

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to water control districts; amending s.
7 298.22, F.S.; revising powers of the board of supervisors
8 to execute water control plans; amending s. 298.225, F.S.;
9 revising provisions for water control plan development and
10 amendment; amending s. 298.301, F.S.; revising water
11 control plan adoption procedures; amending s. 298.341,
12 F.S.; revising provisions for assessment liens; amending
13 s. 298.77, F.S.; providing for revision of the engineer's
14 report pursuant to an assessment readjustment; providing
15 an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (3) of section 298.22, Florida
20 Statutes, is amended to read:

21 298.22 Powers of supervisors.--The board of supervisors of
22 the district has full power and authority to construct,
23 complete, operate, maintain, repair, and replace any and all

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24 | works and improvements necessary to execute the water control
25 | plan. Subject to the applicable provisions of chapter 373 or
26 | chapter 403, the board of supervisors:

27 | (3) May build and construct any other works and
28 | improvements deemed necessary to preserve and maintain the works
29 | in or out of said district; acquire, construct, operate,
30 | maintain, use, purchase, sell, lease, convey, or transfer real
31 | or personal property, including ~~or otherwise provide for~~ pumping
32 | stations, ~~including~~ pumping machinery, motive equipment,
33 | electric lines and all appurtenant or auxiliary machines,
34 | devices, or equipment.

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

37 | 298.225 Water control plan; plan development and
38 | amendment.--

39 | (5) Before final adoption of the water control plan or
40 | plan amendment under s. 298.301, the board of supervisors must
41 | submit the proposed plan or amendment to the jurisdictional
42 | water management district for review. Within 60 ~~90~~ days after
43 | receipt of the proposed water control plan or amendment, the
44 | governing board of the jurisdictional water management district,
45 | or the executive director or designee, if delegated, must review
46 | the proposed plan or amendment for consistency with the
47 | applicable water resource plans and policies and recommend to
48 | the board of supervisors any proposed changes. If the
49 | jurisdictional water management district determines that the
50 | proposed plan or amendment is incomplete, it may notify the
51 | water control district and request additional information. Upon

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52 | such request, the deadline for review may be extended as agreed
 53 | by the water control district and the jurisdictional water
 54 | management district. Within 60 days after receipt of the
 55 | applicable water management district's recommended changes, the
 56 | board of supervisors shall include the recommendations in the
 57 | water control plan or plan amendment to the extent practicable.
 58 | If the recommendations are not incorporated, the board of
 59 | supervisors must specify its reasons in the water control plan
 60 | or plan amendment adopted. A copy of the water control plan must
 61 | be filed with the jurisdictional water management district and
 62 | each local general purpose government within which all or a
 63 | portion of the district's lands are located.

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

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80 | assessments beyond the maximum amount authorized by law, or
 81 | amendments to engineer's reports which do not increase the total
 82 | assessment of benefits.

83 | Section 3. Subsections (2), (6), and (8) of section
 84 | 298.301, Florida Statutes, are amended to read:

85 | 298.301 District water control plan adoption; district
 86 | boundary modification; plan amendment; notice forms; objections;
 87 | hearings; assessments.--

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

100 |
 101 | Notice of Hearing
 102 |

103 | To the owners and all persons interested in the lands
 104 | corporate, and other property in and adjacent to the name of
 105 | district District.

106 | You are notified that the name of district District has
 107 | filed in the office of the secretary of the district a

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

130
 131 Date of first publication: _____, (year)

132 _____

133
 134 (Chair or President, Board of Supervisors)

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136 _____ County, Florida

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138 (6) Upon the filing of the engineer's report, the board of
 139 supervisors shall give notice thereof by arranging the
 140 publication of the notice of filing of the engineer's report
 141 together with a geographical depiction of the district once a
 142 week for 2 consecutive weeks in a newspaper of general
 143 circulation in each county in the district. A location map or
 144 legal description of the land shall constitute a geographical
 145 depiction. The notice must be substantially as follows:

146

Notice of Filing Engineer's Report for
 _____ District

149

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

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164 after the last scheduled publication of this notice, which date
 165 must be before the date of the final hearing) . The report
 166 recommends (describe benefits and damages) . A final hearing
 167 to consider approval of the report and proposed water control
 168 plan or plan amendment shall be held (time, place, and date at
 169 least 25 ~~30~~ days but no later than 60 days after the last
 170 scheduled publication of this notice) .

171
 172 Date of first publication: _____, (year)
 173 _____

174
 175 (Chair or President, Board of Supervisors)
 176
 177 _____ County, Florida

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

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

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

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

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

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

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

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247 | Section 6. This act shall take effect upon becoming law. |