

1 A bill to be entitled
2 An act relating to Broward County; providing
3 for codification of special laws regarding
4 special districts pursuant to chapter 97-255,
5 Laws of Florida, relating to Old Plantation
6 Water Control District, a special tax district
7 in Broward County; providing legislative
8 intent, and codifying and reenacting provisions
9 of chapter 24416, Laws of Florida, 1947,
10 chapter 25710, Laws of Florida, 1949, chapter
11 27425, Laws of Florida, 1951, chapter 28936,
12 Laws of Florida, 1953, chapter 30638, Laws of
13 Florida, 1955, chapter 59-1146, Laws of
14 Florida, and chapter 88-468, Laws of Florida;
15 providing for applicability of chapters 298 and
16 189, Florida Statutes, and other general laws;
17 providing a district charter; providing for
18 repeal of all prior special acts related to Old
19 Plantation Water Control District; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Pursuant to chapter 97-255, Laws of
25 Florida, this act constitutes the codification of all special
26 acts relating to Old Plantation Water Control District. It is
27 the intent of the Legislature in enacting this law to provide
28 a single, comprehensive special act charter for the district
29 including all current legislative authority granted to the
30 district by its several legislative enactments and any
31 additional authority granted by this act.

1 Section 2. Chapter 24416, Laws of Florida, 1947,
2 chapter 25710, Laws of Florida, 1949, chapter 27425, Laws of
3 Florida, 1951, chapter 28936, Laws of Florida, 1953, chapter
4 30638, Laws of Florida, 1955, chapter 59-1146, Laws of
5 Florida, and chapter 88-468, Laws of Florida, relating to Old
6 Plantation Water Control District, are codified, reenacted,
7 amended, and repealed as herein provided.

8 Section 3. Section 2 of chapter 24416, Laws of
9 Florida, 1947 is amended to read:

10 Section 3.~~Section 2.~~ Status and boundaries.~~That said~~
11 ~~Old Plantation Water Control district be and the same is~~
12 hereby declared to be an independent water control drainage
13 district and a public corporation of the State of Florida
14 ~~under and pursuant to aforesaid chapter 298, Florida Statutes,~~
15 as it may be amended from time to time 1941, having the
16 following boundaries in Broward County, Florida, to-wit:

17
18 Commence at the N.W. corner of Section 31,
19 Township 49 South, Range 41 East; thence run
20 East along the North line of Sections 31, 32,
21 33 and 34, Township 49 South, Range 41 East, to
22 the N.E. corner of said Section 34; thence
23 South along the East line of said Section 34 to
24 the S.E. corner thereof; thence East along the
25 North line of Section 2, Township 50 South,
26 Range 41 East, to the N.E. corner thereof;
27 thence South along the East line of Sections 2
28 and 11, Township 50 South, Range 41 East, to
29 the S.E. corner of said Section 11; thence East
30 along the North line of Section 14, Township 50
31 South, Range 41 East, a distance of 672.3 feet,

1 more or less, to the N.E. corner of Tier 24, of
2 said Section 14, as the same is shown on the
3 map of Newman's Survey recorded in Plat Book 2,
4 page 26, Public Records of Dade County,
5 Florida; thence in a Southerly direction along
6 the Easterly line of Tier 24 of Section 14, as
7 aforesaid, to a point at right angles to and
8 130 feet North of the center line of North New
9 River Canal; thence in a Northwesterly
10 direction parallel to and 130 feet from the
11 center line of North New River Canal, as
12 aforesaid, a distance of 26,605.4 feet, more or
13 less, to the West line of Section 7, Township
14 50 South, Range 41 East, at a point that is 130
15 feet North of the center line of North New
16 River Canal; thence North along the West line
17 of Sections 7 and 6, Township 50 South, Range
18 41 East, and the West line of Section 31,
19 Township 49 South, Range 41 East, to the point
20 or place of beginning, which said boundary line
21 embraces and includes those certain tracts or
22 parcels of lands situate, lying and being in
23 Broward County, Florida, described as follows,
24 to-wit:

25
26 All of Sections 31, 32, 33 and 34, Township 49
27 South, Range 41 East; all of Sections 2, 3, 4,
28 5, 6, 9, 10 and 11 and all that part of
29 Sections 7, 8, 14, 15, 16 and 17, Township 50
30 South, Range 41 East, that lies North of North
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1 New River Canal, containing 9694 acres, more or
2 less.

3
4 Section 4. Section 12 of chapter 25710, Laws of
5 Florida, 1949, is amended to read:

6 Section 4. Section 12. Tax exemption.--Any bonds issued
7 by said district and the interest thereon shall be exempt from
8 taxation by the State of Florida or any county, municipality,
9 or political subdivision thereof.

10 Section 5. Section 1 of chapter 59-1146, Laws of
11 Florida, is amended to read:

12 Section 5. Unit development.--The board of supervisors
13 shall have the power to establish administrative and financial
14 "units" within the district, as described and governed by s.

15 298.353, Florida Statutes, as it may be amended from time to
16 time.~~Section 1. Unit Development; Powers of Supervisors to~~
17 ~~Designate Units of district and Adopt System of Progressive~~
18 ~~Drainage by Units; Plans of Reclamation and Financing~~
19 ~~Assessments, etc., for Each Unit, including the Designation of~~
20 ~~the Entire district as One Unit. The Board of Supervisors of~~
21 ~~Old Plantation Water Control district shall have the power and~~
22 ~~is hereby authorized in its discretion to drain and reclaim or~~
23 ~~more completely and intensively to drain and reclaim the lands~~
24 ~~in said district by designated areas or parts of said district~~
25 ~~to be called "units". The units into which said district may~~
26 ~~be so divided shall be given appropriate numbers or names by~~
27 ~~said Board of Supervisors, so that said units may be readily~~
28 ~~identified and distinguished. The Board of Supervisors shall~~
29 ~~have the power to fix and determine the location, area and~~
30 ~~boundaries of said lands to be included in each and all such~~
31 ~~units, the order of development thereof, and the method of~~

1 ~~carrying on the work in each unit. The unit system of~~
2 ~~drainage provided by this section may be conducted and all of~~
3 ~~the proceedings by this section and this act authorized in~~
4 ~~respect to such unit or units may be carried on and conducted~~
5 ~~at the same time as or after the work of draining and~~
6 ~~reclaiming of the entire district has been or is being or~~
7 ~~shall be instituted or carried on under the provisions of this~~
8 ~~act. If the Board of Supervisors shall determine that it is~~
9 ~~advisable to conduct the work of draining and reclaiming the~~
10 ~~lands in said district by units, as authorized by this Section~~
11 ~~of this act, said Board shall, by resolution duly adopted and~~
12 ~~entered upon its minutes, declare its purpose to conduct such~~
13 ~~work accordingly, and shall at the same time and manner fix~~
14 ~~the number, location and boundaries of and description of~~
15 ~~lands within such unit or units and give them appropriate~~
16 ~~numbers or names. The entire district may also be designated~~
17 ~~as a unit for the proper allocation of such part of the plan~~
18 ~~of reclamation and drainage as benefits the entire district.~~
19 ~~As soon as practicable after the adoption and recording of~~
20 ~~such resolution said Board of Supervisors shall publish notice~~
21 ~~once a week for two consecutive weeks in a newspaper published~~
22 ~~in Broward County, Florida, briefly describing the units into~~
23 ~~which said district has been divided and the lands embraced in~~
24 ~~each unit, giving the name, number or other designation of~~
25 ~~such units, requiring all owners of lands in said district to~~
26 ~~show cause in writing before said Board of Supervisors at a~~
27 ~~time and place to be stated in such notice why such division~~
28 ~~of said district into such units should not be approved, and~~
29 ~~said system of development by units should not be adopted and~~
30 ~~given effect by said Board, and why the proceedings and powers~~
31 ~~authorized by this Section of this act should not be had,~~

1 ~~taken and exercised. At the time and place stated in said~~
2 ~~notice, said Board of Supervisors shall hear all objections or~~
3 ~~causes of objection all of which shall be in writing of any~~
4 ~~landowner in said district to the matters mentioned and~~
5 ~~referred to in such notice, and if no objections are made, or~~
6 ~~if said objections, if made, shall be overruled by said Board~~
7 ~~then said Board shall enter in its minutes its findings and an~~
8 ~~order confirming said resolutions, and may thereafter proceed~~
9 ~~with the development, drainage and reclamation of said~~
10 ~~district by units pursuant to such resolution and to the~~
11 ~~provisions of this act. The Board of Supervisors may, as a~~
12 ~~result of any objections or of matters brought forth at the~~
13 ~~hearing, modify or amend such resolution in whole or in part,~~
14 ~~confirm said resolution after overruling all objections, or~~
15 ~~reject said resolution, and if confirmed or modified or~~
16 ~~amended, may proceed thereafter in accordance with said~~
17 ~~resolution as confirmed, modified or amended. The sustaining~~
18 ~~of such objections and the rescinding of such resolutions~~
19 ~~shall not exhaust the power of said Board under this Section;~~
20 ~~but, at any time not less than one year after the date of the~~
21 ~~hearing upon any such resolution, the Board of Supervisors may~~
22 ~~adopt other resolutions under this Section and thereupon~~
23 ~~proceed on due notice in like manner as above. If said Board~~
24 ~~of Supervisors shall overrule or refuse to sustain any such~~
25 ~~objections in whole or in part made by any landowner in the~~
26 ~~district, or if any such landowner shall deem himself~~
27 ~~aggrieved by any action of the Board of Supervisors in respect~~
28 ~~to any objection so filed, such landowner may, within twenty~~
29 ~~20 days after the ruling of said Board, invoke the~~
30 ~~jurisdiction of a court having jurisdiction over the merits of~~
31 ~~his claim. When said resolutions creating said unit system~~

1 ~~shall be confirmed by the Board of Supervisors or by a court~~
2 ~~of competent jurisdiction, if such proposed action shall be~~
3 ~~challenged by a landowner by the judicial proceedings~~
4 ~~hereinabove authorized, said Board of Supervisors may adopt a~~
5 ~~plan or plans of reclamation for and in respect to any or all~~
6 ~~such units, and to have the benefits and damages resulting~~
7 ~~therefrom assessed and apportioned by Commissioners appointed~~
8 ~~by the Circuit Court, and the report of the said Commissioners~~
9 ~~considered and confirmed, all in like manner as is provided by~~
10 ~~law in regard to plans of reclamation for and assessments for~~
11 ~~benefits and damages of the entire district. With respect to~~
12 ~~the plan of reclamation, notices, appointment of Commissioners~~
13 ~~to assess benefits and damages, report of Commissioners and~~
14 ~~notice and confirmation thereof, the levy of assessments and~~
15 ~~taxes, including maintenance taxes, and the issuance of bonds~~
16 ~~and all other proceedings as to each and all of such units,~~
17 ~~said Board shall follow and comply with the same procedure as~~
18 ~~is provided by law with respect to the entire district; and~~
19 ~~said Board of Supervisors shall have the same powers in~~
20 ~~respect to each and all of such units as is vested in them~~
21 ~~with respect to the entire district. All the provisions of~~
22 ~~this act shall apply to the drainage, reclamation and~~
23 ~~improvement of each, any and all of such units, and the~~
24 ~~enumeration of or reference to specific powers or duties of~~
25 ~~the Supervisors or any other officers or other matters in this~~
26 ~~act as hereinabove set forth, shall not limit or restrict the~~
27 ~~application of any and all of the proceedings and powers~~
28 ~~herein to the drainage and reclamation of such units as fully~~
29 ~~and completely as f such unit or units were specifically and~~
30 ~~expressly named in every section and clause of this act where~~
31 ~~the entire district is mentioned or referred to. All~~

1 ~~assessments, levies, taxes, bonds and other obligations made,~~
2 ~~levied, assessed or issued for or in respect to any such unit~~
3 ~~or units shall be a lien and charge solely and only upon the~~
4 ~~lands in such unit or units, respectively, for the benefit of~~
5 ~~which the same shall be levied, made or issued, and not upon~~
6 ~~the remaining units or lands in said district. The board of~~
7 ~~Supervisors may at any time amend its said resolutions by~~
8 ~~changing the location and description of lands in any such~~
9 ~~unit or units; and provided, further, that if the location of~~
10 ~~or description of lands located in any such unit or units is~~
11 ~~so changed, notice of such change shall be published as~~
12 ~~hereinabove required in this section for notice of the~~
13 ~~formation or organization of such unit or units, and all~~
14 ~~proceedings shall be had and done in that regard as are~~
15 ~~provided in this section for the original creation of such~~
16 ~~unit or units; provided, however, that no lands against which~~
17 ~~benefits shall have been assessed may be detached from any~~
18 ~~such unit after the confirmation of the Commissioners' report~~
19 ~~of benefits in such unit or units or the issuance of bonds or~~
20 ~~other obligations which are payable from taxes or assessments~~
21 ~~for benefits levied upon the lands within such unit or units.~~

22 ~~Provided, however, that if, after the confirmation of~~
23 ~~the Commissioners' report of benefits in such unit or units,~~
24 ~~or the issuance of bonds or other obligations which are~~
25 ~~payable from taxes or assessments for benefits levied upon~~
26 ~~land within such unit or units, the Board of Supervisors finds~~
27 ~~the plan of reclamation for any such unit or units~~
28 ~~insufficient or inadequate for efficient development, the plan~~
29 ~~of reclamation may be amended or changed as provided in~~
30 ~~chapter 298, Florida Statutes, and the unit or units may be~~
31 ~~amended or changed as provided in this section, by changing~~

1 ~~the location and description of lands in any such unit or~~
2 ~~units, by detaching lands therefrom or by adding land thereto,~~
3 ~~upon the approval of 51% of the landowners, according to~~
4 ~~acreage, in any such unit, either evidenced in writing or~~
5 ~~voting at a meeting of the landowners duly called pursuant to~~
6 ~~notice required under chapter 298.11 and 298.12, Florida~~
7 ~~Statutes for the election of Supervisors, at which 51% of the~~
8 ~~landowners shall vote in favor thereof, and of all the holders~~
9 ~~of bonds issued in respect to any such unit, and provided that~~
10 ~~in such event all assessments, levies, taxes, bonds and other~~
11 ~~obligations made, levied, assessed, incurred or issued for or~~
12 ~~in respect to any such unit or units may be allocated and~~
13 ~~apportioned to the amended unit or units in proportion to the~~
14 ~~benefits assessed by the Commissioners' report for the amended~~
15 ~~plan of reclamation and said report shall specifically provide~~
16 ~~for such allocation and apportionment. The landowners and all~~
17 ~~of the bondholders shall file their approval of or objections~~
18 ~~to such amended plan of reclamation within the time provided~~
19 ~~in Section 298.27, Florida Statutes, and shall file their~~
20 ~~approval of or objections to the amendment of such unit as~~
21 ~~provided in this section.~~

22 ~~No lands shall be detached from any unit after the~~
23 ~~issuance of bonds or other obligations for such unit except~~
24 ~~upon the consent of all the holders of such bonds or other~~
25 ~~obligations. In the event of the change of the boundaries of~~
26 ~~any unit as provided herein and the allocation and~~
27 ~~apportionment to the amended unit or units of assessments,~~
28 ~~levies, taxes, bonds and other obligations in proportion to~~
29 ~~the benefits assessed by the Commissioners' report for the~~
30 ~~amended plan of reclamation, the holder of bonds or other~~
31 ~~obligations heretofore issued for the original unit who~~

1 ~~consent to such allocations and apportionment shall be~~
2 ~~entitled to all rights and remedies against any lands added to~~
3 ~~the amended unit or units as fully and to the same extent as~~
4 ~~if such added lands had formed and constituted a part of the~~
5 ~~original unit or units at the time of the original issuance of~~
6 ~~such bonds or other obligations, and regardless of whether the~~
7 ~~holders of such bonds or other obligations are the original~~
8 ~~holders thereof or the holders from time to time hereafter,~~
9 ~~and the rights and remedies of such holders against the lands~~
10 ~~in the amended unit or units, including any lands added~~
11 ~~thereto, under such allocation and apportionment, shall~~
12 ~~constitute vested and irrevocable rights and remedies to the~~
13 ~~holders from time to time of such bonds or other obligations~~
14 ~~as fully and to the same extent as if such bonds or other~~
15 ~~obligations had been originally issued to finance the~~
16 ~~improvements in such amended unit or units under such amended~~
17 ~~plan of reclamation. Conversely, in the event of the change~~
18 ~~of the boundaries of any unit wherein lands are detached~~
19 ~~therefrom with the consent of all of the holders of such bonds~~
20 ~~or other obligations, then and in that event said lands so~~
21 ~~detached shall be relieved and released from any further~~
22 ~~liability for the assessment, levy or payment of any taxes for~~
23 ~~the purpose of paying the principal or interest on any bonds~~
24 ~~originally issued for the original unit from which said lands~~
25 ~~were detached.~~

26 Section 6. Section 6 is created to read:

27 Section 6. Minimum charter requirements.--In
28 accordance with s. 189.404(3), Florida Statutes, the following
29 subsections shall constitute the charter of the Old Plantation
30 Water Control district:

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1 (1) The district is organized and exists for all
2 purposes set forth in this act and chapter 298, Florida
3 Statutes, as they may be amended from time to time.

4 (2) The powers, functions, and duties of the district
5 regarding ad valorem taxation, bond issuance, other
6 revenue-raising capabilities, budget preparation and approval,
7 liens and foreclosure of liens, use of tax deeds and tax
8 certificates as appropriate for non-ad valorem assessments,
9 and contractual agreements shall be as set forth in chapters
10 170, 189, 197, and 298, Florida Statutes, or any other
11 applicable general or special law, as they may be amended from
12 time to time.

13 (3) The district was created by judicial decree on
14 November 19, 1946, and confirmed by special act of the
15 Legislature by chapter 24416, Laws of Florida, 1947, in
16 accordance with chapter 298, Florida Statutes.

17 (4) The district's charter may be amended only by
18 special act of the Legislature.

19 (5) In accordance with chapter 189, Florida Statutes,
20 this act, and s. 298.11, Florida Statutes, the district is
21 governed by a three-member board, elected on a 1-acre,
22 one-vote basis by the landowners in the district. However,
23 landowners owning less than 1 acre shall be entitled to one
24 vote. Landowners with more than 1 acre shall be entitled to 1
25 additional acre for any fraction of an acre owned when all
26 acreage has been aggregated for purposes of voting. The
27 membership and organization of the board shall be as set forth
28 in this act and chapter 298, Florida Statutes, as they may be
29 amended from time to time.

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1 (6) The compensation of board members shall be
2 governed by this act and chapter 298, Florida Statutes, as
3 they may be amended from time to time.

4 (7) The administrative duties of the board of
5 supervisors shall be as set forth in this act and chapter 298,
6 Florida Statutes, as they may be amended from time to time.

7 (8) Requirements for financial disclosure, meeting
8 notices, reporting, public records maintenance, and per diem
9 expenses for officers and employees shall be as set forth in
10 chapters 112, 189, 286, and 298, Florida Statutes, as they may
11 be amended from time to time.

12 (9) The procedures and requirements governing the
13 issuance of bonds, notes, and other evidence of indebtedness
14 by the district shall be as set forth in chapter 298, Florida
15 Statutes, and applicable general laws, as they may be amended
16 from time to time.

17 (10) The procedures for conducting district elections
18 and for qualification of electors shall be pursuant to
19 chapters 189 and 298, Florida Statutes, as they may be amended
20 from time to time. However, a quorum for purposes of holding
21 the annual meeting or any special meeting shall consist of
22 those landowners present in person or represented by proxy at
23 said meeting.

24 (11) The district may be financed by any method
25 established in this act, chapter 298, Florida Statutes, and
26 applicable general laws, as they may be amended from time to
27 time.

28 (12) The methods for collecting non-ad valorem
29 assessments, fees, or service charges shall be as set forth in
30 chapters 170, 197, and 298, Florida Statutes, and other
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1 applicable general laws, as they may be amended from time to
2 time.

3 (13) The district's planning requirements shall be as
4 set forth in chapters 189 and 298, Florida Statutes, as they
5 may be amended from time to time.

6 (14) The district's geographic boundary limitations
7 shall be as set forth in section 3.

8 Section 7. Section 3 of chapter 88-468, Laws of
9 Florida, is amended to read:

10 Section 7.~~Section 3.~~ Compensation of board
11 members.--Each supervisor shall be entitled to receive for his
12 services an amount not to exceed \$300 per month. The exact
13 amount of said compensation shall be set by the board of
14 supervisors.

15 Section 8. Section 5 of chapter 88-468, Laws of
16 Florida, is amended to read:

17 Section 8.~~Section 5.~~ Conflict.--In the event of a
18 conflict of the provisions of this act with the provisions of
19 any other act, the provisions of this act shall control to the
20 extent of such conflict.

21 Section 9. Section 6 of chapter 88-468, Laws of
22 Florida, is amended to read:

23 Section 9.~~Section 6.~~ Invalidation.--In the event any
24 section or provision of this act is determined to be invalid
25 or unenforceable, such determination shall not affect the
26 validity and enforceability of each other section and
27 provision of this act.

28 Section 10. Section 10 is created to read:

29 Section 10. Sections 1, 3, 4, 5, 6, 7, 8, and 9 of
30 chapter 24416, Laws of Florida, 1947; sections 1 through 11,
31 and 13 through 24 of chapter 25710, Laws of Florida, 1949;

1 chapter 27425, Laws of Florida, 1951; chapter 28936, Laws of
2 Florida, 1953; chapter 30638, Laws of Florida, 1955; sections
3 2, 3, 4, 5, 6, and 7 of chapter 59-1146, Laws of Florida; and
4 sections 1, 2, 4, and 7 of chapter 88-468, Laws of Florida,
5 shall be repealed 10 days after the effective date of this
6 act.

7 Section 11. This act shall take effect upon becoming a
8 law.

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