

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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

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Chapter 63-609, Laws of Florida, relating to the Sunshine Water Control District, is codified, reenacted, amended, and repealed as herein provided.

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

Section 1. Creation of the District, and Boundaries Ratified and Approved. The decree of the circuit court in and

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1 for the 15th judicial circuit, Broward County, Florida,
2 entered in chancery No. 62-4596-F, on the 23rd day of January,
3 1963, creating and incorporating the Sunshine Water Control
4 District as a public corporation of this state, and all
5 subsequent proceedings taken in said circuit court concerning
6 said district are ratified, confirmed and approved.

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

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

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

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

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

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

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1 district.

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

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

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

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

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

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

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

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

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

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

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

31 Section 10. Unit Districts. The board of supervisors

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

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

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

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1 this charter shall apply to the drainage, reclamation and
2 improvement of each, any and all of such units, and the
3 enumeration of or reference to specific powers or duties of
4 the supervisors or any other officers or other matters in this
5 charter as hereinabove set forth shall not limit or restrict
6 the application of any and all of the proceedings and powers
7 herein to the drainage and reclamation of such units as fully
8 and completely as if such unit or units were specifically and
9 expressly named in every section and clause of this charter
10 where the entire district is mentioned or referred to. All
11 assessments, levies, taxes, bonds and other obligations made,
12 levied, assessed or issued for or in respect to any such unit
13 or units shall be a lien and charge solely and only upon the
14 lands in such unit or units, respectively, for the benefit of
15 which the same shall be levied, made or issued, and not upon
16 the remaining units or lands in said district. The board of
17 supervisors may at any time amend its said resolutions by
18 changing the location and description of lands in any such
19 unit or units; and provided, further, that if the location of
20 or description of lands located in any such unit or units is
21 so changed, notice of such change shall be published as
22 hereinabove required in this section for notice of the
23 formation or organization of such unit or units, and all
24 proceedings shall be had and done in that regard as are
25 provided in this section for the original creation of such
26 unit or units; provided, however, that no lands against which
27 benefits shall have been assessed may be detached from any
28 such unit after the confirmation of the commissioners' report
29 of benefits in such unit or units or the issuance of bonds or
30 other obligations which are payable from taxes or assessments
31 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.

31 No lands shall be detached from any unit after the

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1 issuance of bonds or other obligations for such unit except
2 upon the consent of all the holders of such bonds or other
3 obligations. In the event of the change of the boundaries of
4 any unit as provided herein and the allocation and
5 apportionment to the amended unit or units of assessments,
6 levies, taxes, bonds and other obligations in proportion to
7 the benefits assessed by the commissioners' report for the
8 amended plan of reclamation, the holder of bonds or other
9 obligations heretofore issued for the original unit who
10 consent to such allocations and apportionment shall be
11 entitled to all rights and remedies against any lands added to
12 the amended unit or units as fully and to the same extent as
13 if such added lands had formed and constituted a part of the
14 original unit or units at the time of the original issuance of
15 such bonds or other obligations, and regardless of whether the
16 holders of such bonds or other obligations are the original
17 holders thereof or the holders from time to time hereafter,
18 and the rights and remedies of such holders against the lands
19 in the amended unit or units, including any lands added
20 thereto, under such allocation and apportionment, shall
21 constitute vested and irrevocable rights and remedies to the
22 holders from time to time of such bonds or other obligations
23 as fully and to the same extent as if such bonds or other
24 obligations had been originally issued to finance the
25 improvements in such amended unit or units under such amended
26 plan of reclamation. Conversely, in the event of the change of
27 the boundaries of any unit wherein lands are detached
28 therefrom with the consent of all the holders of such bonds or
29 other obligations, then and in that event said lands so
30 detached shall be relieved and released from any further
31 liability for the assessment, levy or payment of any taxes for

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1 the purpose of paying the principal or interest on any bonds
2 originally issued for the original unit from which said lands
3 were detached.

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

29 Section 12. Application to Existing District,
30 Boundaries, Plan of Reclamation and Drainage, etc. The powers
31 hereinabove vested in the board of supervisors of Sunshine

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

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

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

27 Section 6. Notice of Intention. It is found and
28 determined that a notice of intention to apply for this
29 legislation was given in the time, form and manner required by
30 the constitution and by law. Said notice is found to be
31 sufficient and is hereby validated and approved.

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1 Section 7. Chapter 63-609, Laws of Florida, is
2 repealed.

3 Section 8. This act shall take effect upon becoming a
4 law.

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

8 And the title is amended as follows:

9 remove from the title of the bill: entire title

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11 and insert in lieu thereof:

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 A bill to be entitled

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 An act relating to Broward County; providing

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 for codification of special laws regarding

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 special districts pursuant to section 189.429,

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 F.S., relating to the Sunshine Water Control

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 District; a special district in Broward County;

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 providing legislative intent; amending,

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 repealing, codifying, and reenacting the

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 special act related to the district; declaring

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 the District to be an independent special

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 district; providing a district charter;

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 providing an effective date.

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