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A bill to be entitled  
 An act relating to water control districts; amending s.  
 298.22, F.S.; revising powers of the board of supervisors  
 to execute water control plans; amending s. 298.225, F.S.;  
 revising provisions for water control plan development and  
 amendment; amending s. 298.301, F.S.; revising water  
 control plan adoption procedures; amending s. 298.341,  
 F.S.; revising provisions for assessment liens; amending  
 s. 298.77, F.S.; providing for revision of the engineer's  
 report pursuant to an assessment readjustment; providing  
 an effective date.

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

Section 1. Subsection (3) of section 298.22, Florida  
 Statutes, is amended to read:

298.22 Powers of supervisors.--The board of supervisors of  
 the district has full power and authority to construct,  
 complete, operate, maintain, repair, and replace any and all  
 works and improvements necessary to execute the water control  
 plan. Subject to the applicable provisions of chapter 373 or  
 chapter 403, the board of supervisors:

(3) May build and construct any other works and  
 improvements deemed necessary to preserve and maintain the works  
 in or out of said district; acquire, construct, operate,  
 maintain, use, purchase, sell, lease, convey, or transfer real  
or personal property, including ~~or otherwise provide for~~ pumping  
 stations, ~~including~~ pumping machinery, motive equipment,

29 | electric lines and all appurtenant or auxiliary machines,  
 30 | devices, or equipment.

31 | Section 2. Subsections (5) and (8) of section 298.225,  
 32 | Florida Statutes, are amended to read:

33 | 298.225 Water control plan; plan development and  
 34 | amendment.--

35 | (5) Before final adoption of the water control plan or  
 36 | plan amendment under s. 298.301, the board of supervisors must  
 37 | submit the proposed plan or amendment for only those projects  
 38 | that require a permit from the jurisdictional water management  
 39 | district, pursuant to chapter 373, to the jurisdictional water  
 40 | management district for review. Within 60 ~~90~~ days after receipt  
 41 | of the proposed water control plan or amendment, the governing  
 42 | board of the jurisdictional water management district, or the  
 43 | executive director or designee, if delegated, must review the  
 44 | proposed plan or amendment for consistency with the applicable  
 45 | water resource plans and policies and recommend to the board of  
 46 | supervisors any proposed changes. If the jurisdictional water  
 47 | management district determines that the proposed plan or  
 48 | amendment is incomplete, it may notify the water control  
 49 | district and request additional information. Upon such request,  
 50 | the deadline for review may be extended as agreed by the water  
 51 | control district and the jurisdictional water management  
 52 | district. Within 60 days after receipt of the applicable water  
 53 | management district's recommended changes, the board of  
 54 | supervisors shall include the recommendations in the water  
 55 | control plan or plan amendment to the extent practicable. If the  
 56 | recommendations are not incorporated, the board of supervisors

57 must specify its reasons in the water control plan or plan  
 58 amendment adopted. A copy of the water control plan must be  
 59 filed with the jurisdictional water management district and each  
 60 local general purpose government within which all or a portion  
 61 of the district's lands are located.

62 (8) If the preparation of a water control plan, engineer's  
 63 report, or amendments thereto ~~amendment~~ under this section do  
 64 ~~does~~ not result in revision of the district's current plan or  
 65 require the ~~alteration or~~ increase of any levy of assessments or  
 66 taxes beyond the maximum amount previously authorized by general  
 67 law, special law, or judicial proceeding, a change in the use of  
 68 said assessments or taxes, or substantial change to district  
 69 facilities, the provisions of s. 298.301(2)-(9) do not apply to  
 70 the plan adoption process. This section and s. 298.301 do not  
 71 apply to minor, insubstantial amendments to district plans or  
 72 engineer's reports, and such amendments or reports may be  
 73 adopted by resolution of the board of supervisors. Minor,  
 74 insubstantial amendments include amendments to the water control  
 75 plan which replace, relocate, reconstruct, or improve and  
 76 upgrade district facilities and operations consistent with the  
 77 adopted water control plan, but which do not require increasing  
 78 assessments beyond the maximum amount authorized by law, or  
 79 amendments to engineer's reports which do not increase the total  
 80 assessment of benefits.

81 Section 3. Subsections (2), (6), and (8) of section  
 82 298.301, Florida Statutes, are amended to read:

83 298.301 District water control plan adoption; district  
84 boundary modification; plan amendment; notice forms; objections;  
85 hearings; assessments.--

86 (2) Before adopting a water control plan or plan  
87 amendment, the board of supervisors must adopt a resolution to  
88 consider adoption of the proposed plan or plan amendment. As  
89 soon as the resolution proposing the adoption or amendment of  
90 the district's water control plan has been filed with the  
91 district secretary, the board of supervisors shall give notice  
92 of a public hearing on the proposed plan or plan amendment by  
93 causing publication to be made once a week for 3 consecutive  
94 weeks in a newspaper of general circulation published in each  
95 county in which lands and other property described in the  
96 resolution are situated. The notice must be in substantially the  
97 following form:

98  
99 Notice of Hearing

100  
101 To the owners and all persons interested in the lands  
102 corporate, and other property in and adjacent to the name of  
103 district District.

104 You are notified that the name of district District has  
105 filed in the office of the secretary of the district a  
106 resolution to consider approval of a water control plan or an  
107 amendment to the current water control plan to provide here  
108 insert a summary of the proposed water control plan or plan  
109 amendment . On or before its scheduled meeting of (date and  
110 time) at the district's offices located at (list address of

111 offices) written objections to the proposed plan or plan  
 112 amendment may be filed at the district's offices. A public  
 113 hearing on the proposed plan or plan amendment will be conducted  
 114 at the scheduled meeting, and written objections will be  
 115 considered at that time. At the conclusion of the hearing, the  
 116 board of supervisors may determine to proceed with the process  
 117 for approval of the proposed plan or plan amendment and direct  
 118 the district engineer to prepare an engineer's report  
 119 identifying any property to be taken, determining benefits and  
 120 damages, and estimating the cost of implementing the  
 121 improvements associated with the proposed plan or plan  
 122 amendment. A final hearing on approval of the proposed plan or  
 123 plan amendment and engineer's report shall be duly noticed and  
 124 held at a regularly scheduled board of supervisors meeting at  
 125 least 25 days but no later than ~~within~~ 60 days after the last  
 126 scheduled publication of the notice of filing of the engineer's  
 127 report with the secretary of the district.

128  
 129  
 130 Date of first publication: \_\_\_\_\_, (year)  
 131 \_\_\_\_\_

132  
 133 (Chair or President, Board of Supervisors)

134  
 135 \_\_\_\_\_ County, Florida

136  
 137 (6) Upon the filing of the engineer's report, the board of  
 138 supervisors shall give notice thereof by arranging the

CODING: Words **stricken** are deletions; words **underlined** are additions.

139 publication of the notice of filing of the engineer's report  
 140 together with a geographical depiction of the district once a  
 141 week for 2 consecutive weeks in a newspaper of general  
 142 circulation in each county in the district. A location map or  
 143 legal description of the land shall constitute a geographical  
 144 depiction. The notice must be substantially as follows:

145  
 146 Notice of Filing Engineer's Report for  
 147 \_\_\_\_\_ District  
 148

149 Notice is given to all persons interested in the following  
 150 described land and property in \_\_\_\_\_ County (or Counties),  
 151 Florida, viz.: (Here describe land and property) included  
 152 within the \_\_\_\_\_ district that the engineer hereto  
 153 appointed to determine benefits and damages to the property and  
 154 lands situated in the district and to determine the estimated  
 155 cost of construction required by the water control plan, within  
 156 or without the limits of the district, under the proposed water  
 157 control plan or plan amendment, filed her or his report in the  
 158 office of the secretary of the district, located at (list  
 159 address of district offices), on the \_\_\_\_\_ day of  
 160 \_\_\_\_\_, (year) , and you may examine the report and  
 161 file written objections with the secretary of the district to  
 162 all, or any part thereof, on or before (enter date 20 days  
 163 after the last scheduled publication of this notice, which date  
 164 must be before the date of the final hearing) . The report  
 165 recommends (describe benefits and damages) . A final hearing  
 166 to consider approval of the report and proposed water control

167 plan or plan amendment shall be held (time, place, and date at  
 168 least 25 ~~30~~ days but no later than 60 days after the last  
 169 scheduled publication of this notice) .

170  
 171 Date of first publication: \_\_\_\_\_, (year)  
 172 \_\_\_\_\_

173  
 174 (Chair or President, Board of Supervisors)

175  
 176 \_\_\_\_\_ County, Florida

177  
 178 (8) All objections and proposed revisions to the  
 179 engineer's report, water control plan, or plan amendment must be  
 180 heard and determined by the board of supervisors at the public  
 181 hearing so as to carry out liberally the purposes and needs of  
 182 the district. If the board of supervisors determines at the  
 183 final public hearing, upon examination of the engineer's report  
 184 and upon hearing all of the objections or proposed revisions,  
 185 that the estimated cost of construction of improvements  
 186 contemplated in the plan or plan amendment is less than the  
 187 benefits determined for the lands in the district, the board of  
 188 supervisors may approve and confirm the engineer's report and  
 189 water control plan or plan amendment; or but, if the board of  
 190 supervisors determines that any of the objections or proposed  
 191 revisions to the engineer's report, water control plan, or plan  
 192 amendment should be sustained or implemented, it shall order the  
 193 engineer's report and water control plan or plan amendment  
 194 changed to conform with its findings, and when changed, the

195 board of supervisors shall approve and confirm or disapprove, as  
 196 appropriate, the engineer's report and water control plan or  
 197 plan amendment and enter its order approving or disapproving, as  
 198 appropriate, the engineer's report and proposed water control  
 199 plan or plan amendment as so revised. When any land or other  
 200 property is shown by the engineer's report to be needed for  
 201 rights-of-way, or other works, the board of supervisors may  
 202 institute proceedings under chapter 73 or chapter 74 in the  
 203 circuit court of the proper county to condemn the lands and  
 204 other property that must be taken or damaged in the making of  
 205 improvements, with the right and privilege of paying into court  
 206 a sum to be fixed by the circuit court judge and of proceeding  
 207 with the work, before the assessment by the jury.

208 Section 4. Section 298.341, Florida Statutes, is amended  
 209 to read:

210 298.341 When unpaid assessments delinquent; penalty.--All  
 211 non-ad valorem assessments provided for in this chapter become  
 212 delinquent and bear penalties on the amount of the assessments  
 213 in the same manner as county taxes. The assessments shall, from  
 214 January 1 of each year assessable property is liable for  
 215 district assessments, constitute a lien until paid on the  
 216 property against which assessed and are enforceable in the same  
 217 manner as county taxes.

218 Section 5. Subsection (3) of section 298.77, Florida  
 219 Statutes, is amended to read:

220 298.77 Readjustment of assessments; procedure, notice,  
 221 hearings.--



222 (3) Any interested person may file an answer to the  
223 petition before the return day and, if so, shall be duly heard,  
224 but, if not, the cause shall proceed ex parte. Upon the hearing  
225 of the petition, if the board shall find that there has been a  
226 material change in the values of the lands in the district since  
227 the last previous assessment of benefits, contributed to by the  
228 drainage system, and that the other material allegations of the  
229 petition herein required to be set forth are substantially true,  
230 the board of supervisors shall order that there be made a  
231 readjustment of the assessment of benefits for the purpose of  
232 providing a basis upon which to levy further and future taxes  
233 for the payment of the obligations of, and maintaining the  
234 drainage system in, the district, and shall order the engineer's  
235 report to be revised accordingly. Thereupon, the board of  
236 supervisors shall proceed pursuant to s. 298.301 to make such  
237 readjustment of assessment of benefits to each piece or parcel  
238 of land which has accrued or will accrue as a result of the  
239 drainage system. Provided, in making the readjustment of the  
240 assessment of benefits, the board of supervisors shall not  
241 increase the existing assessment, or unpaid portion thereof, on  
242 any piece or parcel of land; provided, further, that after the  
243 making of such readjustment, the limitation of 10 percent of the  
244 annual maintenance tax which may be levied shall apply to the  
245 amount of benefits as readjusted.

246 Section 6. This act shall take effect upon becoming law.