

1  
2 An act relating to the Shawano Water Control  
3 District, Palm Beach County; providing for  
4 codification of special laws regarding special  
5 districts pursuant to section 189.429, Florida  
6 Statutes, relating to Shawano Water Control  
7 District, a special tax district in Palm Beach  
8 County; providing legislative intent;  
9 codifying, repealing, amending, and reenacting  
10 chapters 11864 (1927), 13579 (1929), 24254  
11 (1947), 25328 (1949), 28406 (1953), 57-448,  
12 59-636, and 63-863, Laws of Florida; providing  
13 for minimum charter requirements; providing  
14 district status and boundaries; providing for  
15 applicability of chapters 298 and 189, Florida  
16 Statutes, and other general laws; providing a  
17 district charter; providing for ratification of  
18 prior acts; providing for liberal construction;  
19 providing a saving clause in the event any  
20 provision of the act is deemed invalid;  
21 providing an effective date.

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

24  
25 Section 1. Pursuant to section 189.429, Florida  
26 Statutes, this act constitutes the codification of all special  
27 acts relating to the Shawano Water Control District. It is the  
28 intent of the Legislature in enacting this law to provide a  
29 single, comprehensive special act charter for the District,  
30 including all current legislative authority granted to the  
31 District by its several legislative enactments and any

1 additional authority granted by this act. It is further the  
2 intent to preserve all District authority, including the  
3 authority to annually assess and levy taxes or non-ad valorem  
4 assessments against all assessable property in the District.

5 Section 2. Chapters 11864 (1927), 13579 (1929), 24254  
6 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and  
7 63-863, Laws of Florida, relating to the Shawano Water Control  
8 District, are codified, reenacted, amended, and repealed as  
9 herein provided.

10 Section 3. The Shawano Water Control District is  
11 re-created, and the charter for the District is re-created and  
12 reenacted to read:

13 Section 1. Minimum charter requirements.--In  
14 accordance with section 189.404(3), Florida Statutes, the  
15 following subsections shall constitute the charter of the  
16 Shawano Water Control District:

17 (a) The District is organized and exists for all  
18 purposes set forth in this act and chapter 298, Florida  
19 Statutes, as they may be amended from time to time, so far as  
20 not inconsistent with this act.

21 (b) The powers, functions, and duties of the District  
22 regarding non-ad valorem assessments, bond issuance, other  
23 revenue-raising capabilities, budget preparation and approval,  
24 liens and foreclosure of liens, use of tax deeds and tax  
25 certificates as appropriate for non-ad valorem assessments,  
26 and contractual agreements shall be as set forth in chapters  
27 189, 197, and 298, Florida Statutes, this act, or any other  
28 applicable general or special law, as they may be amended from  
29 time to time.

30 (c) The District's charter may be amended only by  
31 special act of the Legislature.

1           (d) In accordance with chapter 11864, Laws of Florida,  
2 and subsequent amendatory special acts of the Legislature, the  
3 District is governed by a Board of Supervisors. The membership  
4 and organization of the Board shall be as set forth in this  
5 act and chapter 298, Florida Statutes, as they may be amended  
6 from time to time.

7           (e) The compensation of board members shall be  
8 governed by this act and chapter 298, Florida Statutes, as  
9 they may be amended from time to time.

10           (f) The administrative duties of the Board of  
11 Supervisors shall be as set forth in this act and chapter 298,  
12 Florida Statutes, as they may be amended from time to time.

13           (g) Requirements for financial disclosure, meeting  
14 notices, reporting, public records maintenance, and per diem  
15 expenses for officers and employees shall be as set forth in  
16 this act, and chapters 112, 119, 189, 286, and 298, Florida  
17 Statutes, as they may be amended from time to time.

18           (h) The procedures and requirements governing the  
19 issuance of bonds, notes, and other evidence of indebtedness  
20 by the District shall be as set forth in chapters 189 and 298,  
21 Florida Statutes, and applicable general laws, as they may be  
22 amended from time to time.

23           (i) The procedures for conducting District elections  
24 and for qualification of electors shall be pursuant to  
25 chapters 189 and 298, Florida Statutes, this act, and  
26 applicable general laws, as they may be amended from time to  
27 time; however, a quorum for purposes of holding the annual  
28 meeting or any special meeting shall consist of those  
29 landowners present in person or represented by proxy at said  
30 meeting.

31

1           (j) The District may be financed by any method  
2 established in this act, chapters 189 and 298, Florida  
3 Statutes, and applicable general laws, as they may be amended  
4 from time to time.

5           (k) The methods for collecting non-ad valorem  
6 assessments, fees, or service charges shall be as set forth in  
7 chapters 170, 197, and 298, Florida Statutes, and other  
8 applicable general laws, as they may be amended from time to  
9 time.

10           (l) The District's planning requirements shall be as  
11 set forth in chapters 189 and 298, Florida Statutes, as they  
12 may be amended from time to time.

13           (m) The District's geographic boundary limitations  
14 shall be as set forth in this act.

15           (n) The District shall have all powers provided to it  
16 by this act, chapters 189 and 298, Florida Statutes, and other  
17 applicable general laws, as they may be amended from time to  
18 time.

19           Section 2. Status and boundaries of Shawano Water  
20 Control District.--The Shawano Water Control District is  
21 hereby declared to be an independent water control district  
22 and a public corporation of the State of Florida pursuant to  
23 chapter 298, Florida Statutes, as it may be amended from time  
24 to time, and the lands lying within the area described as  
25 follows in Palm Beach County, Florida, shall hereby constitute  
26 the Shawano Water Control District:

27  
28           All of Sections 4, 5, 6, 7, 8, 9, 16, 17 and 18  
29 of Township 45 South, Range 39 East; and all of  
30 Sections 1, 12, 13, 14, 15, 19, 20, 21, 22, 23,  
31 25, 26, 28, 28, 29 and 30 of Township 45 South,

1           Range 38 East; and all of those portions of  
2           Sections 2, 3, and 11 of Township 45 South,  
3           Range 38 lying Northeast of the centerline of  
4           the Hillsboro Canal; and all of those portions  
5           of Sections 19, 24 and 30 of Township 45 South,  
6           Range 38 East lying Southwest of the centerline  
7           of the Hillsboro Canal.

8  
9           Section 3. Powers of the District.--Said District  
10          shall have the power to sue and be sued by its name in any  
11          court of law or in equity, to make contracts, to adopt and use  
12          a corporate seal and to alter the same at pleasure; to acquire  
13          by purchase, gift, or condemnation real and personal property,  
14          either or both, within or without the District, and to convey  
15          and dispose of such real and personal property, either or  
16          both, as may be necessary or convenient to carry out the  
17          purposes, or any of the purposes, of this act and chapter 298,  
18          Florida Statutes; to construct, operate, and maintain canals,  
19          ditches, drains, levees, and other works for drainage and  
20          water control purposes; to acquire, purchase, operate, and  
21          maintain pumps, plants, and pumping systems for drainage and  
22          water control purposes; to construct, operate, and maintain  
23          irrigation works, machinery, and plants; to construct,  
24          improve, pave, and maintain roadways and roads necessary and  
25          convenient for the exercise of the powers or duties or any of  
26          the powers or duties of said District or the Supervisors  
27          thereof; to borrow money and issue negotiable or other bonds  
28          of said District as hereinafter provided; to borrow money,  
29          from time to time, and issue negotiable or other notes of said  
30          District therefor, bearing interest at the rate as provided by  
31          general law, in anticipation of the collection of taxes,

1 levies, and assessments or revenues of said District, and to  
2 pledge or hypothecate such taxes, levies, assessments, and  
3 revenues to secure such bonds, notes, or obligations, and to  
4 sell, discount, negotiate, and dispose of the same; and to  
5 exercise all other powers necessary, convenient, or proper in  
6 connection with any of the powers or duties of said District  
7 stated in this act. The powers and duties of said District  
8 shall be exercised by the Board of Supervisors thereof, which  
9 Board shall have the authority to employ engineers, attorneys,  
10 agents, employees, and representatives as the Board of  
11 Supervisors may from time to time determine, and to fix their  
12 compensation and duties.

13 Section 4. Board of Supervisors; election,  
14 organization, powers, duties, and terms of office.--There is  
15 hereby created a Board of Supervisors of Shawano Water Control  
16 District which shall be the governing body of said District.  
17 Said Board of Supervisors shall consist of three persons who,  
18 except as herein otherwise provided, shall hold office for the  
19 term of 3 years and until their successors shall be duly  
20 elected and qualified. Notice of a special meeting of  
21 landowners for the purpose of electing the Board of  
22 Supervisors shall be given by causing publication thereof to  
23 be made once a week for 2 consecutive weeks prior to such  
24 meeting, in some newspaper published in Palm Beach County.  
25 Such special meeting of landowners shall be held in some  
26 public place in Palm Beach County, and the place, date, and  
27 hour of holding such meeting and the purpose thereof shall be  
28 stated in the notice. The landowners when assembled shall  
29 organize by electing a chair who shall preside at the meeting  
30 and a secretary thereof. At such meeting, each and every acre  
31 of land in the District shall represent one share and each

1 owner shall be entitled to one vote by person or by written  
2 proxy for every acre of land owned by him or her in the  
3 District. The person receiving the highest number of votes for  
4 such Supervisor shall be declared and elected as such  
5 Supervisor.

6 Each year during the month of June, a Supervisor shall  
7 be elected, as hereinafter provided, by the landowners of said  
8 District to take the place of a retiring Supervisor, hearing  
9 reports and considering any matters upon which the Board may  
10 request the advice and view of the landowners. All vacancies  
11 or expirations on said Board shall be filled as required by  
12 this act. The Supervisors of said Shawano Water Control  
13 District need not be residents of said District or of the  
14 State of Florida, and they may or may not be owners of lands  
15 or property within said District. In case of a vacancy in the  
16 office of any Supervisor, the remaining Supervisors may fill  
17 such vacancy until the next annual meeting of the landowners,  
18 when his or her successor shall be elected by the landowners  
19 for the unexpired term. As soon as practicable after their  
20 election, the Board of Supervisors of said District shall  
21 organize by choosing one of their number president of said  
22 Board of Supervisors and by electing some suitable person  
23 secretary, who may or may not be a member of said Board. The  
24 Secretary shall be required to execute a bond for the faithful  
25 performance of his or her duties in such penal amount as the  
26 Board may determine. The Board of Supervisors shall adopt a  
27 seal which shall be the seal of said District. At each annual  
28 meeting of the landowners of the District, the Board of  
29 Supervisors shall report all work undertaken or completed  
30 during the preceding year, and the status of the finances of  
31 the District.

1           All Supervisors shall hold office until their  
2 successors shall be elected and qualified. Whenever any  
3 election shall be authorized or required by this act to be  
4 held by the landowners at any particular or stated time or  
5 day, and if for any reason such election shall not or cannot  
6 be held at such time or on such day, then in such event and in  
7 all and every such event, the power or duty to hold such  
8 election shall not cease or lapse, but such election shall be  
9 held thereafter as soon as practicable and consistent with  
10 this act.

11           Section 5. Supervisors to take oath.--Each Supervisor  
12 before entering upon his or her official duties shall take and  
13 subscribe to an oath before some officer authorized by law to  
14 administer oaths that he or she will honestly, faithfully, and  
15 impartially perform the duties devolving upon him or her in  
16 office as Supervisor of the Shawano Water Control District to  
17 which he or she was elected or appointed, and that he or she  
18 will not neglect any of the duties imposed upon him or her by  
19 this act.

20           Section 6. Compensation of Board.--Each Supervisor  
21 shall be paid for his or her services as set forth in chapter  
22 298, Florida Statutes, and he or she shall be paid 10 cents  
23 per mile for each mile actually traveled in going to and from  
24 their place of residence to the place of meeting.

25           Section 7. Meetings of landowners; election of  
26 Supervisors.--The Board of Supervisors shall have the power to  
27 call special meetings of the landowners at any time to receive  
28 reports of the Board of Supervisors or consider and act upon  
29 any matter upon which the Board of Supervisors may request  
30 advice. Notice of all meetings of the landowners shall be  
31 given by the Board of Supervisors by causing publication



1 thereof to be made for 2 consecutive weeks prior to such  
2 meeting in some newspaper published in Palm Beach County. The  
3 meetings of the landowners shall be held in some public place  
4 in said county, and the place, day, and hour of holding such  
5 meetings shall be stated in the notice. The landowners when  
6 assembled shall organize by electing a chair who shall preside  
7 at the meeting. The Secretary of the Board of Supervisors  
8 shall be the secretary of such meeting. At all such meetings  
9 each and every acre of land in the District shall represent  
10 one share, and each owner shall be entitled to one vote in  
11 person or by written proxy for every acre of land owned by him  
12 or her in the District. The person receiving the highest  
13 number of votes for Supervisor shall be declared and elected  
14 as such Supervisor.

15 The Trustees of the Internal Improvement Fund of  
16 Florida may represent and vote in respect to all lands  
17 belonging to the State of Florida or the Trustees of the  
18 Internal Improvement Fund of Florida, and they shall have the  
19 right to vote for Supervisors and upon all other matters that  
20 may come before any such meetings of the landowners to the  
21 extent of the acreage in such District owned by the State of  
22 Florida or the Trustees of the Internal Improvement Fund, upon  
23 the same basis of one vote for each acre of land as prescribed  
24 in this act for private landowners in said District. The votes  
25 to be cast by said Trustees of the Internal Improvement Fund  
26 may be cast by any member of said Trustees or by any person  
27 holding a proxy or proxies from said Trustees. Guardians may  
28 represent their wards, executors and administrators may  
29 represent the estates of deceased persons, trustees may  
30 represent lands held by them in trust, and private  
31 corporations may be represented by their officers or duly

1 authorized agents. Guardians, executors, administrators,  
2 trustees, and corporations may vote by proxy.

3 Section 8. Powers given Supervisors to effect  
4 reclamation of District.--In addition to the powers as set  
5 forth in chapter 298, Florida Statutes, the Board of  
6 Supervisors is hereby authorized and empowered to clean out,  
7 straighten, open up, widen, or change the course and flow,  
8 alter or deepen any canal, ditch, drain, river, water course,  
9 or natural stream; to concentrate, divert, or divide the flow  
10 of water in or out of said District; to construct and maintain  
11 main and lateral ditches, canals, levees, dikes, dams,  
12 sluices, revetments, reservoirs, holding basins, flood ways,  
13 pumps, pumping stations, pipes, and syphons, and may connect  
14 the same or any of them with any canals, drains, ditches,  
15 levees, or other works that may have been heretofore or which  
16 may be hereafter constructed by the Trustees of the Internal  
17 Improvement Fund or by the State of Florida, and with any  
18 natural stream, lake, or water course in or adjacent to said  
19 District; to build and construct any other works and  
20 improvements deemed necessary to preserve and maintain the  
21 works in or out of said District; to construct or enlarge or  
22 cause to be constructed or enlarged any and all bridges that  
23 may be needed in or out of said District, across any drain,  
24 ditch, canal, flood way, holding basin, excavation, public  
25 highway, railroad right-of-way, track, grade, fill, or cut; to  
26 construct roadways over levees and embankments; to construct  
27 any and all of said works and improvements across, through, or  
28 over any public highway, railroad right-of-way, track, grade,  
29 fill, or cut in or out of said District; to remove any fence,  
30 building, or other improvements in or out of said District;  
31 and to hold, control, and acquire by donation or purchase and,

1 if need be, by condemnation, any land, easement, railroad  
2 right-of-way, sluice, reservoir, holding basin, pumping  
3 systems, or franchise in or out of said District for  
4 rights-of-way, holding basins, or any of the purposes herein  
5 provided, or for material to be used in constructing and  
6 maintaining said works and improvements for draining,  
7 protecting, and reclaiming the lands in said District. So far  
8 as may be necessary to the drainage of said District or the  
9 works and improvements constructed, operated, or maintained by  
10 said Board of Supervisors, said Board may open, improve,  
11 construct, and maintain roads and hard surfaced highways in  
12 said District. Said Board of Supervisors shall also have the  
13 right to condemn or acquire by purchase or grant for the use  
14 of the District any land or property within or without said  
15 District not acquired or condemned by the court on report of  
16 the Commissioners assessing benefits and damages, and may  
17 follow the procedure that is now provided by law for the  
18 appropriation of land or other property taken for railroad  
19 rights-of-way in case of condemnation. The Board of  
20 Supervisors of said District shall have the power to buy and  
21 pay for any canals, dikes, levees, pumps, plants, pumping  
22 systems, or other drainage or reclamation works, machinery, or  
23 plants placed or constructed, or being placed and constructed,  
24 in said District by any private person or corporation which  
25 may, in the opinion of said Board, be useful or convenient in  
26 the execution of the Water Control Plan, or any part thereof,  
27 and may execute the warrants, notes, or other evidences of  
28 indebtedness of said District in payment thereof in whole or  
29 in part. Said Board of Supervisors shall have full power and  
30 authority to build, construct, install, excavate, complete,  
31 operate, and maintain any and all works and improvements

1 needed to carry out, maintain, protect, and give effect to  
2 said Water Control Plan.

3 Section 9. Eminent domain.--The said Board of  
4 Supervisors is hereby authorized and empowered to exercise the  
5 right of eminent domain and may condemn for the use of said  
6 District any and all lands, easements, rights-of-way, riparian  
7 rights, and property rights of every description, in or out of  
8 said District, required for the public purposes and powers of  
9 said Board as herein granted, and may enter upon, take, and  
10 use such lands as it may deem necessary for such purposes.

11 Section 10. Grant of rights-of-way, etc., through  
12 state lands.--The State of Florida hereby grants unto said  
13 Shawano Water Control District f/k/a Brown Drainage District  
14 all necessary easements, rights-of-way, and other rights  
15 required for the execution of said Water Control Plan or for  
16 the exercise of the powers and public purposes of said  
17 District over, upon, and across all lands vested in the State  
18 of Florida or in the Trustees of the Internal Improvement Fund  
19 of the State of Florida.

20 Section 11. Powers of Supervisors to carry out the  
21 Water Control Plan; engineer to be superintendent of works;  
22 method of letting contracts.--The Board of Supervisors of said  
23 District shall have full power and authority to build,  
24 construct, excavate, and complete any and all works and  
25 improvements which may be needed to carry out, maintain, and  
26 protect the Water Control Plan. To accomplish that end, the  
27 said Board of Supervisors are hereby authorized and empowered  
28 to employ personnel and to purchase machinery, employ  
29 personnel to operate same and directly have charge of and  
30 construct the works and improvements in such manner, or by use  
31 of other or more efficient means than provided for in the

1 plans adopted. They may, at their discretion, let the contract  
2 for such works and improvements either as a whole or in parts  
3 or sections, and when such contract or contracts are let, they  
4 shall be advertised and let to the lowest and best bidder, who  
5 shall give a good and approved bond, with ample security,  
6 conditioned that he or she will well and promptly carry out  
7 the contract for such work and improvements, which contract  
8 shall be in writing and to which shall be attached and made a  
9 part thereof complete plans and specifications of the work to  
10 be done and improvements to be made under such contract, which  
11 plans and specifications shall be prepared by the District  
12 Engineer and shall be incorporated in and attached to the  
13 contract. The contract shall be prepared by the attorney for  
14 the District and approved by the Board of Supervisors and  
15 signed by its president and the contractor, and executed in  
16 duplicate. The District Engineer shall be the superintendent  
17 of all the works and improvements, and shall, at least once  
18 each year and when required, make a full report to said Board  
19 of all work done and improvements made, and make suggestions  
20 and recommendations to the Board as he or she may deem proper.

21 Section 12. Uniform acreage tax for payment of  
22 expenses.--Pursuant to section 298.349, Florida Statutes, the  
23 District may levy upon each and every acre of land within a  
24 newly created unit of development within said Shawano Water  
25 Control District as bounded and defined in this act a uniform  
26 initial assessment of \$50 per acre to be used by said  
27 District, through its said Board of Supervisors, for the  
28 purpose of paying expenses incurred or to be incurred in  
29 making surveys of the lands in said District, assessing  
30 District Administrator benefits and damages and other expenses  
31 necessarily incurred, as estimated or determined by said Board

1 of Supervisors, before said Board of Supervisors collects or  
2 receives funds under the subsequent provisions of this act.  
3 Said assessment shall be a lien upon the lands in said  
4 District from the date of the creation of the new unit of  
5 development and shall be collected in the same manner as the  
6 annual installment of taxes. If it shall appear to the Board  
7 of Supervisors to be necessary to obtain funds to pay any  
8 expenses incurred or to be incurred in organizing said  
9 District, making said surveys, preparing the Water Control  
10 Plan, or other expenses of the conduct and operation of said  
11 District before a sufficient sum can be obtained by the  
12 collection of the acreage tax levied by this section, said  
13 Board of Supervisors may borrow a sufficient sum of money for  
14 any of said purposes at a rate of interest as provided by  
15 general law, and may issue negotiable notes or bonds therefor  
16 signed by the members of said Board of Supervisors, and may  
17 pledge any and all assessments of said acreage tax levied  
18 under the provisions of this section for the repayment  
19 thereof. Said Board of Supervisors may issue to any person or  
20 persons performing work or services or furnishing anything of  
21 value in the organization of said District or making surveys  
22 of the same and assessing benefits or damages or preparing  
23 said Water Control Plan and other expenses necessarily  
24 incurred before the receipt of funds arising from assessments  
25 or benefits, negotiable evidence of debt bearing interest at  
26 the rate as provided by general law.

27 Section 13. Taxes levied and apportioned.--The Board  
28 of Supervisors shall, without unnecessary delay, levy a tax of  
29 such portion of such benefits on all lands in the District to  
30 which benefits have been assessed as may be found necessary by  
31 the Board of Supervisors to pay the cost of the completion of

1 the proposed works and improvements as shown in said Water  
2 Control Plan, and in carrying out the object of said District,  
3 and in addition thereto 25 percent of said total amount for  
4 emergencies. The said tax shall be apportioned to and levied  
5 on each tract of the lands in said District in proportion to  
6 the benefits as assessed and not in excess thereof. In case  
7 bonds are issued as provided hereinafter, then the amount of  
8 the interest (as estimated by said Board of Supervisors) which  
9 will accrue on such bonds shall be included and added to the  
10 said tax, but the interest to accrue on account of the issuing  
11 of said bonds shall not be construed as a part of the cost of  
12 construction in determining whether or not the expenses and  
13 costs of making said improvements are or are not equal to or  
14 in excess of the benefits assessed. All lands in said District  
15 now or hereafter belonging to the Trustees of the Internal  
16 Improvement Fund of Florida shall be assessed to, and all  
17 taxes, levies, and assessments thereon (including taxes  
18 assessed for preliminary work and expenses and maintenance  
19 taxes as provided in this act) shall be paid by said Trustees  
20 of the Internal Improvement Fund out of any funds now or  
21 hereafter in the hands or possession of said Trustees or which  
22 may be obtained from the sale of any lands belonging to said  
23 Internal Improvement Fund or which may be appropriated by the  
24 Legislature of the State of Florida for the payment of  
25 drainage taxes upon the lands of said Fund; and all such  
26 taxes, levies, and assessments made, levied, or assessed under  
27 this act or any section or provision thereof, shall be a lien  
28 upon and may be enforced and collected from and against the  
29 lands of said Trustees of the Internal Improvement Fund of  
30 Florida in said Shawano Drainage District to the same extent  
31 and in like manner and with the same effect and as fully as if

1 such lands were owned by a private individual. The Secretary  
2 of the Board of Supervisors, as soon as said total tax is  
3 levied shall, at the expense of the District, prepare a list  
4 of all taxes levied and the same shall thereafter become a  
5 permanent record in the office of the Secretary.

6 Section 14. Attorney to be employed.--The Board of  
7 Supervisors shall employ an attorney or attorneys to act for  
8 the District and to advise said Board. Such employment shall  
9 be evidenced by an agreement in writing, which as far as  
10 possible shall specify the exact amount to be paid to said  
11 attorney for all services and expenses. Such attorney shall  
12 conduct all legal proceedings and suits in court where the  
13 District is a party or interested, and shall in all legal  
14 matters advise the Board of Supervisors, all officers,  
15 employees, or agents of said District and Board, and generally  
16 look after and attend to all matters of a legal nature for  
17 said Board and District. When the said Board may deem it  
18 necessary they may, by and with the advice of said attorney,  
19 and under the like terms and conditions as above set forth,  
20 employ a consulting and other attorney or attorneys.

21 Section 15. Bridges to be approved by District  
22 Engineer.--All bridges contemplated by this act, and all  
23 enlargements of bridges already in existence, shall be built  
24 and enlarged according to and in compliance with the plans,  
25 specifications, and orders made or approved by the District  
26 Engineer. If any such bridge shall belong to any corporation,  
27 or be needed over a public highway or right-of-way of any  
28 corporation, the Secretary of said Board of Supervisors shall  
29 give such corporation notice by delivering to its agent or  
30 officer, in the county wherein said District is situated, a  
31 copy of the order of the Board of Supervisors of said



1 District, declaring the necessity for the construction or  
2 enlargement of said bridge. A failure to construct or enlarge  
3 such bridge within the time specified in such order shall be  
4 taken as a refusal to do said work by said corporation, and  
5 thereupon the said Board of Supervisors shall proceed to let  
6 the work of constructing or enlarging the same at the expense  
7 of the corporation for the cost thereof, which costs shall be  
8 collected by said Board of Supervisors from said corporation  
9 by suit therefor, if necessary. But before said Board of  
10 Supervisors shall let such work it shall give some agent or  
11 officer of said corporation, now authorized by the laws of  
12 this state to accept service of summons, or upon whom service  
13 of summons for said corporation might be made, at least 20  
14 days' actual notice of the time and place of letting such  
15 work. Any owner of land within or without the District may, at  
16 his or her own expense, and in compliance with the terms of  
17 this act, construct a bridge across any drain ditch, canal, or  
18 excavation in or out of said District. Said Drainage District  
19 shall have full authority to construct and maintain any ditch  
20 or lateral provided in its Water Control Plan across any of  
21 the public highways of this state, without proceedings for the  
22 condemnation of the same, or being liable for damages  
23 therefor. Within 10 days after a dredge boat or any other  
24 excavating machine shall have completed a ditch across any  
25 public highway, a bridge shall be constructed and maintained  
26 over such drainage ditch where the same crosses such highway;  
27 provided, however, the word "corporation," as used in this  
28 section, shall not apply to counties.

29 Section 16. No change of venue allowed.--No change of  
30 venue shall be allowed in any of the proceedings had under the  
31 provisions of this act, except where the judge of the court in

1 which the petition has been filed shall be disqualified for  
2 any of the reasons stated in the statutes of this state  
3 relating to the change of venue in civil cases. If the judge  
4 of such court is disqualified, the procedure shall be the same  
5 as in other civil cases in chancery.

6 Section 17. Supervisors to provide for compensation of  
7 all employees.--The Board of Supervisors, except where  
8 otherwise provided, shall, by resolution, at the time of  
9 hiring or appointing, provide for the compensation for work  
10 done and necessary expenses incurred by any officer, engineer,  
11 attorney, or other employee, and shall also pay the fees, per  
12 diem, and necessary expenses of all court and county officers  
13 who may, by virtue of this act, render services to said  
14 District.

15 Section 18. Meaning of word "owner".--The word  
16 "owner," as used in this act, shall mean the owner of the  
17 freehold estate, as appears by the deed record, and it shall  
18 not include reversioners, remaindermen, vendees under  
19 contracts of purchase, trustees, or mortgagees, who shall not  
20 be counted and need not be notified by publication, or served  
21 by process, but shall be represented by the then owners of the  
22 freehold estate in any proceeding under this act.

23 Section 19. Appointment and duties of superintendent  
24 of plant and operation and overseers.--For the purpose of  
25 preserving any ditch, drain, dike, levee, or other work  
26 constructed or erected under the provisions of this act, and  
27 for the taking care and operation of the equipment owned by  
28 said District and the maintenance of the canals and other  
29 works of said District, including the removal of obstructions  
30 from the same, and such other duties as may be prescribed by  
31 the Board of Supervisors, said Board shall have the power to

1 employ a superintendent of plant and operation who shall have  
2 charge and supervision of the works of the District after the  
3 construction of the same, and said Board shall also have  
4 authority to employ or appoint an overseer or overseers who  
5 shall hold their positions at the will of the Board, and who  
6 shall assist said superintendent in the performance of the  
7 work aforesaid.

8 Section 20. Investments.--The Board may make any  
9 investment authorized by chapter 218, Florida Statutes, or  
10 other applicable law.

11 Section 21. Maintenance tax may be levied.--To  
12 maintain and preserve the ditches, drains, and other  
13 improvements made pursuant to this act, and to repair and  
14 restore the same, when needed, and for the purpose of  
15 defraying the current expenses of the District, including any  
16 sum which may be required to pay state and county taxes on any  
17 lands which may have been purchased and which are held by the  
18 District under the provisions of this act, the Board of  
19 Supervisors may, upon the completion of the said improvements  
20 in whole or in part, as may be certified to the said Board by  
21 the District Engineer, and on or before the first day of  
22 November in each year thereafter, levy a tax, which shall  
23 become due and be collected at the same time state and county  
24 taxes are due and collected, upon each tract or parcel of land  
25 within the District, to be known as a "maintenance tax." Said  
26 maintenance tax may be apportioned upon the basis of the net  
27 assessments of benefits accruing for original construction,  
28 and shall be certified to the Tax Collector of Palm Beach  
29 County in like manner and at the same time as the annual  
30 installment tax is certified. The Tax Collector shall demand  
31 and collect the maintenance tax and make return thereof and

1 shall receive the same compensation therefor, and be liable  
2 for the same penalties for failure or neglect so to do as  
3 provided herein for the annual installment of taxes.

4 Section 22. Readjustment of tax levy for  
5 maintenance.--Whenever the Board of Supervisors, or the owners  
6 of 25 percent or more of the acreage of the lands in the  
7 District, shall file a petition with the Board of Supervisors,  
8 stating that there has been a material change in the values of  
9 the property in the District since the last previous  
10 assessment of benefits, and praying for a readjustment of the  
11 assessment of benefits for the purpose of making a more  
12 equitable basis for the levy of the maintenance tax, the said  
13 Board of Supervisors shall give notice of the filing and  
14 hearing of said petition in the manner and for the time  
15 provided in this act. Such notice may be in the following  
16 form:

17 'Notice is hereby given to all persons interested in  
18 the lands included within the Shawano Drainage District that a  
19 petition has been filed with the District, praying for a  
20 readjustment of the assessment of benefits for the purpose of  
21 making an equitable basis for the levy of the maintenance tax  
22 in said District, and that said petition will be heard by the  
23 Board of Supervisors.'

24 Upon the hearing of said petition, if said court shall  
25 find that there has been a material change in the values of  
26 the lands in said District since the last previous assessment  
27 of benefits, the Board shall order that there be made a  
28 readjustment of the assessments of benefits for the purpose of  
29 providing a basis upon which to levy the maintenance tax of  
30 said District. All proceedings, notices, hearings, orders, and  
31 all other requirements of this act shall be taken, done, and

1 followed as provided in this act for the assessment of  
2 benefits for carrying out the Water Control Plan; provided  
3 that in making the readjustment of the assessment of benefits  
4 it shall not be limited to the aggregate amount of the  
5 original or any previous assessment of benefits.

6 Section 23. District may consolidate with other  
7 district.--The District created and established by this act  
8 may unite and consolidate with, or have united and  
9 consolidated with it, any other drainage district or districts  
10 organized under any general or special laws of Florida, and  
11 such new and consolidated district, and the Board of  
12 Supervisors thereof, shall have the rights, powers, and  
13 privileges of the District organized under this act. In order  
14 to effect such consolidation, the Board of Supervisors of each  
15 of the original districts shall call an election in the same  
16 manner as elections for supervisors, stating the time, place,  
17 and object of such election. If a majority of the acreage  
18 voting in each district vote in favor of the proposition to  
19 unite and consolidate such district, the Boards of Supervisors  
20 of such districts shall present a petition to the Circuit  
21 Court of the County in which the greatest amount of the lands  
22 is located, accompanied by a complete return of said election,  
23 in which petition shall be stated the names of the original  
24 districts, when incorporated, the names of the owners of the  
25 lands, if known, and the boundaries of the districts. When  
26 said petition has been filed, the Clerk of said Circuit Court  
27 shall give notice of such filing in the manner provided for  
28 giving notice in this act, said notice to state substantially  
29 the contents of said petition and the objects sought and the  
30 date on which said matter is to be heard by said court. Any  
31 person owning land in either of said districts, on or before

1 the time stated in said notice, may file objections to the  
2 regularity or sufficiency of any of the proceedings had in the  
3 premises, and if such objections are overruled, or if no  
4 objections are made, the court shall make an order that any  
5 two or more of the several districts so asking to be united  
6 shall be united and consolidated as one district, under some  
7 appropriate designation, with all the rights, powers, and  
8 privileges of said Shawano Water Control District organized  
9 under this act, and the lands so included in the new District  
10 shall be subject to all liens, liabilities, and obligations of  
11 the original districts, and a new Board of Supervisors shall  
12 be elected as is herein provided in case of election of  
13 Supervisors. All orders made in regard to extension of time,  
14 boundaries, or uniting districts shall be spread on the  
15 records of the circuit court, and a certified copy thereof  
16 shall be filed with the clerk of the circuit court of each  
17 county in which any of such lands are located, and also with  
18 the Secretary of State, and said clerk shall receive a fee of  
19 \$1 for filing and preserving such certificates.

20 Section 24. New Water Control Plan may be adopted;  
21 procedure.--If the works set out in the Water Control Plan of  
22 said Shawano Water Control District shall be found by the  
23 Board of Supervisors to be insufficient to reclaim in whole or  
24 in part any or all of the lands of said District, said Board  
25 of Supervisors shall have the right to formulate new or  
26 amended Water Control Plans containing new canals, ditches,  
27 levees, pumps, pumping systems, and other works, and  
28 additional assessments may be made in conformity with the  
29 provisions of this act, the same to be made in proportion to  
30 the increased benefits accruing to the lands because of the  
31 additional works. If it should be found by said Board of

1 Supervisors at any time that the amount of the total tax  
2 levied under the provisions of this act, or that the funds  
3 derived from the sale of the bonds under this act, are  
4 insufficient to pay the costs of the works set out in said  
5 Water Control Plan, the Board of Supervisors may make an  
6 additional levy to provide funds to complete the work, and in  
7 addition thereto 25 percent of said total amount for  
8 emergencies; and if in their judgment it seems best, said  
9 Board of Supervisors may issue bonds not to exceed the amount  
10 of said additional levy. If it should be found at any time  
11 that the Water Control Plan as adopted required modification  
12 by widening, lowering, or deepening the canals or ditches or  
13 widening or raising the levees or enlarging, improving, or  
14 substituting pumps, pumping systems, and other works  
15 authorized or contemplated by the Water Control Plan or by the  
16 construction of additional canals, ditches, or levees or the  
17 installation of additional pumps or pumping systems, and that  
18 the amount of the total tax levied under this act, or that the  
19 funds derived from the sale of bonds under the provisions of  
20 this act, are not sufficient to carry out the Water Control  
21 Plan with such modifications, said Board of Supervisors may  
22 consider said change to the Water Control Plan and direct the  
23 District Engineer to appraise the lands that shall be taken  
24 for such enlarged or improved works and assess the benefits  
25 and damages to any or all lands, public highways, railroads,  
26 or other property in said District by the proposed amendments  
27 and changes to the Water Control Plan.

28 After the lists of lands with the assessed benefits  
29 have been approved by the Board of Supervisors as provided in  
30 this act, then the Board shall have power to levy an  
31 additional tax of such portion of said benefits on the lands

1 in said District to which benefits have been assessed as may  
2 be found necessary by the Board of Supervisors to pay the  
3 increased cost of the completion of the proposed works and  
4 improvements as shown in said Water Control Plan as amended,  
5 including the cost of superintending the same and all  
6 incidental expenses in connection therewith, and in addition  
7 thereto 25 percent of said total amount for emergencies, and  
8 if in their judgment it seems best, said Board of Supervisors  
9 may issue bonds not to exceed the amount of said additional  
10 levy. The additional taxes authorized to be levied under the  
11 provisions of this section shall be levied and collected in  
12 the same manner as taxes levied and collected under the  
13 provisions of this act. Bonds issued under the provisions of  
14 this section shall draw interest at a rate as provided by  
15 general law, payable semi-annually, and shall be payable at  
16 such time or times and at such place or places as the Board of  
17 Supervisors may determine. Any additional tax authorized to be  
18 levied under the provisions of this section shall be  
19 apportioned to and levied upon each tract of land in said  
20 District in proportion to the benefits assessed, and not in  
21 excess thereof, and in case bonds are issued as herein  
22 provided, then the amount of the interest as estimated by said  
23 Board of Supervisors which will accrue on such bonds shall be  
24 included and added to the said additional levy, but the  
25 interest to accrue on said bonds shall not be included as a  
26 part of the cost of the construction in determining whether or  
27 not the expenses and costs of making the improvements shown in  
28 the Water Control Plan are not equal to or in excess of the  
29 benefits assessed.

30 Section 25. Supervisors may remove officers and  
31 employees.--The Board of Supervisors may at any time remove



1 any officer, attorney, District Engineer, or other employee  
2 appointed or employed by said Board.

3 Section 26. Water courses to be connected with  
4 drainage district; connecting drains and completion of plan;  
5 scope of work.--At the time of the construction in the said  
6 District of the Water Control Plan hereinbefore referred to,  
7 all canals, ditches, or systems of drainage already  
8 constructed in said District, and all water courses shall, if  
9 necessary to the drainage of said land in said District, be  
10 connected with and made a part of the works and improvements  
11 of the Water Control Plan of said District. But no canals,  
12 ditches, drains, or systems of drainage constructed after the  
13 completion of the aforesaid Water Control Plan shall be  
14 connected therewith, unless the consent of the Board of  
15 Supervisors shall be first had and obtained, which consent  
16 shall be in writing and shall particularly describe the  
17 method, terms, and conditions of such connection, and shall be  
18 approved by the District Engineer. Such connection, if made,  
19 shall be in strict accord with the method, terms, and  
20 conditions laid down in said consent. If the landowner or  
21 owners wishing to make such connection are refused such  
22 consent by the Board of Supervisors, or decline to accept the  
23 consent granted, then said landowner or owners may file a  
24 petition for such connection in the Circuit Court of Palm  
25 Beach County, and the matter in dispute shall in a summary  
26 manner be decided by said court, which decision shall be final  
27 and binding upon the District the landowner or owners. No  
28 connection with the works or improvements of said Water  
29 Control Plan of said District, or with any canal, ditch,  
30 drain, or artificial drainage, wholly within said District,  
31 shall be made, caused, or affected by any landowner or owners,

1 company, or corporation, municipal or private, by means of or  
2 with any ditch, drain, cut, fill, roadbed, levee, embankment,  
3 or artificial drainage, wholly without the limits of said  
4 District, unless such connection is consented to by the Board  
5 of Supervisors, or in the manner hereinbefore provided.

6 Section 27. Owners of land assessed for construction  
7 of canals, etc., may pay taxes in advance.--Any person or  
8 corporation, copartnership, or other parties owning lands  
9 assessed for the construction of any canal, ditch, or other  
10 improvement under the provisions of this act shall have the  
11 right and privilege of paying such tax assessment to the  
12 Treasurer of the Board of Supervisors of the District, at any  
13 time on or before a date to be fixed by resolution of the  
14 Board of Supervisors; and the amount to be paid shall be the  
15 full amount of the tax levied, less any amount added thereto  
16 to meet interest. When such tax assessment has been paid, the  
17 Secretary of the Board of Supervisors shall enter upon the  
18 drainage tax record opposite each tract for which payment is  
19 made the words "paid in full," and such tax assessment shall  
20 be deemed satisfied; and the Secretary of the Board of  
21 Supervisors shall also make or cause to be made the same entry  
22 opposite each tract for which payment is made in the table  
23 included in the certificate filed in the Office of the Clerk  
24 of the Circuit Court under the provisions of this act.

25 Section 28. Duty of county, etc., to make payment of  
26 taxes.--Whenever, under the provisions of this act, the  
27 Drainage District tax is levied against a county, city,  
28 village, township, or other political subdivision of the  
29 state, it shall be the duty of the governing or taxing body of  
30 such political subdivision immediately to take all the legal  
31 and necessary steps to make payment of such tax, including, if

1 necessary, steps for the levying and collection of a tax to  
2 make such payment as other taxes of such political subdivision  
3 are levied and collected, and such tax shall not be affected  
4 by any statutory limitation upon the rate or amount of the  
5 taxes of such political subdivision.

6 Section 29. Landowner in district may construct drains  
7 across land of intervening landowner; proceedings; Board may  
8 enter lands.--Any landowner within Shawano Water Control  
9 District may construct ditches to drain his or her lands into  
10 the public ditches; and if any intervening landowner should  
11 refuse permission to cross his or her land with such ditch,  
12 the landowner seeking to construct such ditch may by  
13 proceedings in the circuit court, to be conducted in the same  
14 manner as condemnation proceedings instituted by railroads,  
15 condemn his or her right-of-way for such ditch. The Board of  
16 Supervisors, the Board of Commissioners, and the District  
17 Engineer of the District, as well as all officers, agents, and  
18 employees thereof, and contractors and their employees, may  
19 enter upon lands within or without the District in order to  
20 make surveys or examinations to accomplish the necessary  
21 purposes of the District, or to have access to the works of  
22 the District, but no unnecessary damage shall be done. Any  
23 person or corporation preventing such entrance shall be deemed  
24 in violation of section 298.66, Florida Statutes, and upon  
25 conviction shall be punished in the manner provided by law.

26 Section 30. Principal office.--The Board of  
27 Supervisors shall, by resolution, determine the location of  
28 the principal office of the Board, which shall be within Palm  
29 Beach County, but need not be in said District. Nothing herein  
30 contained shall prevent said Board from holding legal meetings  
31 and taking necessary action at other places within or without

1 the District. Two members of said Board shall constitute a  
2 quorum, and the assent of two members shall be necessary to  
3 all acts of the Board. The Board shall determine the time and  
4 place of regular meetings, and may hold special meetings on  
5 the call of any member, notice of any such special meeting  
6 being given or mailed or telegraphed to each member or left at  
7 his or her residence or place of business. Any member may at  
8 any time, before or after the meeting, waive notice of the  
9 time, place, or purpose of any or all special meetings, and  
10 said waiver may be general as to all business or may be  
11 limited to business specified in the waiver.

12 Section 31. Unit development; powers of supervisors to  
13 designate units of District and adopt system of progressive  
14 drainage by units; Water Control Plans and financing  
15 assessments, etc., for each unit.--The Board of Supervisors of  
16 Shawano Water Control District shall have the power and is  
17 hereby authorized in its discretion to drain and reclaim or  
18 more completely and intensively to drain and reclaim the lands  
19 in said District by designated areas or parts of said District  
20 to be called "units." The units into which said District may  
21 be so divided shall be given appropriate numbers or names by  
22 said Board of Supervisors, so that said units may be readily  
23 identified and distinguished. The Board of Supervisors shall  
24 have the power to fix and determine the location, area, and  
25 boundaries of and lands to be included in each and all such  
26 units, the order of development thereof, and the method of  
27 carrying on the work in each unit. The unit system of drainage  
28 provided by this section may be conducted and all of the  
29 proceedings by this section and this act authorized in respect  
30 to such unit or units may be carried on and conducted at the  
31 same time as or after the work of draining and reclaiming of

1 the entire District has been or is being or shall be  
2 instituted or carried on under the provisions of this act. If  
3 the Board of Supervisors shall determine that it is advisable  
4 to conduct the work of draining and reclaiming the lands in  
5 said District by units, as authorized by this section of this  
6 act, said Board shall, by resolution duly adopted and entered  
7 upon its minutes, declare its purpose to conduct such work  
8 accordingly, and shall at the same time and manner fix the  
9 number, location, and boundaries of and description of lands  
10 within such unit or units and give them appropriate numbers or  
11 names. As soon as practicable after the adoption and recording  
12 of such resolution, said Board of Supervisors shall publish  
13 notice once a week for 2 consecutive weeks in a newspaper  
14 published in Palm Beach County, Florida, briefly describing  
15 the units into which said District has been divided and the  
16 lands embraced in each unit, giving the name, number, or other  
17 designation of such units, requiring all owners of lands in  
18 said District to show cause in writing before said Board of  
19 Supervisors at a time and place to be stated in such notice  
20 why such division of said District into such units should not  
21 be approved, and said system of development by units should  
22 not be adopted and given effect by said Board, and why the  
23 proceedings and powers authorized by this section of this act  
24 should not be had, taken, and exercised. At the time and place  
25 stated in said notice, said Board of Supervisors shall hear  
26 all objections or causes of objection (all of which shall be  
27 in writing) of any landowners in said District to the matters  
28 mentioned and referred to in such notice, and if no objections  
29 are made, or if said objections, if made, shall be overruled  
30 by said Board, then said Board shall enter in its minutes its  
31 finding and order confirming said resolution, and may

1 thereafter proceed with the development, drainage, and  
2 reclamation of said District by units pursuant to such  
3 resolution and to the provisions of this act. If, however,  
4 said Board of Supervisors shall find a result of such  
5 objections, or any of them, or the hearing thereon, that the  
6 division of said District into such units as aforesaid should  
7 not be approved or that said system of development by units  
8 should not be adopted and given effect, or that the  
9 proceedings and powers authorized by this section of this act  
10 should not be had, taken, or exercised, or that any other  
11 matter or thing embraced in said resolution would not be in  
12 the best interest of the landowners of said District or would  
13 be unjust or unfair to any landowner therein or otherwise  
14 inconsistent with fair and equal protection and enforcement of  
15 the rights of every landowner in said District, then said  
16 Board of Supervisors shall not proceed further under such  
17 resolution, but said Board of Supervisors may, as a result of  
18 such hearing, modify or amend said resolution so as to meet  
19 such objections so made, and thereupon said Board may confirm  
20 said resolution as so modified or amended and may thereafter  
21 proceed accordingly. The sustaining of such objections and  
22 the rescinding of such resolutions shall not exhaust the power  
23 of said Board under this section; but, at any time not less  
24 than 1 year after the date of the hearing upon any such  
25 resolution, the Board of Supervisors may adopt other  
26 resolutions under this section and thereupon proceed on due  
27 notice in like manner as above. If said Board of Supervisors  
28 shall overrule or refuse to sustain any such objections in  
29 whole or in part made by any landowner in the District, or if  
30 any such landowner shall deem himself or herself aggrieved by  
31 any action of the Board of Supervisors in respect to any

1 objections so filed, such landowner may, within 10 days after  
2 the ruling of said Board, file a bill of complaint in a court  
3 of competent jurisdiction against said District, praying an  
4 injunction or other appropriate relief against the action or  
5 any part of such action proposed by such resolution or  
6 resolutions of said Board, and such suits shall be conducted  
7 like other suits, except that said suits shall have preference  
8 over all other pending actions except criminal actions and  
9 writs of habeas corpus. Upon the hearing of said cause, the  
10 court of competent jurisdiction shall have the power to hear  
11 the objections and receive the evidence thereon of all parties  
12 to such cause and approve or disapprove said resolutions and  
13 action of said Board in whole or in part, and to render such  
14 decree in such cause as right and justice require. When said  
15 resolutions creating said unit system shall be confirmed by  
16 the Board of Supervisors, or by the court if such proposed  
17 action shall be challenged by a landowner by the judicial  
18 proceedings hereinabove authorized, said Board of Supervisors  
19 may adopt a water control plan or plans for and in respect to  
20 any or all such units, and to have the benefits and damages  
21 resulting therefrom assessed and apportioned by the District  
22 Engineer and the Engineer's Report considered and confirmed,  
23 all in like manner as is provided in this act in regard to  
24 Water Control Plans for the assessments for benefits and  
25 damages of the entire District. With respect to the Water  
26 Control Plan, notices, Engineer's Report, and notice and  
27 confirmation thereof, the levy of assessments and taxes,  
28 including maintenance taxes, and the issuance of bonds and all  
29 other proceedings as to each and all of such units, said Board  
30 shall follow and comply with the same procedure as is provided  
31 in this act with respect to the entire District; and said

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



1 benefits in such unit or units or the issuance of bonds or  
2 other obligations which are payable from taxes or assessments  
3 for benefits levied upon the lands within such unit or units.

4 Provided, however, that if, after the confirmation of  
5 the Engineer's Report of benefits in such unit or units, or  
6 the issuance of bonds or other obligations which are payable  
7 from taxes or assessments for benefits levied upon lands  
8 within such unit or units, the Board of Supervisors finds the  
9 Water Control Plan for any such unit or units insufficient or  
10 inadequate for efficient development, the Water Control Plan  
11 may be amended or changed as provided in this act, and the  
12 unit or units may be amended or changed as provided herein, by  
13 changing the location and description of lands in any such  
14 unit or units, by detaching lands therefrom or by adding lands  
15 thereto, and in such event all assessments, levies, taxes,  
16 bonds, and other obligations made, levied, assessed, incurred,  
17 or issued for in respect to any such unit or units may be  
18 allocated and apportioned to the amended unit or units in  
19 proportion to the benefits assessed by the Engineer's Report  
20 for the amended Water Control Plan and said Report shall  
21 specifically provide for such allocation and apportionment.  
22 However, a change or amendment to a designated unit is not  
23 authorized if it has the effect of impairing a debt or other  
24 obligation of the unit of the District.

25 Section 32. Bonds may be validated.--Whenever the  
26 Board of Supervisors of Shawano Water Control District shall  
27 have authorized the issuance of bonds, notes, or other  
28 obligations of said District under any of the provisions of  
29 this act, said Board of Supervisors may, if it shall so elect,  
30 cause such bonds, notes, or other obligations to be validated  
31 in accordance, as nearly as practicable, with the provisions

1 of law relating to the validation of bonds issued by counties,  
2 municipalities, taxing districts, or other political districts  
3 or subdivisions, in the manner provided for in chapter 75,  
4 Florida Statutes, for which purpose, in the event of the  
5 exercise of such election by said Board of Supervisors, all  
6 the provisions of law relating to the validation of bonds,  
7 issued by counties, municipalities, taxing districts, or other  
8 political districts or subdivisions, shall be held to include  
9 and apply to bonds, notes, and obligations issued by or in the  
10 name of said Shawano Water Control District, or any unit  
11 thereof and the decree of validation that shall be entered by  
12 the court shall be conclusive as to all questions raised and  
13 those which could have been raised in the validation suit.

14 Section 33. District may maintain spoil banks,  
15 etc.--The District may maintain spoil banks for the dumping,  
16 preservation, or disposal of dirt, sand, gravel, clay, rock,  
17 wood, lumber, logs, and other substances which may have been  
18 taken from any excavation or other work of the District, or  
19 which may have come into the District's control or possession  
20 through carrying out the Water Control Plan or which may have  
21 been acquired by the District for use in carrying out such  
22 plan, and such spoil banks shall be deemed works of the  
23 District as the term "works" is used in this act. Any or all  
24 such material may be sold, used in the construction of  
25 drainage works or roads, or otherwise disposed of by the  
26 District. Such spoil banks shall be and remain the property of  
27 the District until disposed of, regardless of whether they  
28 occupy land belonging in the District or other land.

29 Section 34. Definition of terms.--This act may be  
30 known and cited as an "act creating Shawano Water Control  
31 District." The words "land," "lands," and "property" shall,

1 unless some other meaning be clearly intended, be held to  
2 include easements and every other interest in real estate, and  
3 shall include public highways and rights-of-way of railroad,  
4 electric, telegraph, telephone, gas, water, and other  
5 corporations; the words "public roads" and "public highways"  
6 shall not be held to include rights-of-way of railroads and  
7 other public service corporations; the words "tax" or "taxes,"  
8 as applied to the revenues authorized by this act, and the  
9 word "levy" or similar words in relation to such revenues,  
10 shall not be deemed a denial that the so-called taxes are in  
11 fact special assessments; the words "lands belonging to the  
12 state" or similar phrase shall include all lands belonging to  
13 or under the jurisdiction of the Internal Improvement Board,  
14 but not any school lands; the word "person" shall be taken,  
15 unless otherwise clearly intended, to mean persons, firm,  
16 copartnership, association, or private or public corporation;  
17 and the word "engineer" shall mean the District Engineer, or a  
18 deputy or assistant thereof, unless otherwise expressed, and  
19 shall not include a consulting engineer, who is not vested  
20 under this act with the authority given the District Engineer  
21 except expressly so stated herein. The provisions of this act  
22 as to votes of landowners by acreage shall apply to easements  
23 for railroad and other rights-of-way, but not to the land upon  
24 which such easements exist, and the vote of the owners of such  
25 easements shall be in accordance with the acreage of the lands  
26 upon which the easements exist. Political subdivisions owning  
27 or controlling public highways in the District shall not have  
28 the right to vote at such landowners' meetings, nor shall the  
29 land upon which such public highway is built be entitled to  
30 vote at such meetings. The word "court" or the words "circuit  
31 court" shall mean the Circuit Court of Palm Beach County, or

1 any court which, under the laws of Florida, could exercise  
2 jurisdiction of the matter, unless some other court be clearly  
3 intended; the word "county" shall mean Palm Beach County.  
4 "Deputy" as used in this act shall include Assistant, and  
5 "Assistant" shall include deputy. The term "President of said  
6 District" shall mean and include the President of the Board of  
7 Supervisors.

8 Section 35. Surveys; monuments; penalty for  
9 destroying, etc.--The Board of Supervisors of Shawano Water  
10 Control District may authorize and direct the District  
11 Engineer to make such survey or surveys of the lands within  
12 said District as may be necessary or convenient for the  
13 execution of the Water Control Plan or any amended Water  
14 Control Plan or any part thereof. In making such survey or  
15 surveys, the District Engineer may establish such monuments as  
16 may be necessary or convenient to provide definite reference  
17 points from which may be located any points, lines, lots, or  
18 units of said District. Such monuments shall be suitably  
19 marked or inscribed with the letters S.W.C.D. or B. D. D.  
20 (meaning Brown Drainage District or Shawano Water Control  
21 District). Any person or persons moving, molesting, or  
22 destroying any such monument, or destroying, injuring, or  
23 defacing the marks or inscription thereon, shall be guilty of  
24 a misdemeanor and shall be punished as provided by law.

25 Section 36. Obstruction of works; damage;  
26 penalty.--Whoever shall willfully damage any ditch, canal,  
27 drain, levee, reservoir, roadway, bridge, culvert, or other  
28 works established or constructed under this act, or that may  
29 have been heretofore constructed within the territory embraced  
30 in said District, or shall fill or obstruct the flow of water  
31 in any canal, ditch, drain, or waterway, or shall remove any

1 earth, stone, or material from the banks of any canal, drain,  
2 or ditch without first having obtained permission in writing  
3 from said Board to fill or obstruct such flow of water or to  
4 remove such material shall be deemed in violation of section  
5 298.66, Florida Statutes, and upon conviction shall be  
6 punished in the manner provided by law.

7 Section 37. Changing boundaries of District.--Land may  
8 be added to the District by resolution of the Board of  
9 Supervisors upon written consent of the owner or owners of  
10 such land. Land may be detached from the District by  
11 resolution of the Board of Supervisors if such Board finds  
12 that such land cannot economically be benefited by the Water  
13 Control Plan or Plans for the District or its units and if no  
14 indebtedness has been incurred which would be payable from  
15 taxes or assessments levied or to be levied against the lands  
16 to be detached.

17 Section 38. Validation of contracts.--All contracts  
18 made by the District or its Board of Supervisors since June  
19 16, 1947, for drainage and reclamation work in said District  
20 and for the purchase of equipment, supplies, and materials,  
21 and all other contracts and official acts of said Board, its  
22 officers, and agents, are hereby validated, ratified, and  
23 confirmed.

24 Section 39. Validation of final decree.--The final  
25 decree entered August 13, 1947, in Chancery cause no. 23736,  
26 in the Circuit Court of Palm Beach County, Florida, validating  
27 bonds issued by said District is hereby validated, ratified,  
28 and confirmed.

29 Section 40. Validation of assessments, taxes, bonds,  
30 and other obligations.--The annual taxes levied by said  
31 District for the years 1947 and 1948 and the tax rolls for

1 said years are hereby validated, ratified, and confirmed. All  
2 bonds, notes, or other obligations heretofore issued, or  
3 authorized to be issued by said District payable from taxes or  
4 assessments levied upon lands within the District or within  
5 any unit, be and they hereby are in all respects confirmed and  
6 validated as the valid and legally binding obligations of said  
7 District.

8       Section 4. Liberal construction.--It is intended that  
9 the provisions of this act shall be liberally construed for  
10 accomplishing the work authorized and provided for or intended  
11 to be provided for by this act, and where strict construction  
12 would permit or assist in the accomplishment of any part of  
13 the work authorized by this act, the liberal construction  
14 shall be chosen.

15       Section 5. Ratification of prior acts.--All acts and  
16 proceedings of the circuit court taken by, for, and on behalf  
17 of the District since the creation thereof, and all of the  
18 acts and proceedings of the Board of Supervisors, and all  
19 other officers and agents of the District, and of the county,  
20 acting for and on behalf of the District, and any and all tax  
21 levies and assessments which have been made by the Board of  
22 Supervisors for and on behalf of the District, are each and  
23 every one of them, and each and every part thereof, hereby  
24 ratified.

25       Section 6. Invalidity.--If any section, subsection,  
26 sentence, clause, or phrase of this act is held to be  
27 unconstitutional, such holding shall not affect the validity  
28 of the remaining portions of the act, the Legislature hereby  
29 declaring that it would have passed this act and each section,  
30 subsection, sentence, clause, and phrase thereof, irrespective  
31 of any other separate section, subsection, sentence, clause,

1 or phrase thereof, and irrespective of the fact that any one  
2 or more other sections, subsections, sentences, clauses, or  
3 phrases thereof may be declared unconstitutional.

4 Section 7. Chapters 11864 (1927), 13579 (1929), 24254  
5 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and  
6 63-863, Laws of Florida, are hereby repealed.

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

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31