

1  
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)

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.

26  
27  
28  
29  
30  
31