

By Senator Dawson

30-1769B-01

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 section 189.429,  
5           F.S., relating to the Sunshine Water Control  
6           District; a special district in Broward County;  
7           providing legislative intent; amending,  
8           repealing, codifying, and reenacting the  
9           special act related to the district; declaring  
10          the District to be an independent special  
11          district; providing a district charter;  
12          providing an effective date.

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

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16           Section 1. Pursuant to section 189.429, Florida  
17 Statutes, this act constitutes the codification of all special  
18 acts relating to the Sunshine Water Control District, an  
19 independent special district in Broward County, Florida. It  
20 is the intent of the Legislature in enacting this law to  
21 provide a single, comprehensive special act charter for the  
22 district, including all current legislative authority granted  
23 to the district by its legislative enactments.

24           Section 2. Chapter 63-609, Laws of Florida, relating  
25 to the Sunshine Water Control District, is codified,  
26 reenacted, amended, and repealed as herein provided.

27           Section 3. The Charter for the Sunshine Water Control  
28 District is re-created and reenacted to read:

29           Section 1. Creation of the District, and Boundaries  
30 Ratified and Approved. The decree of the circuit court in and  
31 for the 15th judicial circuit, Broward County, Florida,

1 entered in chancery No. 62-4596-F, on the 23rd day of January,  
2 1963, creating and incorporating the Sunshine Water Control  
3 District as a public corporation of this state, and all  
4 subsequent proceedings taken in said circuit court concerning  
5 said district are ratified, confirmed and approved.

6 Section 2. Provisions of Chapter 298, Florida  
7 Statutes, Made Applicable. The Sunshine Water Control  
8 District, an independent special district and public  
9 corporation of this state, created under Chapter 298, Florida  
10 Statutes, shall be governed by provisions of the general  
11 drainage laws of Florida applicable to drainage districts or  
12 sub-drainage districts that are embodied in Chapter 298,  
13 Florida Statutes, and all of the laws amendatory thereof, now  
14 existing or hereinafter enacted, so far as not inconsistent  
15 with this charter or any subsequent special acts relating to  
16 Sunshine Water Control District, except those portions of  
17 Sections 298.11, 298.12, and 298.14, Florida Statutes,  
18 pertaining to how the members of the board of supervisors are  
19 elected and to board of supervisors meetings, which shall be  
20 as provided for herein. In lieu thereof, the following  
21 provisions shall apply to the district:

22 (1) The board of supervisors shall consist of five  
23 elected members. The five candidates receiving the highest  
24 number of votes cast at a special election conducted by the  
25 Supervisor of Elections shall be elected to the board. Elected  
26 members of the board of supervisors shall be residents of the  
27 district.

28 (2) Commencing upon the expiration of the terms of the  
29 existing board members, all subsequent board members shall  
30 meet the requirements provided for herein and shall be elected  
31 as provided for herein. Existing board members' terms shall be

1 extended to November of the year in which their term expires.  
2 In November 2002, the two new board members shall be selected  
3 or elected as provided for herein. Board members to be elected  
4 shall be elected at an election conducted by the Supervisor of  
5 Elections on the first Tuesday in November of the year when  
6 the board member's term expires. The costs of such elections  
7 shall be paid for by the district.

8 (3) The board shall establish a regular meeting date  
9 each month and shall meet no less than one time each month.  
10 However, the board may decide by majority vote to take one  
11 month off from meetings each year for a vacation. Meetings of  
12 the board shall be held in a public place, and shall be held  
13 in accordance with the requirements of chapter 286, Florida  
14 Statutes. A majority of the members of the board of  
15 supervisors shall constitute a quorum. Special meetings of the  
16 board may be called at any time to receive reports of the  
17 board or for such other purposes as the board may determine  
18 upon 24 hours' notice to board members and to the public by  
19 posting at the district office at a public location set aside  
20 for notice purposes.

21 Section 3. Powers of the District. The Sunshine Water  
22 Control District shall have in addition to the powers provided  
23 for in said Chapter 298, Florida Statutes, the power and  
24 authority to construct, improve, pave and maintain roadways  
25 and roads necessary and convenient to provide access to and  
26 efficient development of areas made suitable and available for  
27 the cultivation, settlement, urban subdivision, homesites and  
28 other beneficial use and development as a result of the  
29 drainage and reclamation operations of the district, including  
30 any dedicated to public use within the boundaries of the  
31 district.

1           Section 4. Installment Taxes, Levied and Apportioned,  
2 and the Collection Thereof. Taxes shall be levied and  
3 apportioned as provided for in the general drainage laws of  
4 Florida, (Chapter 298, Florida Statutes, and amendments  
5 thereto), except that the provisions of Sections 298.37,  
6 298.38, 298.39, 298.40, and 298.41, Florida Statutes, and  
7 amendments thereto, shall not be applicable to said district.  
8 In lieu thereof, the following provisions shall apply to said  
9 district.

10           The board of supervisors shall determine, order and  
11 levy the amount of the annual installments of the total taxes  
12 levied under Section 298.36, Florida Statutes, which shall  
13 become due and be collected during each year at the same time  
14 that county taxes are due and collected, which said annual  
15 installment and levy shall be evidenced to and certified by  
16 the said board, not later than July 1st of each year, to the  
17 property appraiser of Broward County, Florida. Said tax shall  
18 be extended by the property appraiser on the county tax roll  
19 and shall be collected by the tax collector in the same manner  
20 and time as county taxes, and the proceeds thereof paid to  
21 said district. Said tax shall be a lien until paid on the  
22 property against which assessed, and enforceable in like  
23 manner as county taxes.

24           Section 5. Maintenance Tax. The provisions of Section  
25 299.54, Florida Statutes, and amendments thereto, shall not be  
26 applicable to said district. In lieu thereof, the following  
27 provisions shall apply to said district.

28           To maintain and preserve the improvements made pursuant  
29 to this charter and to repair and restore the same, when  
30 needed, and for the purpose of defraying the current expenses  
31 of the district, the board of supervisors may, upon the

1 completion of said improvements, in whole or in part as may be  
2 certified to the said board by the chief engineer, levy  
3 annually a special assessment upon each tract or parcel of  
4 land within the district, to be known as a "maintenance tax."  
5 Said maintenance tax shall be apportioned upon the basis of  
6 the net assessments of benefits assessed as accruing for  
7 original construction, and shall be evidenced to and certified  
8 by said board not later than July 1st of each year, to the  
9 property appraiser of Broward County, Florida, and shall be  
10 extended by the property appraiser on the county tax roll and  
11 shall be collected by the tax collector in the same manner and  
12 time as county taxes and the proceeds therefrom paid to said  
13 district. Said tax shall be a lien until paid on the property  
14 against which assessed and enforceable in like manner as  
15 county taxes.

16 Section 6. Levy of Taxes on Fractional Acres. In  
17 levying and assessing all special assessments, each tract or  
18 parcel of land less than one acre in area shall be assessed as  
19 a full acre, and each tract or parcel of land more than one  
20 acre in area which contains a fraction of an acre shall be  
21 assessed at the nearest whole number of acres, a fraction of  
22 one-half or more to be assessed as a full acre.

23 Section 7. Enforcement of Taxes. The provisions of  
24 Sections 298.45 and 298.46, Florida Statutes, and amendments  
25 thereto, shall not be applicable to said district. In lieu  
26 thereof, the following shall apply to said district.

27 The collection and enforcement of all special  
28 assessments levied by said district shall be at the same time  
29 and in like manner as county taxes, and the provisions of the  
30 Florida Statutes relating to the sale of lands for unpaid and  
31 delinquent taxes, the issuance, sale and delivery of tax

1 certificates for such unpaid and delinquent county taxes, the  
2 redemption thereof, the issuance to individuals of tax deeds  
3 based thereon, and all other procedure in connection  
4 therewith, shall be applicable to said district and the  
5 delinquent and unpaid special assessments of said district to  
6 the same extent as if said statutory provisions were expressly  
7 set forth in this charter. All special assessments shall be  
8 subject to the same discounts as county taxes.

9 Section 8. When Unpaid Taxes Delinquent: Penalty. All  
10 special assessments provided for in this charter shall be and  
11 become delinquent and bear penalties on the amount of said  
12 special assessments in the same manner as county taxes.

13 Section 9. Water a Common Enemy. It is hereby  
14 determined, declared and enacted that lands in the district in  
15 their natural condition are wet and subject to overflow and  
16 that the drainage, reclamation and protection of said lands  
17 available for agricultural, settlement, urban and subdivision  
18 purposes by drainage, reclamation and improvement, and the  
19 creation of said district with the powers vested in it by this  
20 charter, are in the interest of and conducive to public  
21 welfare, health and convenience. It is further declared that  
22 in said district, surface waters, including rainfall are a  
23 common enemy, and the said district and any individual or  
24 agency holding a permit to do so from said district, shall  
25 have the right to dike, dam and construct levees to protect  
26 the said district or any part thereof, or the property of said  
27 individual or agency against the same, and thereby divert the  
28 course and flow of such surface water and/or pump the water  
29 from within such dikes and levees.

30 Section 10. Unit Districts. The board of supervisors  
31 of Sunshine Water Control District is authorized in its

1 discretion to drain and reclaim or more completely and  
2 intensively to drain and reclaim the lands in said district by  
3 designated areas or parts of said district to be called  
4 "units." The units into which said district may be so divided  
5 shall be given appropriate numbers or names by said board of  
6 supervisors, so that said units may be readily identified and  
7 distinguished. The board of supervisors shall have the power  
8 to fix and determine the location, area and boundaries of said  
9 lands to be included in each and all such units, the order of  
10 development thereof, and the method of carrying on the work in  
11 each unit. The unit system of drainage provided by this  
12 section may be conducted and all of the proceedings by this  
13 section and this charter authorized in respect to such unit or  
14 units may be carried on and conducted at the same time as or  
15 after the work of draining and reclaiming of the entire  
16 district has been or is being or shall be instituted or  
17 carried on under the provisions of this charter or under  
18 Chapter 298, Florida Statutes, or both. If the board of  
19 supervisors shall determine that it is advisable to conduct  
20 the work of draining and reclaiming the lands in the district  
21 by units, the board shall, by resolution, declare its purpose  
22 to conduct such work accordingly, and shall fix the number,  
23 location and boundaries of and description of lands within  
24 such unit or units and give them appropriate numbers or names.  
25 The entire district may also be designated as a unit for the  
26 proper allocation of such part of the plan of reclamation and  
27 drainage as benefits the entire district. As soon as  
28 practicable after the adoption and recording of such  
29 resolution said board of supervisors shall publish notice once  
30 a week for two consecutive weeks in a newspaper published in  
31 Broward County, Florida, briefly describing the units into

1 which said district has been divided and the lands embraced in  
2 each unit, giving the name, number or other designation of  
3 such units, requiring all owners of lands in said district to  
4 show cause in writing before said board of supervisors at a  
5 time and place to be stated in such notice why such division  
6 of said district into such units should not be approved, and  
7 said system of development by units should not be adopted and  
8 given effect by said board, and why the proceedings and powers  
9 authorized by this section of this charter should not be had,  
10 taken and exercised. At the time and place stated in said  
11 notice, said board of supervisors shall hear all objections or  
12 causes of objection (all of which shall be in writing) of any  
13 landowner in said district to the matters mentioned and  
14 referred to in such notice, and if no objections are made, or  
15 if said objections, if made, shall be overruled by said board,  
16 then said board shall enter in its minutes its findings and an  
17 order confirming said resolutions, and may thereafter proceed  
18 with the development, drainage and reclamation of said  
19 district by units pursuant to such resolution and to the  
20 provisions of this charter. The board of supervisors may, as a  
21 result of any objections or of matters brought forth at the  
22 hearing, modify or amend such resolution in whole or in part,  
23 confirm said resolution after overruling all objections, or  
24 reject said resolution, and if confirmed or modified or  
25 amended, may proceed thereafter in accordance with said  
26 resolution as confirmed, modified or amended. The sustaining  
27 of such objections and the rescinding of such resolutions  
28 shall not exhaust the power of said board under this section;  
29 but, at any time not less than one year after the date of the  
30 hearing upon any such resolution, the board of supervisors may  
31 adopt other resolutions under this section and thereupon



1 proceed on due notice in like manner as above. If said board  
2 of supervisors shall overrule or refuse to sustain any such  
3 objections in whole or in part made by any landowner in the  
4 district, or if any such landowner shall deem himself or  
5 herself aggrieved by any action of the board of supervisors in  
6 respect to any objection so filed, such landowner may, within  
7 twenty days after the ruling of said board, invoke the  
8 jurisdiction of a court having jurisdiction over the merits of  
9 the claim. When said resolutions creating said unit system  
10 shall be confirmed by the board of supervisors (or by a court  
11 of competent jurisdiction, if such proposed action shall be  
12 challenged by a landowner by the judicial proceedings  
13 hereinabove authorized), said board of supervisors may adopt a  
14 plan or plans of reclamation for and in respect to any or all  
15 such units, and to have the benefits and damages resulting  
16 therefrom assessed and apportioned by commissioners appointed  
17 by the circuit court, and the report of the said commissioners  
18 considered and confirmed, all in like manner as is provided by  
19 law in regard to plans of reclamation for and assessments for  
20 benefits and damages of the entire district. With respect to  
21 the plan of reclamation, notices, appointment of commissioners  
22 to assess benefits and damages, report of commissioners and  
23 notice and confirmation thereof, the levy of assessments and  
24 taxes, including maintenance taxes, and the issuance of bonds  
25 and all other proceedings as to each and all of such units,  
26 said board shall follow and comply with the same procedure as  
27 is provided by law with respect to the entire district; and  
28 said board of supervisors shall have the same powers in  
29 respect to each and all of such units as is vested in them  
30 with respect to the entire district. All the provisions of  
31 this charter shall apply to the drainage, reclamation and

1 improvement of each, any and all of such units, and the  
2 enumeration of or reference to specific powers or duties of  
3 the supervisors or any other officers or other matters in this  
4 charter as hereinabove set forth shall not limit or restrict  
5 the application of any and all of the proceedings and powers  
6 herein to the drainage and reclamation of such units as fully  
7 and completely as if such unit or units were specifically and  
8 expressly named in every section and clause of this charter  
9 where the entire district is mentioned or referred to. All  
10 assessments, levies, taxes, bonds and other obligations made,  
11 levied, assessed or issued for or in respect to any such unit  
12 or units shall be a lien and charge solely and only upon the  
13 lands in such unit or units, respectively, for the benefit of  
14 which the same shall be levied, made or issued, and not upon  
15 the remaining units or lands in said district. The board of  
16 supervisors may at any time amend its said resolutions by  
17 changing the location and description of lands in any such  
18 unit or units; and provided, further, that if the location of  
19 or description of lands located in any such unit or units is  
20 so changed, notice of such change shall be published as  
21 hereinabove required in this section for notice of the  
22 formation or organization of such unit or units, and all  
23 proceedings shall be had and done in that regard as are  
24 provided in this section for the original creation of such  
25 unit or units; provided, however, that no lands against which  
26 benefits shall have been assessed may be detached from any  
27 such unit after the confirmation of the commissioners' report  
28 of benefits in such unit or units or the issuance of bonds or  
29 other obligations which are payable from taxes or assessments  
30 for benefits levied upon the lands within such unit or units.  
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1           Provided, however, that if, after the confirmation of  
2 the commissioners' report of benefits in such unit or units,  
3 or the issuance of bonds or other obligations which are  
4 payable from taxes or assessments for benefits levied upon  
5 lands within such unit or units, the board of supervisors  
6 finds the plan of reclamation for any such unit or units  
7 insufficient or inadequate for efficient development, the plan  
8 of reclamation may be amended or changed as provided in this  
9 section, by changing the location and description of lands in  
10 any such unit or units, by detaching lands therefrom or by  
11 adding land thereto, upon the approval of 51 percent of the  
12 landowners, according to acreage, in any such unit, either  
13 evidenced in writing or voting at a meeting of the landowners  
14 duly called pursuant to notice required under Sections 298.11  
15 and 298.12, Florida Statutes (for the election of  
16 supervisors), at which 51 percent of the landowners shall vote  
17 in favor thereof and of all the holders of bonds issued in  
18 respect to any such unit, and provided that in such event all  
19 assessments, levies, taxes, bonds and other obligations made,  
20 levied, assessed, incurred or issued for or in respect to any  
21 such unit or units may be allocated and apportioned to the  
22 amended unit or units in proportion to the benefits assessed  
23 by the commissioners' report for the amended plan of  
24 reclamation and said report shall specifically provide for  
25 such allocation and apportionment. The landowners and all of  
26 the bondholders shall file their approval of or objections to  
27 such amended plan of reclamation within the time provided in  
28 Section 298.27, Florida Statutes, and shall file their  
29 approval of or objections to the amendment of such unit as  
30 provided in this section.

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1           No lands shall be detached from any unit after the  
2 issuance of bonds or other obligations for such unit except  
3 upon the consent of all the holders of such bonds or other  
4 obligations. In the event of the change of the boundaries of  
5 any unit as provided herein and the allocation and  
6 apportionment to the amended unit or units of assessments,  
7 levies, taxes, bonds and other obligations in proportion to  
8 the benefits assessed by the commissioners' report for the  
9 amended plan of reclamation, the holder of bonds or other  
10 obligations heretofore issued for the original unit who  
11 consent to such allocations and apportionment shall be  
12 entitled to all rights and remedies against any lands added to  
13 the amended unit or units as fully and to the same extent as  
14 if such added lands had formed and constituted a part of the  
15 original unit or units at the time of the original issuance of  
16 such bonds or other obligations, and regardless of whether the  
17 holders of such bonds or other obligations are the original  
18 holders thereof or the holders from time to time hereafter,  
19 and the rights and remedies of such holders against the lands  
20 in the amended unit or units, including any lands added  
21 thereto, under such allocation and apportionment, shall  
22 constitute vested and irrevocable rights and remedies to the  
23 holders from time to time of such bonds or other obligations  
24 as fully and to the same extent as if such bonds or other  
25 obligations had been originally issued to finance the  
26 improvements in such amended unit or units under such amended  
27 plan of reclamation. Conversely, in the event of the change of  
28 the boundaries of any unit wherein lands are detached  
29 therefrom with the consent of all the holders of such bonds or  
30 other obligations, then and in that event said lands so  
31 detached shall be relieved and released from any further

1 liability for the assessment, levy or payment of any taxes for  
2 the purpose of paying the principal or interest on any bonds  
3 originally issued for the original unit from which said lands  
4 were detached.

5 Section 11. Future Changes in Plan of Reclamation and  
6 Drainage of District or Individual Units. After the initial  
7 adoption by the board of supervisors of said plan or plans of  
8 reclamation and drainage of the entire district or units  
9 thereof, said plan or plans may be modified from time to time  
10 in the future, in whole or in part, in accordance with the  
11 changing character from time to time of the use of the lands  
12 in said district, in the manner hereinabove provided for;  
13 provided, however, that said plan or plans of reclamation or  
14 drainage shall not be changed or modified more often than once  
15 every five years in any manner as will increase the  
16 assessments to be assessed against the land or the taxes  
17 levied against the land or modify the security of the bonds  
18 outstanding; provided, however, that this shall not affect  
19 technical changes or modifications of said plan or plans of  
20 reclamation or drainage approved by the district's engineers  
21 as will not affect the assessed benefits, levy of taxes or  
22 security of the bondholders, as changes or modifications of  
23 this type may be made at any time; provided, further that said  
24 limitation of five years shall not apply to any plan or plans  
25 of reclamation or drainage of the district or any unit thereof  
26 established under the provisions of this charter, if the same  
27 is adopted by resolution of the board of supervisors of the  
28 district, within two years of the time when this charter  
29 becomes a law.

30 Section 12. Application to Existing District,  
31 Boundaries, Plan of Reclamation and Drainage, etc. The powers

1 hereinabove vested in the board of supervisors of Sunshine  
2 Water Control District shall apply to the presently existing  
3 district, the presently existing boundaries thereof or as the  
4 boundaries may be extended as authorized by law, and the  
5 present plan of reclamation and drainage together with any  
6 assessment of benefits which may be approved by the circuit  
7 court of Broward County, Florida, and the boundaries of said  
8 district and the plan of reclamation and drainage and the  
9 assessment and levying of taxes for carrying out said plan of  
10 reclamation and drainage and for the maintenance and operation  
11 thereof, may be changed in whole or in part as units, or, with  
12 reference to the entire district, in accordance with the  
13 provisions of this charter.

14       Section 4. Severability. In case any one or more of  
15 the sections or provisions of this act or the application of  
16 such sections or provisions to any situations, circumstances  
17 or person shall for any reason be held to be unconstitutional,  
18 such unconstitutionality shall not affect any other sections  
19 or provisions of this act or the applications of such sections  
20 or provisions to any other situation, circumstances or person,  
21 and it is intended that this law shall be construed and  
22 applied as if such section or provision had not been included  
23 herein for any unconstitutional application.

24       Section 5. Effect of Conflict. In the event of a  
25 conflict between the provisions of this act and the provisions  
26 of any other act, the provisions of this act shall control to  
27 the extent of such conflict.

28       Section 6. Notice of Intention. It is found and  
29 determined that a notice of intention to apply for this  
30 legislation was given in the time, form and manner required by  
31

1 the constitution and by law. Said notice is found to be  
2 sufficient and is hereby validated and approved.

3 Section 7. Chapter 63-609, Laws of Florida, is  
4 repealed.

5 Section 8. This act shall take effect upon becoming a  
6 law.

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