298.345, 298.349, and
8 298.353, F.S.; providing definitions; deleting
9 references to Melbourne-Tillman Water Control
10 District; providing for the water management
11 plan to be renamed the water control plan;
12 providing for the water control plan to serve
13 the functions of the former plan of
14 reclamation; providing for the jurisdictional
15 water management district to provide certain
16 review responsibilities previously provided by
17 the Department of Environmental Protection;
18 providing for the appointment of certain
19 supervisors by the Governor; revising powers of
20 water control district supervisors;
21 substituting power to adopt policies and
22 resolutions for power to adopt rules; providing
23 revised water control plan adoption and
24 amendment requirements; providing for
25 assessment of lands; providing duties for
26 district engineer and district attorney;
27 providing for the levy and enforcement of
28 non-ad valorem assessments; authorizing the
29 issuance of bonds; providing for liens;
30 providing for a uniform initial acreage
31 assessment for payment of expenses; authorizing

1 districts to designate financial units;
2 amending s. 190.013, F.S.; correcting a cross
3 reference; repealing s. 298.07, F.S., which
4 provides for the water management plan;
5 repealing s. 298.27, F.S., which provides for
6 the plan of reclamation; repealing s. 298.29,
7 F.S., which provides for the levy and
8 collection of taxes; repealing s. 298.30, F.S.,
9 which provides for appraisal of lands;
10 repealing s. 298.31, F.S., which provides for
11 appointment of commissioners; repealing s.
12 298.32, F.S., which provides for duties of
13 commissioners, district attorney, and district
14 engineer; repealing s. 298.33, F.S., which
15 provides for notice of report; repealing s.
16 298.34, F.S., which provides for exceptions to
17 report; repealing s. 298.35, F.S., which
18 provides for plan of reclamation; repealing s.
19 298.467, F.S., which prohibits the Department
20 of Environmental Protection from borrowing
21 money; repealing s. 298.55, F.S., which
22 provides for readjustment of assessment of
23 benefits; providing an effective date.

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

26
27 Section 1. Section 298.005, Florida Statutes, is
28 amended to read:

29 298.005 Definitions ~~The word "owner" defined.--As used~~
30 in this chapter, the term:

31

1 (1) "Jurisdictional water management district" means
2 the chapter 373 water management district or districts within
3 which the lands encompassed by a water control district are
4 located.

5 (2) "Owner" means the owner of the freehold estate, as
6 appears by the deed record. The term does not include
7 reversioners, remaindermen, or mortgagees, who are not to be
8 counted and need not be notified by publication or served by
9 process, but are to be represented by the present owners of
10 the freehold estate in any proceeding under this chapter.

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

14 (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. Alternatively described as a
18 "plan of reclamation" or "water management plan" prior to
19 October 1, 1998, a water control plan details the system of
20 water management implemented by a water control district. The
21 ~~word "owner," as used in this chapter, shall mean the owner of~~
22 ~~the freehold estate, as appears by the deed record, and it~~
23 ~~shall not include reversioners, remaindermen, trustees or~~
24 ~~mortgagees, who shall not be counted and need not be notified~~
25 ~~by publication, or served by process, but shall be represented~~
26 ~~by the present owners of the freehold estate in any proceeding~~
27 ~~under this chapter.~~

28 Section 2. Section 298.11, Florida Statutes, is
29 amended to read:

30 298.11 Election of board of supervisors; duties of
31 Department of Environmental Protection and Governor ~~duties~~.--

1 (1) Within 20 days after the effective date of a
 2 special act creating a district, notice of a landowners'
 3 meeting shall be given as provided in the special act. The
 4 notice shall be published ~~any district shall have been~~
 5 ~~organized and incorporated under the provisions of this~~
 6 ~~chapter, the clerk of the circuit court in which the petition~~
 7 ~~has been filed shall, upon giving notice by causing~~
 8 ~~publication thereof to be made~~ once a week for 2 consecutive
 9 weeks in a some newspaper of general circulation ~~published~~ in
 10 each county in which lands of the district are located
 11 ~~situate~~, the last publication ~~insertion~~ to be not less than 10
 12 nor more than 15 days before the date ~~day~~ of the such meeting.
 13 ~~The,~~ ~~call~~ a meeting of the owners of the lands located ~~situate~~
 14 in the said district shall be scheduled, at a day and hour
 15 specified, at some public place in the county within ~~in~~ which
 16 most of the district lands are located ~~was organized~~, for the
 17 purpose of electing a board of three supervisors, to be
 18 composed of owners of the lands in the said district and
 19 residents of the county or counties in which the such district
 20 is located ~~situate~~.

21 (2) The landowners, when assembled, shall organize by
 22 the election of a chair and secretary of the meeting, who
 23 shall conduct the election. ~~At the such election,~~ each and
 24 every acre of land in the district shall represent one share,
 25 and each owner shall be entitled to one vote in person or by
 26 proxy in writing duly signed, for every acre of land owned by
 27 him or her in the such district, and the three persons
 28 receiving the highest number of votes shall be declared
 29 elected as supervisors. The appointment of proxies shall
 30 comply with s. 607.0722. Landowners owning less than 1 acre in
 31 the aggregate shall be entitled to one vote. Landowners with

1 more than 1 acre are entitled to one additional vote for any
2 fraction of an acre owned, when all of the landowners' acreage
3 has been aggregated for purposes of voting.The landowners
4 shall at such election determine the length of the terms of
5 office of each supervisor so elected by them, which shall be
6 respectively 1, 2, and 3 years, and they shall serve until
7 their successors shall have been elected and qualified.

8 (3) The Department of Environmental Protection, at any
9 such meeting, may represent the state, and shall have the
10 right to vote for supervisors, or upon any matter that may
11 come properly before said meeting to the extent of the acreage
12 owned by the state in such district, provided such acreage is
13 subject to assessment by the water control district,which
14 vote may be cast by any person designated by said department.
15 Guardians may represent their wards, executors and
16 administrators may represent estates of deceased persons, and
17 private corporations may be represented by their officers or
18 duly authorized agents. The owners of a majority of the
19 acreage included in such district shall be necessary to
20 constitute a quorum for the purpose of holding such election,
21 or any election thereafter, and in case the owners of a
22 majority of the acreage included in such district are not
23 present in person or duly represented, at the time and the
24 place stated in the notice calling such meeting, then no
25 election shall be held, and notice of such failure shall be
26 given in writing by any person interested to the Governor, who
27 ~~<O>department, which~~ shall as soon as practicable appoint three
28 competent persons who own land in such district as such
29 supervisors for the term of 1, 2, and 3 years respectively,
30 and who shall hold their office until their successors are
31 elected or appointed and qualified.

1 (4) Any elected or appointed ~~such~~ supervisor ~~so~~
2 ~~appointed by the department~~ may be removed by the Governor for
3 malfeasance, misfeasance,~~department~~ for dishonesty,
4 incompetency, or failure to perform the duties imposed upon
5 him or her by this chapter, and any vacancies which may occur
6 in any such office so filled by appointment shall be filled by
7 the Governor ~~said department~~ as soon as practicable.

8 ~~(5) The Melbourne-Tillman Water Control District shall~~
9 ~~have five supervisors. Three supervisors shall be elected by~~
10 ~~the landowners pursuant to the applicable provisions of this~~
11 ~~section. Two supervisors, who are district residents, shall be~~
12 ~~appointed by the Brevard County Board of County Commissioners~~
13 ~~by majority vote at a regularly scheduled commission meeting~~
14 ~~for a term of 3 years. The commission may publish notice of~~
15 ~~this meeting and may take any public testimony which, in its~~
16 ~~discretion, it feels might bear upon such appointments. Should~~
17 ~~the landowners fail to elect a supervisor for any reason, the~~
18 ~~department shall not have power to appoint; instead, the~~
19 ~~Brevard County Board of County Commissioners shall appoint a~~
20 ~~competent person who owns land in said district within 30~~
21 ~~days. A supervisor so appointed shall hold office until a~~
22 ~~successor is elected or appointed. Any supervisor appointed by~~
23 ~~the Brevard County Board of County Commissioners may be~~
24 ~~removed by the board for dishonesty, incompetency, or failure~~
25 ~~to perform the duties imposed on him or her by this chapter.~~

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

28 298.12 Annual election of supervisors; term of office;
29 vacancy.--

30 (1) Every year in the same month after the time for
31 the election of the first board of supervisors, it shall call

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

15 Section 4. Section 298.15, Florida Statutes, is
 16 amended to read:

17 298.15 Record of proceedings.--The board of
 18 supervisors of any district organized under this chapter shall
 19 cause to be kept a well-bound book, entitled "record of board
 20 of supervisors of district," in which shall be recorded
 21 minutes of all meetings, proceedings, certificates, bonds
 22 given by all employees and any and all corporate acts, which
 23 record shall at all times be open to the inspection of anyone
 24 interested, whether taxpayer or bondholder. Copies of the
 25 record of proceedings shall be filed ~~with the clerk of the~~
 26 ~~circuit court of the county or counties in which district~~
 27 ~~lands are located and with the~~ jurisdictional water management
 28 district upon request ~~Department of Environmental Protection.~~
 29 Any interested person, whether landowner or not, shall be
 30 permitted to inspect the record of proceedings.

31

1 Section 5. Subsections (2) and (3) of section 298.16,
2 Florida Statutes, are amended to read:

3 298.16 Appointment of chief engineer; engineer's bond
4 and duties.--

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

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

1 the costs of carrying out and completing the water control
2 ~~plan of reclamation~~, including the cost of superintending the
3 same and all incidental expenses in connection therewith. Maps
4 and profiles shall also indicate so far as necessary the
5 physical characteristics of the lands, and location of any
6 public roads, railroads and other rights-of-way, roadways and
7 other property or improvements located on such lands. A copy
8 of the report required by this section shall be filed with the
9 jurisdictional water management district ~~Department of~~
10 ~~Environmental Protection~~.

11 Section 6. Section 298.22, Florida Statutes, is
12 amended to read:

13 298.22 Powers of ~~given~~ supervisors ~~to effect~~
14 ~~reclamation of land in district.--In order to effect the~~
15 ~~drainage, protection, and reclamation of the land in the~~
16 ~~district subject to tax,~~The board of supervisors of the
17 district has full power and authority to excavate, construct,
18 and complete any and all works and improvements necessary to
19 execute the water control plan. Subject to the applicable
20 provisions of chapter 373 or chapter 403, the board of
21 supervisors:

22 (1) May employ persons and purchase machinery to
23 directly supervise, construct, maintain, and operate the works
24 and improvements described in the water control plan, or may
25 contract with others for the supervision, construction,
26 maintenance, and operation of such works and improvements
27 either as a whole or in part. Contracts must be advertised and
28 let to the lowest and best bidder, who shall give a good and
29 approved bond, with ample security, upon the condition that he
30 or she will well and promptly carry out the contract for the
31 described works and improvements. Each contract must be in

1 writing and have attached to it complete plans and
 2 specifications for the work to be done and improvements to be
 3 made under the contract, which plans and specifications must
 4 be prepared by the chief engineer of the district. Each
 5 contract shall be prepared by the attorney for the district,
 6 approved by the board of supervisors, and executed in
 7 duplicate by its president and the contractor. The chief
 8 engineer of the district must be the superintendent of all
 9 district works and improvements.

10 (2)~~(1)~~ May clean out, straighten, open up, widen, or
 11 change the course and flow, alter or deepen any canal, ditch,
 12 drain, river, watercourse, or natural stream; and concentrate,
 13 divert, or divide the flow of water in or out of said
 14 district; construct and maintain main and lateral ditches,
 15 canals, levees, dikes, dams, sluices, revetments, reservoirs,
 16 holding basins, floodways, pumping stations, and siphons, and
 17 may connect same, or any of them, with any canals, drains,
 18 ditches, levees, or other works that may have been heretofore,
 19 or which may be hereafter constructed by the Department of
 20 Environmental Protection or jurisdictional water management
 21 district, and with any natural stream, lake, or watercourse in
 22 or adjacent to said district.

23 (3)~~(2)~~ May build and construct any other works and
 24 improvements deemed necessary to preserve and maintain the
 25 works in or out of said district; acquire, construct, operate,
 26 maintain, use, sell, convey, transfer or otherwise provide for
 27 pumping stations, including pumping machinery, motive
 28 equipment, electric lines and all appurtenant or auxiliary
 29 machines, devices or equipment.

30 (4)~~(3)~~ May contract for the purchase, construction,
 31 operation, maintenance, use, sale, conveyance and transfer of

1 the said pumping stations, machinery, motive equipment,
2 electric lines and appurtenant equipment, including the
3 purchase of electric power and energy for the operation of the
4 same.

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

15 (6)~~(5)~~ Shall have the right to hold, control and
16 acquire by donation or purchase and if need be, condemn any
17 land, easement, railroad right-of-way, sluice, reservoir,
18 holding basin or franchise, in or out of said district, for
19 right-of-way, holding basin for any of the purposes herein
20 provided, or for material to be used in constructing and
21 maintaining said works and improvements for drainage,
22 protecting and reclaiming the lands in said district.

23 (7)~~(6)~~ May condemn or acquire, by purchase or grant,
24 for the use of the district, any land or property within or
25 without said district not acquired or condemned by the court
26 on the report of the commissioners assessing benefits and
27 damages, and shall follow the procedure set out in chapter 73.
28 Such powers to condemn or acquire any land or property within
29 or without the district shall also be available for
30 implementing requirements imposed on those districts subject
31 to s. 373.4592.

1 ~~(8)(7)~~ May adopt resolutions and policies ~~rules~~ to
2 implement the purposes of this chapter.

3 ~~(9)(8)~~ May assess and collect reasonable fees for the
4 connection to and use of the works of the district.

5 ~~(10)(9)~~ May implement and authorize the comprehensive
6 water control activities, including flood protection, water
7 quantity management, and water quality protection and
8 improvement, described ~~construction of only those improvements~~
9 ~~outlined~~ in the water control plan ~~of reclamation~~.

10 Section 7. Section 298.225, Florida Statutes, is
11 created to read:

12 298.225 Water control plan; plan development and
13 amendment.--

14 (1) Effective October 1, 1998, any plan of reclamation
15 or water management plan developed and implemented by a water
16 control district created by this chapter or by special act of
17 the Legislature will be referred to as a "water control plan."

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

22 (3) Each water control plan must contain, at a
23 minimum:

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

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

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

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) Before final adoption of the water control plan or
23 plan amendment under s. 298.301, the board of supervisors must
24 submit the plan to the jurisdictional water management
25 district for review. Within 90 days after receipt of the water
26 control plan, the governing board of the jurisdictional water
27 management district, or the executive director or designee, if
28 delegated, must review the plan for consistency with the
29 applicable water resource plans and policies and recommend to
30 the board of supervisors any proposed changes. If the
31 jurisdictional water management district determines that the

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

15 (5) The review or approval of the water control plan
16 by the applicable water management district shall not
17 constitute the granting of any permit necessary for the
18 construction or operation of any water control district work
19 and cannot be relied upon as any future agency action on a
20 permit application.

21 (6) The board of supervisors must review the water
22 control plan at least every 5 years following its initial
23 development and adoption, and to the extent necessary, amend
24 the plan in accordance with s. 298.301.

25 (7) If the preparation of a water control plan under
26 this section does not result in revision of the district's
27 current plan or require the alteration or increase of any levy
28 of assessments or taxes, a change in the use of said
29 assessments or taxes, or substantial change to district
30 facilities, the provisions of s. 298.301(2)-(9) do not apply
31 to the plan adoption process.

1 Section 8. Section 298.23, Florida Statutes, is
2 amended to read:

3 298.23 Supervisors authorized to take land for
4 rights-of-way, etc.; payment.--The board of supervisors of a
5 district organized under this chapter shall not have the right
6 to enter upon, or appropriate, any land for rights-of-way,
7 holding basins or other works of the district, until the
8 prices awarded to the owners of such land shall have been paid
9 to such owners, or into the hands of the clerks of the circuit
10 courts of the county or counties within which the respective
11 lands are located ~~organizing such district~~ for the use of such
12 owners; and if the sums awarded be not so paid within 5 years
13 from the date of filing the engineer's ~~commissioner's~~ reports,
14 all proceedings as to the taking of such property for
15 rights-of-way, holding basins and other works, not so paid
16 for, shall abate at the cost of said district. Whenever any
17 land is acquired by any district under the provisions of this
18 chapter and the price of such property has been paid the owner
19 by the district, the title, use, possession and enjoyment of
20 such property shall pass from the owner and be vested in the
21 district, and subject to its use, profit, employment and final
22 disposition. The price awarded for all lands acquired by any
23 district for rights-of-way, holding basins, or other works,
24 and the amount of damage assessed by the board of supervisors
25 ~~commissioners and confirmed by the court~~ to any tract or
26 parcel of land or other property in the district, shall be
27 paid in cash to the owner thereof or to the clerk of the court
28 for the use of such owner, and that portion of any tract or
29 parcel of land not taken for use of the district shall be
30 assessed for the benefits accruing in accordance with the
31 provisions in this chapter.

1 Section 9. Section 298.24, Florida Statutes, is
2 amended to read:

3 298.24 Bridge construction.--All bridges contemplated
4 by this chapter and all enlargements of bridges already in
5 existence shall be built and enlarged according to and in
6 compliance with the plans, specifications and orders made or
7 approved by the chief engineer of the district. If any such
8 bridge shall belong to any corporation, or be needed over a
9 public highway or right-of-way of any corporation, the
10 secretary of said board of supervisors shall give such
11 corporation notice by delivering to its agent or officer, in
12 any county wherein said district is situate, a copy of the
13 order of the board of supervisors of said district declaring
14 the necessity for the construction or enlargement of said
15 bridge. A failure to construct or enlarge such bridge, within
16 the time specified in such order, shall be taken as a refusal
17 to do said work by said corporation, and thereupon the said
18 board of supervisors shall proceed to let the work of
19 constructing or enlarging the same at the expense of the
20 corporation for the cost thereof, which costs shall be
21 collected by said board of supervisors from said corporation,
22 by suit therefor, if necessary. But before said board of
23 supervisors shall let such work, it shall give some agent or
24 officer of said corporation, authorized by the laws of this
25 state to accept service of summons, or upon whom service of
26 summons for said corporation might be made, at least 20 days'
27 actual notice of the time and place of letting such work. Any
28 owner of land, within or without the district, may, at the
29 owner's expense, and in compliance with the terms and
30 provisions of this chapter, construct a bridge across any
31 drain, ditch, canal, or excavation in or out of said district.

1 Each district shall have full authority to construct and
2 maintain any ditch or lateral provided in its water control
3 plan, ~~"plan of reclamation,"~~ across any of the public highways
4 of this state, without proceedings for the condemnation of the
5 same, or being liable for damages therefor. Within 10 days
6 after a dredge boat or any other excavating machine shall have
7 completed a ditch across any public highway, a bridge shall be
8 constructed and maintained over such drainage ditch where the
9 same crosses such highway; provided, however, the word
10 corporation as used in this section shall not apply to
11 counties.

12 Section 10. Section 298.25, Florida Statutes, is
13 amended to read:

14 298.25 Type of bridges over drains in large
15 counties.--Whenever any district cuts or digs a drain, canal
16 or ditch across any public highway, in counties having a
17 population of not less than 130,000, according to the last
18 preceding state census, the style, type and character of such
19 bridge shall be determined by the engineer of the county and
20 the chief engineer of the district, and approved by a majority
21 of the board of county commissioners ~~as soon as the plan of~~
22 ~~reclamation, locating such canals, drains or ditches, is filed~~
23 ~~in the office of the clerk of the circuit court of the county~~
24 or counties in which the lands within the district are
25 located; and the cost of the same, as estimated by the chief
26 engineer of the district, shall be included by ~~the~~
27 ~~commissioners of the district~~ board of supervisors in the
28 assessment for the construction of the water control plan ~~of~~
29 ~~reclamation~~.

30 Section 11. Section 298.26, Florida Statutes, is
31 amended to read:

1 298.26 Chief engineer to make annual reports to
2 supervisors; approval of reports; water control management
3 plan.--The chief engineer shall make a report in writing to
4 the board of supervisors once every 12 months or as directed
5 by the board ~~and oftener, if said board shall so require.~~ The
6 report shall describe the progress made and activities
7 undertaken in furtherance of the water control plan, and may
8 include suggestions and recommendations to the board as the
9 chief engineer deems appropriate. Upon receipt of the final
10 report of said engineer concerning the surveys made of the
11 lands contained in the district organized and the lands
12 adjacent thereto and for reclaiming the same, the board of
13 supervisors shall adopt such report, or any modification
14 thereof approved by the chief engineer, after consulting with
15 him or her or someone representing the chief engineer.
16 Thereafter such adopted report shall be the plan for draining
17 or reclaiming such lands from overflow or damage by water, and
18 it shall, after such adoption, be part of ~~known and designated~~
19 ~~as the water control management plan, which plan shall be~~
20 ~~filed with the secretary of the board of supervisors and~~
21 ~~copied by the secretary into the records of the district. A~~
22 ~~copy of all such annual reports and the water management plan~~
23 ~~shall be filed with the Department of Environmental~~
24 ~~Protection. At least once each 5 years the department shall~~
25 ~~review the water management plan and propose such~~
26 ~~modifications as it may deem proper.~~

27 Section 12. Section 298.28, Florida Statutes, is
28 amended to read:

29 298.28 Watercourses to be connected with drainage of
30 district; connecting drains after completion of plan of
31 drainage.--At the time of the construction, in any district

1 incorporated under this chapter, of the water control plan
2 ~~"the plan of reclamation"~~, all canals, ditches or systems of
3 drainage already constructed in said district and all
4 watercourses shall, if necessary to the drainage of any lands
5 in said district, be connected with and made a part of the
6 works and improvements of the plan of drainage of said
7 district, but no canals, ditches, drains, or systems of
8 drainage constructed in said district, after the completion of
9 the aforesaid plan of drainage of said district, shall be
10 connected therewith, unless the consent of the board of
11 supervisors shall be first had and obtained; which consent
12 shall be in writing and shall particularly describe the
13 method, terms and conditions of such connection, and shall be
14 approved by the chief engineer. Said connection, if made,
15 shall be in strict accord with the method, terms, and
16 conditions laid down in said consent. If the landowners
17 wishing to make such connection are refused by the board of
18 supervisors, or decline to accept the consent granted, the
19 said landowners may file a petition for such connection in the
20 circuit court having jurisdiction in said district, and the
21 matter in dispute shall in a summary manner be decided by said
22 court, which decision shall be final and binding on the
23 district and landowners. No connection with the works or
24 improvements of said plan of drainage of said district, or
25 with any canal, ditch, drain or artificial drainage, wholly
26 within said district, shall be made, caused or affected by any
27 landowners, company or corporation, municipal or private, by
28 means of, or with, any ditch, drain, cut, fill, roadbed,
29 levee, embankment or artificial drainage, wholly without the
30 limits of said district, unless such connection is consented
31

1 to by the board of supervisors, or in the manner provided for
2 in this chapter.

3 Section 13. Section 298.301, Florida Statutes, is
4 created to read:

5 298.301 District water control plan adoption; plan
6 amendment; notice forms; objections; hearings; assessments.--

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

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

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Notice of Hearing

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 property to be taken, assessing benefits and damages, and estimating the cost of 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 meeting within 60 days after filing of the engineer's report with the secretary of the district.

Date of first publication:, 19....
.....
(Chairman, Board of Supervisors)

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

1 County, Florida

2
3 (3) In addition to the publication of notice, a copy
4 of the notice shall be served by first class mail on any owner
5 of land within the district as shown on the current tax rolls,
6 the water management district created under chapter 373 within
7 which the district is located, the board of county
8 commissioners of the county, and the governing body of any
9 municipality within which the district is located.

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

25 (5) The engineer shall prepare a report arranged in
26 tabular form, the columns of which are to be headed as
27 follows: column one, "owner of property assessed"; column
28 two, "description of property assessed"; column three, "number
29 of acres assessed"; column four, "amount annual assessment
30 assessed"; column five, "total assessments"; column six,
31 "number of acres to be taken for rights-of-way, district

1 works, etc."; column seven, "increased value of property from
2 improvement." The engineer shall also, by and with the advice
3 of other employees and consultants of the district, estimate
4 the cost of the works set out in the proposed plan or plan
5 amendment, including the cost of and the probable expense of
6 organization and administration. If the engineer's estimate of
7 increased property value exceeds the total amount of
8 assessments to be levied against a parcel, benefits are deemed
9 to exceed damages. A maintenance assessment recommendation
10 must also be included in each engineer's report. However, the
11 maintenance assessment may not be considered as part of the
12 costs of installation or construction specified by the
13 proposed plan or plan amendment in determining whether
14 benefits exceed damages. The report shall be signed by the
15 engineer and filed in the office of the secretary of the
16 district. The secretary of the district, or deputy thereto,
17 shall assist as needed in preparation of the report.

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

24
25 Notice of Filing Engineer's Report for
26 District

27
28 Notice is given to all persons interested in the
29 following described land and property in County (or
30 Counties), Florida, viz.: ...(Here describe land and
31 property)... included within the district that

1 the engineer hereto appointed to assess benefits and damages
2 to the property and lands situated in the district and to
3 appraise the cash value of the land necessary to be taken for
4 rights-of-way and other works of the district, within or
5 without the limits of the district, under the proposed water
6 control plan or plan amendment, filed his report in the office
7 of the secretary of the district, located at ...(list address
8 of district offices),... on the day of,
9 19...., and you may examine the report and file written
10 objections with the secretary of the district to all, or any
11 part thereof, on or before ...(enter date 20 days after the
12 last scheduled publication of this notice, which date must be
13 before the date of the final hearing).... The report
14 recommends ...(describe assessment schedule).... If approved,
15 the assessment will be collected by the county tax collector.
16 A final hearing to consider approval of the report and
17 proposed water control plan or plan amendment shall be held
18 ...(time, place, and date at least 30 days after the last
19 scheduled publication of this notice, but no later than 60
20 days after filing of the engineer's report)....

21
22 Date of first publication:, 19....
23
24 (Chairman, Board of Supervisors)
25 County, Florida
26

27 (7) Any party identified in subsection (3) may file
28 written objections with the secretary of the district to any
29 part or all of the engineer's report and the proposed plan or
30 plan amendment, within 20 days after the last published notice
31 of filing of the engineer's report.

1 (8) All objections must be heard and determined by the
2 board of supervisors at the public hearing so as to carry out
3 liberally the purposes and needs of the district. If the board
4 of supervisors determines at the final public hearing, upon
5 examination of the engineer's report and upon hearing all of
6 the objections, that the estimated cost of construction of
7 improvements contemplated in the plan or plan amendment is
8 less than the benefits assessed against the lands in the
9 district, the board of supervisors shall approve and confirm
10 the engineer's report; but, if the board of supervisors
11 determines that any of the objections should be sustained, it
12 shall order the report changed to conform with its findings,
13 and when changed the board of supervisors shall approve and
14 confirm or disapprove, as appropriate, the report and enter
15 its order approving or disapproving, as appropriate, the
16 report and proposed plan or plan amendment. When any land or
17 other property is shown by the engineer's report to be needed
18 for rights-of-way, or other works, the board of supervisors
19 may institute proceedings under chapter 73 or chapter 74 in
20 the circuit court of the proper county to condemn the lands
21 and other property that must be taken or damaged in the making
22 of improvements, with the right and privilege of paying into
23 court a sum to be fixed by the circuit court judge and of
24 proceeding with the work, before the assessment by the jury.

25 (9) Any party identified in subsection (3) may
26 challenge the decision of the board in the manner and time
27 provided by the Florida Rules of Civil and Appellate
28 Procedure. If it is determined by court order that any tract
29 or lot of land or parts thereof, upon which a non-ad valorem
30 assessment is authorized and levied, will not be benefited by
31 or receive any benefit from the completion of the plan or plan

1 amendment, or will be burdened disproportionately to other
2 similarly benefited land, then the non-ad valorem assessment
3 may not be levied against that land.

4 Section 14. Section 298.305, Florida Statutes, is
5 created to read:

6 298.305 Assessing land for development; apportionment
7 of assessment.--

8 (1) After the engineer's report has been approved by
9 the board of supervisors, the proposed water control plan or
10 plan amendment has been finally adopted, and the lists of
11 lands with the assessed benefits have been filed in the office
12 of the secretary of the district, then the board of
13 supervisors shall levy a non-ad valorem assessment as approved
14 by the board on all lands in the district to which benefits
15 have been assessed, to pay the costs of the completion of the
16 proposed works and improvements, as shown in the adopted plan
17 or plan amendment and in carrying out the objectives of the
18 district; and, in addition thereto, 10 percent of the total
19 amount for contingencies. The assessment must be apportioned
20 to and levied on each assessable tract of land in the
21 district. Under s. 298.54, the board of supervisors may also
22 levy a maintenance assessment on all lands in the district to
23 which benefits have been assessed as may be necessary to
24 operate and maintain the district works and activities and to
25 defray the current expenses of the district. A maintenance
26 assessment recommendation for the operation and maintenance of
27 the district works and activities must be included in each
28 engineer's report considered by the board.

29 (2) The board of supervisors may issue bonds in
30 accordance with s. 298.47 to pay the cost of the works and
31 improvements described in the water control plan. Upon such

1 determination, the board of supervisors shall levy a non-ad
2 valorem assessment in a sum not less than an amount, 90
3 percent of which shall be equal to the principal of said
4 bonds. In no event shall the total amount of all bonds to be
5 issued by the district exceed 90 percent of the benefits
6 assessed upon the lands of the district. Bonds issued under
7 this section shall draw interest at a rate provided by general
8 law and shall be made payable at such time and place as the
9 board of supervisors may determine. The amount of the
10 interest that will accrue on the bonds, as estimated by the
11 board of supervisors, shall be included and added to the
12 assessment, but the interest to accrue on the bonds shall not
13 be included as part of the cost of construction in determining
14 whether or not the expenses and costs of making the
15 improvements shown in the water control plan are equal to, or
16 in excess of, the benefits assessed.

17 Section 15. Section 298.329, Florida Statutes, is
18 created to read:

19 298.329 When works insufficient, supervisors have
20 power to make a new or amended plan; additional levy; issuance
21 of bonds; procedure.--

22 (1) If the works set out in the district water control
23 plan are found insufficient to develop, in whole or in part,
24 any or all of the lands of the district, the board of
25 supervisors shall have the right to formulate a new or amended
26 water control plan, containing new or modified public
27 infrastructure or other authorized works, and additional
28 assessments may be made in conformity with s. 298.305, the
29 same to be made in proportion to the increased benefits
30 accruing to the lands because of the additional works. Such
31 new or amended plan shall be subject to review by the

1 applicable water management district in accordance with
2 subsection 298.225(4).

3 (2) If the board of supervisors determines at any time
4 that the amount of total assessments levied under this chapter
5 or the funds derived from the sale of bonds are insufficient
6 to pay the cost of works set out in the water control plan,
7 the board of supervisors may make an additional levy to
8 provide funds to complete the works and, in addition, up to 10
9 percent of the total amount for contingencies; and, may issue
10 bonds to finance the increased cost of completing the works
11 described in the water control plan; however, the principal
12 amount of the additional bonds and the principal amount of any
13 bonds previously issued to finance the works must not, in the
14 aggregate, exceed 90 percent of the benefits assessed.

15 (3) If the board of supervisors determines at any time
16 that the water control plan requires modification and that the
17 amount of the total assessments levied under this chapter or
18 the funds derived from the sale of bonds are insufficient to
19 carry out the water control plan with the proposed
20 modification, the board of supervisors may initiate plan
21 amendment proceedings.

22 (4) After the engineer's report has been approved and
23 the resolution amending the water control plan adopted by the
24 board of supervisors, the board may levy a non-ad valorem
25 assessment on all lands in the district to which benefits have
26 been assessed to pay the increased cost of completing the
27 works and improvements described in the water control plan as
28 amended. The assessment may include the cost of maintaining
29 and operating the facilities and all incidental expenses in
30 connection therewith, plus an additional 10 percent of the
31 total amount for contingencies. The additional assessments

1 authorized to be levied under this section must be levied and
2 collected in the same manner as the original assessments.

3 (5) The issuance of bonds under the provisions of this
4 section must comply with the provisions of s. 298.47. Any
5 additional tax authorized to be levied for completion of the
6 works and improvements described in the water control plan
7 must be apportioned to and levied upon each tract of land in
8 the district in proportion to the benefits assessed against it
9 and not in excess thereof; and, if bonds are issued, the
10 amount of the interest that will accrue on the bonds, as
11 estimated by the board of supervisors, must be included and
12 added to the additional levy. The interest to accrue on the
13 bonds must not be included as part of the cost of construction
14 in the determination of whether or not the expenses and costs
15 of making the improvements shown in the water control plan are
16 equal to or in excess of the benefits assessed.

17 Section 16. Section 298.333, Florida Statutes, is
18 created to read:

19 298.333 Assessments and costs; a lien on land against
20 which levied.--All non-ad valorem assessments provided for in
21 this chapter, together with all penalties for default in
22 payment of the same and all costs in collecting the same,
23 constitutes, from the date of assessment thereof until paid, a
24 lien of equal dignity with the liens for county taxes and
25 other taxes of equal dignity with county taxes upon all the
26 lands against which such assessments have been levied and
27 assessed, pursuant to s. 197.3632.

28 Section 17. Section 298.337, Florida Statutes, is
29 created to read:

30 298.337 Levies of assessments on land less than 1
31 acre.--In levying assessments based upon acreage, each tract

1 or parcel of land less than 1 acre in area is to be assessed
2 as a full acre.

3 Section 18. Section 298.341, Florida Statutes, is
4 created to read:

5 298.341 When unpaid assessments delinquent;
6 penalty.--All non-ad valorem assessments provided for in this
7 chapter become delinquent and bear penalties on the amount of
8 the assessments in the same manner as county taxes. The
9 assessments constitute a lien until paid on the property
10 against which assessed and are enforceable in the same manner
11 as county taxes.

12 Section 19. Section 298.345, Florida Statutes, is
13 created to read:

14 298.345 Enforcement of non-ad valorem
15 assessments.--The collection and enforcement of all non-ad
16 valorem assessments levied by the district shall be at the
17 same time and in like manner as county taxes, and the
18 provisions of the Florida Statutes relating to the sale of
19 lands for unpaid and delinquent county taxes, the issuance,
20 sale, and delivery of tax certificates for such unpaid and
21 delinquent county taxes, the redemption thereof, the issuance
22 to individuals of tax deeds based thereon, and all other
23 procedures in connection therewith, apply to the district and
24 the delinquent and unpaid assessments and taxes of the
25 district to the same extent as if the statutory provisions
26 were expressly set forth in this chapter. All non-ad valorem
27 assessments are subject to the same discounts as county taxes.

28 Section 20. Section 298.349, Florida Statutes, is
29 created to read:

30 298.349 Uniform initial acreage assessment for payment
31 of expenses.--There is levied upon each acre of land within a

1 water control district created on or after July 1, 1997, a
2 uniform initial assessment of \$50 per acre for the year in
3 which the district is created, to be used by the district,
4 through its board of supervisors, for the purpose of district
5 administration, paying expenses incurred or to be incurred in
6 making surveys of the lands in the district, assessing
7 benefits and damages, and other expenses necessarily incurred,
8 as estimated or determined by the board of supervisors, before
9 the board collects or receives funds under the remaining
10 provisions of this chapter. The assessment constitutes a lien
11 upon the lands in the district from the effective date of the
12 special act creating the district and must be collected by the
13 district. If the board of supervisors determines that it is
14 necessary to obtain funds to pay any expenses incurred or to
15 be incurred in organizing the district, or any other expenses
16 relating to the conduct and operation of the district, before
17 a sufficient sum can be obtained by collecting the acreage
18 assessment levied by this section, the board may borrow a
19 sufficient sum of money for any of those purposes, may issue
20 notes or bonds therefor, and may pledge any and all
21 assessments of the initial acreage assessment levied under the
22 provisions of this section for the repayment thereof. The
23 board of supervisors may issue notes or bonds to any person or
24 persons performing work or services or furnishing anything of
25 value in the organization of the district or for any other
26 expenses necessarily incurred before the receipt of funds
27 arising from assessments or benefits.

28 Section 21. Section 298.353, Florida Statutes, is
29 created to read:

30 298.353 Unit development; powers of board of
31 supervisors to designate units of district; financing

1 assessments for each unit.--The board of supervisors of the
2 district may designate areas of parts of the district as
3 separate administrative and financial "units." Units must be
4 created or modified as a part of and through the adoption of a
5 water control plan or plan amendment as provided in this
6 chapter. The units into which the district is divided must be
7 given appropriate numbers or names by the board of supervisors
8 so that the units can be readily identified and distinguished.
9 The board may fix and determine the location, area, and
10 boundaries of the lands to be included in each unit, the type
11 and amount of work required in the unit and the order of
12 development, and the method of carrying on the work in each
13 unit. The unit system provided by this section may be
14 conducted, and all the proceedings by this section and this
15 chapter authorized in respect to such unit or units may be
16 carried on and conducted, whenever the board of supervisors
17 finds that it is appropriate. If the board finds that it is
18 advisable to implement the district infrastructure and service
19 plans by units, as authorized by this section, the board
20 shall, by resolution duly adopted and entered upon its
21 minutes, declare its purpose to conduct the work accordingly,
22 and shall proceed through the water control plan adoption or
23 amendment process described in s. 298.301 to fix the number,
24 location, boundaries, and description of lands within each
25 unit or units and give them appropriate numbers or names. All
26 provisions of this chapter shall apply within all units, and
27 the enumeration of or reference in this section to specific
28 powers or duties of the supervisors does not limit or restrict
29 the application of any and all of the proceedings and powers
30 in this chapter within all units. For water control plans
31 applicable to one or more units, but to less than the entire

1 district, the notices to district landowners required under s.
2 298.301 need be provided only to owners of lands within the
3 affected unit or units and immediately contiguous properties
4 within the district. All assessments, levies, taxes, bonds,
5 and other obligations made, levied, assessed, or issued for or
6 in respect to any unit or units constitute a lien and charge
7 solely and only upon the lands in the unit or units,
8 respectively, for the benefit of which the same have been
9 levied, made, or issued, and not upon the remaining units or
10 lands in the district. The board of supervisors may at any
11 time amend the location and description of lands in any unit
12 or units by proceeding in accordance with the provisions of
13 this section for the original creation of the unit or units.
14 If, after the approval of the engineer's report of benefits in
15 any unit or units or the issuance of bonds or other
16 obligations that are payable from taxes or assessments for
17 benefits levied upon lands within any unit or units, the board
18 of supervisors finds that the infrastructure or service plan
19 for the unit or units is insufficient or inadequate for
20 efficient development, the plan may be amended or changed and
21 the unit or units may be amended or changed as provided in
22 this section, by changing the location and description of
23 lands in the unit or units, by detaching lands therefrom, or
24 by adding lands thereto pursuant to this chapter. However, a
25 change or amendment to a designated unit is not authorized if
26 it has the effect of impairing a debt or other obligation of
27 the unit or the district.

28 Section 22. Section 298.36, Florida Statutes, is
29 amended to read:

30
31

1 298.36 Assessing land for reclamation; apportionment
2 of tax; lands belonging to state assessed; drainage tax
3 record.--

4 ~~(1) After the lists of lands, with the assessed~~
5 ~~benefits and the decree and judgment of court, have been filed~~
6 ~~in the office of the clerk of the circuit court as provided in~~
7 ~~s. 298.34, then the board of supervisors shall, without any~~
8 ~~unnecessary delay, levy a tax of such portion of said~~
9 ~~benefits, on all lands in the district to which benefits have~~
10 ~~been assessed, as may be found necessary by the board of~~
11 ~~supervisors to pay the costs of the completion of the proposed~~
12 ~~works and improvements, as shown in said plan of reclamation~~
13 ~~and in carrying out the objects of said district; and, in~~
14 ~~addition thereto, 10 percent of said total amount for~~
15 ~~emergencies. The said tax shall be apportioned to, and levied~~
16 ~~on, each tract of land in said district in proportion to the~~
17 ~~benefits assessed, and not in excess thereof.~~

18 ~~(2) In case bonds are issued, as provided in this~~
19 ~~chapter, a tax shall be levied in a sum not less than an~~
20 ~~amount, 90 percent of which shall be equal to the principal of~~
21 ~~said bonds. The amount of bonds to be issued for paying the~~
22 ~~cost of the works as set forth in the plan of reclamation~~
23 ~~shall be ascertained and determined by the board of~~
24 ~~supervisors; provided, however, that the total amount of all~~
25 ~~bonds to be issued by the district shall in no case exceed 90~~
26 ~~percent of the benefits assessed upon the lands of the~~
27 ~~district. The amount of the interest (as estimated by said~~
28 ~~board of supervisors), which will accrue on such bonds, shall~~
29 ~~be included and added to the said tax, but the interest to~~
30 ~~accrue on account of the issuing of said bonds shall not be~~
31 ~~construed as a part of the costs of construction in~~

1 ~~determining whether or not the expenses and costs of making~~
 2 ~~said improvements are equal to, or in excess of, the benefits~~
 3 ~~assessed.~~

4 (1)~~(3)~~ The benefits, and all lands in said district
 5 belonging to the state, shall be assessed to, and the taxes
 6 thereon shall be paid by, the state out of funds on hand, or
 7 which may hereafter be obtained, derived from the sale of
 8 lands belonging to the state. This provision shall apply to
 9 all taxes in any district including maintenance and ad valorem
 10 taxes, either levied under this or any other law, and to taxes
 11 assessed for preliminary work and expenses, as provided in s.
 12 298.349 ~~298.29~~, as well as to the taxes provided for in this
 13 section.

14 (2)~~(4)~~ The secretary of the board of supervisors, as
 15 soon as said total tax is levied, shall, at the expense of the
 16 district, prepare a list of all taxes levied, in the form of a
 17 well-bound book, which book shall be endorsed and named
 18 "DRAINAGE TAX RECORD OF WATER CONTROL DISTRICT
 19 COUNTY, FLORIDA," which endorsement shall be printed or
 20 written at the top of each page in said book, and shall be
 21 signed and certified by the president and secretary of the
 22 board of supervisors, attested by the seal of the district,
 23 and the same shall thereafter become a permanent record in the
 24 office of said secretary.

25 Section 23. Subsection (1) of section 298.47, Florida
 26 Statutes, is amended to read:

27 298.47 Supervisors may issue bonds.--

28 (1) The board of supervisors may, if in their judgment
 29 it seems best, issue bonds not to exceed 90 percent of the
 30 total amount of the non-ad valorem assessments ~~taxes~~,
 31 exclusive of the amount for interest, levied under the

1 provisions of s. 298.305 ~~298.36~~, in denominations of not less
2 than \$100, bearing interest from date at rate as provided by
3 general law, payable semiannually, to mature at annual
4 intervals within 30 years, commencing after a period of years
5 not later than 10 years, to be determined by the board of
6 supervisors, both principal and interest payable at some
7 convenient banking house or trust company's office to be named
8 in said bonds, which said bonds shall be signed by the
9 president of the board of supervisors, attested with the seal
10 of said district and by the signature of the secretary of the
11 said board. Section 12, Art. VII of the State Constitution
12 shall be complied with as to all such bonds as are within its
13 purview. All of said bonds shall be executed and delivered to
14 the treasurer of said district, who shall sell the same in
15 such quantities and at such dates as the board of supervisors
16 may deem necessary to meet the payments for the works and
17 improvements in the district. Said treasurer shall, at the
18 time of the receipt by him or her of said bonds, execute and
19 deliver to the president of the board of said district, a bond
20 with good and sufficient sureties to be approved by the said
21 board of supervisors, conditioned that the treasurer shall
22 account for and pay over, as required by law and as ordered to
23 do by said board of supervisors, any and all money received by
24 him or her on the sale of such bonds, or any of them, and that
25 the treasurer will only sell and deliver such bonds to the
26 purchaser or purchasers thereof, under and according to the
27 terms herein prescribed, and that the treasurer will return,
28 duly canceled, any and all bonds not sold to the board of
29 supervisors when ordered by said board so to do, which said
30 surety bond shall remain in the custody of the said president
31 of said board of supervisors, who shall produce the same for

1 inspection or for use as evidence whenever and wherever
2 legally requested so to do.

3 Section 24. Section 298.59, Florida Statutes, is
4 amended to read:

5 298.59 Supervisors authorized to obtain consent of
6 United States.--In case the water control plan ~~of reclamation~~
7 of any district organized and incorporated under this chapter
8 and the improvement provided thereunder be of such nature as
9 requires the permission or consent of the Government of the
10 United States, or any department or officer of the Government
11 of the United States, the board of supervisors of the district
12 may obtain the required permission or consent of the
13 Government of the United States or any proper officer or
14 department thereof; and to that end the board of supervisors
15 may bind the district to comply with any conditions that may
16 be attached to such permission or consent, including the
17 giving of any bond or other obligation for the faithful
18 performance of such conditions.

19 Section 25. Section 298.77, Florida Statutes, is
20 amended to read:

21 298.77 Readjustment of assessments; procedure, notice,
22 hearings.--

23 (1) Whenever ~~the board of supervisors or~~ the owners of
24 25 percent or more of the acreage of the land of any district
25 situated wholly in a single county existing under the general
26 drainage laws of this state, now this chapter, joined by the
27 holders of not less than 95 percent of the indebtedness
28 outstanding against that district, shall file a petition with
29 the board of supervisors ~~clerk of the circuit court having~~
30 ~~jurisdiction over the district~~, stating that there has been a
31 material change in the value of the property in the district

1 since the last previous assessment of benefits, contributed to
2 by the drainage system; that a relatively large portion or
3 portions of the district have become nontaxable for the
4 purpose of paying the indebtedness of such district; that a
5 named person, corporation, or agency has purchased the
6 obligations of the district at a discount and under
7 circumstances whereby the district is expected to pay in
8 discharge of its obligations a sum greatly less than the par
9 value of such obligations; that improvements within the
10 district made possible or practicable by the drainage effected
11 have been such as to enhance values in a portion or portions
12 thereof more than in other portions of the district; and that
13 developments in all parts of the district are believed to have
14 been retarded by the inability of property owners to pay
15 assessments and discharge individual properties from the lien
16 of the drainage tax; and praying for readjustment of the
17 assessment of benefits for the purpose of making a more
18 equitable basis for the levy of taxes to pay the indebtedness
19 of such district and to maintain its drainage system, the
20 board of supervisors ~~clerk~~ shall give notice of the filing and
21 hearing of the petition in the manner and for the time
22 provided for in s. 298.301 ~~298.07~~.

23 (2) Such notice may be in the following form:
24

25 NOTICE IS HEREBY GIVEN to all persons interested in the
26 lands included within the Water Control District that a
27 petition has been filed with the district ~~in the office of the~~
28 ~~Clerk of the Circuit Court of County, Florida,~~ praying
29 for a readjustment of the assessment of benefits for the
30 purpose of making a more equitable basis for the levy of taxes
31 against the various pieces and parcels of land in said

1 district to pay its indebtedness and maintain its drainage
2 system, and that said petition will be heard by the board of
3 supervisors ~~said circuit court~~ on the day of,
4 19.....

5 Dated, 19.....

6 ...(Secretary of District Clerk of the Circuit
7 Court)...

8 County

9
10 (3) Any interested person may file an answer to the
11 petition before the return day and, if so, shall be duly
12 heard, but, if not, the cause shall proceed ex parte. Upon
13 the hearing of the petition, if the board court shall find
14 that there has been a material change in the values of the
15 lands in the district since the last previous assessment of
16 benefits, contributed to by the drainage system, and that the
17 other material allegations of the petition herein required to
18 be set forth are substantially true, the board of supervisors
19 ~~court~~ shall order that there be made a readjustment of the
20 assessment of benefits for the purpose of providing a basis
21 upon which to levy further and future taxes for the payment of
22 the obligations of, and maintaining the drainage system in,
23 the district. Thereupon, the board of supervisors court shall
24 proceed pursuant to 298.301 ~~appoint three commissioners~~
25 ~~possessing the qualifications of commissioners appointed under~~
26 ~~s. 298.30~~ to make such readjustment of assessment of benefits
27 to each piece or parcel of land which has accrued or will
28 accrue as a result of the drainage system, in the manner
29 ~~provided in s. 298.32, and the commissioners shall make their~~
30 ~~report, and the proceeding shall be had thereupon as nearly as~~
31 ~~may be as provided for the assessment of benefits accruing for~~

1 ~~original construction~~ Provided, in making the readjustment of
2 the assessment of benefits, the board of supervisors
3 ~~commissioners~~ shall not increase the existing assessment, or
4 unpaid portion thereof, on any piece or parcel of land;
5 provided, further, that after the making of such readjustment,
6 the limitation of 10 percent of the annual maintenance tax
7 which may be levied shall apply to the amount of benefits as
8 readjusted.

9 Section 26. Subsection (6) of section 190.013, Florida
10 Statutes, is amended to read:

11 190.013 Water management and control plan.--In the
12 event that the board assumes the responsibility for providing
13 water management and control for the district as provided in
14 s. 190.012(1)(a) which is to be financed by benefit special
15 assessments, the board shall proceed to adopt water management
16 and control plans, assess for benefits, and apportion and levy
17 special assessments, as follows:

18 (6) Within 20 days after the final adoption of the
19 plan by the board, the board shall proceed pursuant to s.
20 298.301 ~~ss. 298.30-298.34~~.

21 Section 27. Sections 298.07, 298.27, 298.29, 298.30,
22 298.31, 298.32, 298.33, 298.34, 298.35, 298.467, and 298.55,
23 Florida Statutes, are repealed.

24 Section 28. This act shall take effect upon becoming a
25 law.