

585-130AX-08

Amendment No. \_\_\_\_ (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Ritter offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Creation of the District, and Boundaries Ratified and Approved. The decree of the circuit court in and for the 15th judicial circuit, Broward County, Florida, entered in chancery No. 62-4596-F, on the 23rd day of January, 1963, creating and incorporating the Sunshine Water Control District as a public corporation of this state, and all subsequent proceedings taken in said circuit court concerning said district are ratified, confirmed and approved.

Section 2. Provisions of Chapter 298, Florida Statutes, Made Applicable. The Sunshine Water Control District, a public corporation of this state, created under Chapter 298, Florida Statutes, shall be governed by provisions of the general drainage laws of Florida applicable to drainage districts or sub-drainage districts which are embodied in Chapter 298, Florida Statutes, and all of the laws amendatory

1 thereof, now existing or hereinafter enacted, so far as not  
 2 inconsistent with this act or any subsequent special acts  
 3 relating to Sunshine Water Control District, except those  
 4 portions of Sections 198.14, 298.11, and 298.12, Florida  
 5 Statutes, pertaining to how the members of the board of  
 6 supervisors are elected and to board of supervisors meetings,  
 7 which shall be as provided for herein. In lieu thereof, the  
 8 following provisions shall apply to the district:

9       (1) The board of supervisors shall consist of four  
 10 elected members and one member who shall be a City  
 11 Commissioner for the City of Coral Springs. The four  
 12 candidates receiving the highest number of votes cast at a  
 13 special election conducted by the Supervisor of Elections  
 14 shall be elected to the board. Elected members of the board of  
 15 supervisors shall be residents of the district. The City  
 16 Commissioner shall be selected by a majority vote of the City  
 17 Commission or a designee may be substituted for the City  
 18 Commissioner also to be selected by a majority vote of the  
 19 City Commission.

20       (2) Commencing upon the expiration of the terms of the  
 21 existing board members, all subsequent board members shall  
 22 meet the requirements provided for herein and shall be elected  
 23 as provided for herein. Existing board members' terms shall be  
 24 extended to November of the year in which their term expires.  
 25 In November 2001, the two new board members shall be selected  
 26 or elected as provided for herein. Board members to be elected  
 27 shall be elected at an election conducted by the Supervisor of  
 28 Elections on the first Tuesday in November of the year when  
 29 the board member's term expires. The costs of such elections  
 30 shall be paid for by the district.

31       (3) The board shall establish a regular meeting date

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1 each month and shall meet no less than one time each month.  
2 However, the board may decide by majority vote to take 1 month  
3 off from meetings each year for a vacation. Meetings of the  
4 board shall be held in a public place, and shall be held in  
5 accordance with the requirements of chapter 286, Florida  
6 Statutes. A majority of the members of the board of  
7 supervisors shall constitute a quorum. Special meetings of the  
8 board may be called at any time to receive reports of the  
9 board or for such other purposes as the board may determine  
10 upon 24 hours' notice to board members and to the public by  
11 posting at the district office at a public location set aside  
12 for notice purposes.

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

24       Section 4. Installment Taxes, Levied and Apportioned,  
25 and the Collection Thereof. Taxes shall be levied and  
26 apportioned as provided for in the general drainage laws of  
27 Florida, (Chapter 298, Florida Statutes, and amendments  
28 thereto), except that the provisions of Section 298.37,  
29 Section 298.38, Section 298.39, Section 298.40 and Section  
30 298.41, Florida Statutes, and amendments thereto, shall not be  
31 applicable to said district. In lieu thereof, the following

1 provisions shall apply to said district.

2 The board of supervisors shall determine, order and  
3 levy the amount of the annual installments of the total taxes  
4 levied under Section 298.36, Florida Statutes, which shall  
5 become due and be collected during each year at the same time  
6 that county taxes are due and collected, which said annual  
7 installment and levy shall be evidenced to and certified by  
8 the said board, not later than July 1st of each year, to the  
9 tax assessor of Broward County, Florida. Said tax shall be  
10 extended by the county tax assessor 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 thereof 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 5. Maintenance Tax. The provision of Section  
17 299.54, Florida Statutes, and amendments thereto, shall not be  
18 applicable to said district. In lieu thereof, the following  
19 provisions shall apply to said district.

20 To maintain and preserve the improvements made pursuant  
21 to this chapter and to repair and restore the same, when  
22 needed, and for the purpose of defraying the current expenses  
23 of the district, the board of supervisors may, upon the  
24 completion of said improvements, in whole or in part as may be  
25 certified to the said board by the chief engineer, levy  
26 annually a tax upon each tract or parcel of land within the  
27 district, to be known as a "maintenance tax." Said maintenance  
28 tax shall be apportioned upon the basis of the net assessments  
29 of benefits assessed as accruing for original construction,  
30 and shall be evidenced to and certified by said board not  
31 later than July 1st of each year, to the tax assessor of

1 Broward County, Florida, and shall be extended by the county  
2 tax assessor on the county tax roll and shall be collected by  
3 the tax collector in the same manner and time as county taxes  
4 and the proceeds therefrom paid to said district. Said tax  
5 shall be a lien until paid on the property against which  
6 assessed and enforceable in like manner as county taxes.

7 Section 6. Levy of Taxes on Fractional Acres. In  
8 levying and assessing all taxes, each tract or parcel of land  
9 less than one acre in area shall be assessed as a full acre,  
10 and each tract or parcel of land more than one acre in area  
11 which contains a fraction of an acre shall be assessed at the  
12 nearest whole number of acres, a fraction of one-half or more  
13 to be assessed as a full acre.

14 Section 7. Enforcement of Taxes. The provisions of  
15 Section 298.45 and Section 298.46, Florida Statutes, and  
16 amendments thereto, shall not be applicable to said district.  
17 In lieu thereof, the following shall apply to said district.

18 The collection and enforcement of all taxes levied by  
19 said district shall be at the same time and in like manner as  
20 county taxes, and the provisions of the Florida Statutes  
21 relating to the sale of lands for unpaid and delinquent taxes,  
22 the issuance, sale and delivery of tax certificates for such  
23 unpaid and delinquent county taxes, the redemption thereof,  
24 the issuance to individuals of tax deeds based thereon, and  
25 all other procedure in connection therewith, shall be  
26 applicable to said district and the delinquent and unpaid  
27 taxes of said district to the same extent as if said statutory  
28 provisions were expressly set forth in this act. All taxes  
29 shall be subject to the same discounts as county taxes.

30 Section 8. When Unpaid Taxes Delinquent: Penalty. All  
31 taxes provided for in this act shall be and become delinquent

1 and bear penalties on the amount of said taxes in the same  
2 manner as county taxes.

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

20 Section 10. Unit Districts. The board of supervisors  
21 of Sunshine Water Control District is authorized in its  
22 discretion to drain and reclaim or more completely and  
23 intensively to drain and reclaim the lands in said district by  
24 designated areas or parts of said district to be called  
25 "units." The units into which said district may be so divided  
26 shall be given appropriate numbers or names by said board of  
27 supervisors, so that said units may be readily identified and  
28 distinguished. The board of supervisors shall have the power  
29 to fix and determine the location, area and boundaries of said  
30 lands to be included in each and all such units, the order of  
31 development thereof, and the method of carrying on the work in

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1 each unit. The unit system of drainage provided by this  
2 section may be conducted and all of the proceedings by this  
3 section and this act authorized in respect to such unit or  
4 units may be carried on and conducted at the same time as or  
5 after the work of draining and reclaiming of the entire  
6 district has been or is being or shall be instituted or  
7 carried on under the provisions of this act or under Chapter  
8 298, Florida Statutes, or both. If the board of supervisors  
9 shall determine that it is advisable to conduct the work of  
10 draining and reclaiming the lands in the district by units,  
11 the board shall, by resolution, declare its purpose to conduct  
12 such work accordingly, and shall fix the number, location and  
13 boundaries of and description of lands within such unit or  
14 units and give them appropriate numbers or names. The entire  
15 district may also be designated as a unit for the proper  
16 allocation of such part of the plan of reclamation and  
17 drainage as benefits the entire district. As soon as  
18 practicable after the adoption and recording of such  
19 resolution said board of supervisors shall publish notice once  
20 a week for two consecutive weeks in a newspaper published in  
21 Broward County, Florida, briefly describing the units into  
22 which said district has been divided and the lands embraced in  
23 each unit, giving the name, number or other designation of  
24 such units, requiring all owners of lands in said district to  
25 show cause in writing before said board of supervisors at a  
26 time and place to be stated in such notice why such division  
27 of said district into such units should not be approved, and  
28 said system of development by units should not be adopted and  
29 given effect by said board, and why the proceedings and powers  
30 authorized by this section of this act should not be had,  
31 taken and exercised. At the time and place stated in said

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



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

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

21 Provided, however, that if, after the confirmation of  
22 the commissioners' report of benefits in such unit or units,  
23 or the issuance of bonds or other obligations which are  
24 payable from taxes or assessments for benefits levied upon  
25 lands within such unit or units, the board of supervisors  
26 finds the plan of reclamation for any such unit or units  
27 insufficient or inadequate for efficient development, the plan  
28 of reclamation may be amended or changed as provided in this  
29 section, by changing the location and description of lands in  
30 any such unit or units, by detaching lands therefrom or by  
31 adding land thereto, upon the approval of 51% of the

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

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

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

24 Section 11. Future Changes in Plan of Reclamation and  
25 Drainage of District or Individual Units. After the initial  
26 adoption by the board of supervisors of said plan or plans of  
27 reclamation and drainage of the entire district or units  
28 thereof, said plan or plans may be modified from time to time  
29 in the future, in whole or in part, in accordance with the  
30 changing character from time to time of the use of the lands  
31 in said district, in the manner hereinabove provided for;

1 provided, however, that said plan or plans of reclamation or  
 2 drainage shall not be changed or modified oftener than once  
 3 every five years in any manner as will increase the  
 4 assessments to be assessed against the land or the taxes  
 5 levied against the land or modify the security of the bonds  
 6 outstanding; provided, however, that this shall not affect  
 7 technical changes or modifications of said plan or plans of  
 8 reclamation or drainage approved by the district's engineers  
 9 as will not affect the assessed benefits, levy of taxes or  
 10 security of the bondholders, as changes or modifications of  
 11 this type may be made at any time; provided, further that said  
 12 limitation of five years shall not apply to any plan or plans  
 13 of reclamation or drainage of the district or any unit thereof  
 14 established under the provisions of this act, if the same is  
 15 adopted by resolution of the board of supervisors of the  
 16 district, within two years of the time when this act becomes a  
 17 law.

18           Section 12. Application to Existing District,  
 19 Boundaries, Plan of Reclamation and Drainage, etc. The powers  
 20 hereinabove vested in the board of supervisors of Sunshine  
 21 Water Control District shall apply to the presently existing  
 22 district, the presently existing boundaries thereof or as the  
 23 boundaries may be extended as authorized by law, and the  
 24 present plan of reclamation and drainage together with any  
 25 assessment of benefits which may be approved by the circuit  
 26 court of Broward County, Florida, and the boundaries of said  
 27 district and the plan of reclamation and drainage and the  
 28 assessment and levying of taxes for carrying out said plan of  
 29 reclamation and drainage and for the maintenance and operation  
 30 thereof, may be changed in whole or in part as units, or, with  
 31 reference to the entire district, in accordance with the

1 provisions of this act.

2 Section 13. Severability. In case any one or more of  
3 the sections or provisions of this act or the application of  
4 such sections or provisions to any situations, circumstances  
5 or person shall for any reason be held to be unconstitutional,  
6 such unconstitutionality shall not affect any other sections  
7 or provisions of this act or the applications of such sections  
8 or provisions to any other situation, circumstances or person,  
9 and it is intended that this law shall be construed and  
10 applied as if such section or provision had not been included  
11 herein for any unconstitutional application.

12 Section 14. Effect of Conflict. In the event of a  
13 conflict between the provisions of this act and the provisions  
14 of any other act, the provisions of this act shall control to  
15 the extent of such conflict.

16 Section 15. Notice of Intention. It is found and  
17 determined that a notice of intention to apply for this  
18 legislation was given in the time, form and manner required by  
19 the constitution and by law. Said notice is found to be  
20 sufficient and is hereby validated and approved.

21 Section 16. Chapter 63-609, Laws of Florida, is  
22 repealed.

23 Section 17. This act shall take effect upon becoming a  
24 law.

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 remove from the title of the bill: the entire title

30

31 and insert in lieu thereof:

1                                   A bill to be entitled  
2                   An act relating to the Sunshine Water Control  
3                   District, in Broward County; ratifying and  
4                   approving the district boundaries; making  
5                   applicable to said district the provisions of  
6                   ch. 298, F.S.; providing for the creation of a  
7                   board of supervisors separate from the  
8                   provisions of ch. 298, F.S., to create a  
9                   five-member board; providing for elections by  
10                  electors residing within the district;  
11                  providing for the appointment of a Coral  
12                  Springs City Commissioner as a board member;  
13                  providing for the establishment of regular and  
14                  special board meetings; providing for a quorum;  
15                  providing for the levy, collection and  
16                  enforcement of all taxes levied by said  
17                  district at the same time and in like manner as  
18                  county taxes; providing for the same discount  
19                  and penalties as county taxes; granting  
20                  additional powers to the district; providing  
21                  for other taxing powers and methods of  
22                  taxation; declaring that waters in said  
23                  district are a common enemy; providing for  
24                  severability of the provisions of the act;  
25                  providing that the act shall take precedence  
26                  over any conflicting law to the extent of such  
27                  conflict; providing for the carrying into  
28                  effect of the provisions of this act; providing  
29                  for the formation of unit district within the  
30                  boundaries of the district or within the  
31                  boundaries of such areas as are hereafter

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included in the district; providing for the powers and duties of the unit district, and other provisions for the purposes of carrying into effect the objectives of the unit district; enacting other provisions relating to this subject; repealing chapter 63-609, Laws of Florida, relating to the Sunshine Drainage District; providing an effective date.