

1 A bill to be entitled
 2 An act relating to water control districts; amending s.
 3 298.22, F.S.; revising powers of the board of supervisors
 4 to execute water control plans; amending s. 298.225, F.S.;
 5 revising provisions for water control plan development and
 6 amendment; amending s. 298.301, F.S.; revising water
 7 control plan adoption procedures; amending s. 298.341,
 8 F.S.; revising provisions for assessment liens; amending
 9 s. 298.77, F.S.; providing for revision of the engineer's
 10 report pursuant to an assessment readjustment; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (3) of section 298.22, Florida
 16 Statutes, is amended to read:

17 298.22 Powers of supervisors.--The board of supervisors of
 18 the district has full power and authority to construct,
 19 complete, operate, maintain, repair, and replace any and all
 20 works and improvements necessary to execute the water control
 21 plan. Subject to the applicable provisions of chapter 373 or
 22 chapter 403, the board of supervisors:

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

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

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 to the jurisdictional
38 | water management district for review. Within 60 ~~90~~ days after
39 | receipt of the proposed water control plan or amendment, the
40 | governing board of the jurisdictional water management district,
41 | or the executive director or designee, if delegated, must review
42 | the proposed plan or amendment for consistency with the
43 | applicable water resource plans and policies and recommend to
44 | the board of supervisors any proposed changes. If the
45 | jurisdictional water management district determines that the
46 | proposed plan or amendment is incomplete, it may notify the
47 | water control district and request additional information. Upon
48 | such request, the deadline for review may be extended as agreed
49 | by the water control district and the jurisdictional water
50 | management district. Within 60 days after receipt of the
51 | applicable water management district's recommended changes, the
52 | board of supervisors shall include the recommendations in the
53 | water control plan or plan amendment to the extent practicable.
54 | If the recommendations are not incorporated, the board of
55 | supervisors must specify its reasons in the water control plan
56 | or plan amendment adopted. A copy of the water control plan must

57 | be filed with the jurisdictional water management district and
58 | each local general purpose government within which all or a
59 | portion of the district's lands are located.

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

79 | Section 3. Subsections (2), (6), and (8) of section
80 | 298.301, Florida Statutes, are amended to read:

81 | 298.301 District water control plan adoption; district
82 | boundary modification; plan amendment; notice forms; objections;
83 | hearings; assessments.--

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

96
 97 Notice of Hearing
 98

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

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

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

126
 127 Date of first publication: _____, (year)
 128 _____

129
 130 (Chair or President, Board of Supervisors)

131
 132 _____ County, Florida

133
 134 (6) Upon the filing of the engineer's report, the board of
 135 supervisors shall give notice thereof by arranging the
 136 publication of the notice of filing of the engineer's report
 137 together with a geographical depiction of the district once a
 138 week for 2 consecutive weeks in a newspaper of general
 139 circulation in each county in the district. A location map or

140 legal description of the land shall constitute a geographical
 141 depiction. The notice must be substantially as follows:

142
 143 Notice of Filing Engineer's Report for
 144 _____ District
 145

146 Notice is given to all persons interested in the following
 147 described land and property in _____ County (or Counties),
 148 Florida, viz.: (Here describe land and property) included
 149 within the _____ district that the engineer hereto
 150 appointed to determine benefits and damages to the property and
 151 lands situated in the district and to determine the estimated
 152 cost of construction required by the water control plan, within
 153 or without the limits of the district, under the proposed water
 154 control plan or plan amendment, filed her or his report in the
 155 office of the secretary of the district, located at (list
 156 address of district offices), on the _____ day of
 157 _____, (year) , and you may examine the report and
 158 file written objections with the secretary of the district to
 159 all, or any part thereof, on or before (enter date 20 days
 160 after the last scheduled publication of this notice, which date
 161 must be before the date of the final hearing) . The report
 162 recommends (describe benefits and damages) . A final hearing
 163 to consider approval of the report and proposed water control
 164 plan or plan amendment shall be held (time, place, and date at
 165 least 25 ~~30~~ days but no later than 60 days after the last
 166 scheduled publication of this notice) .
 167

168 Date of first publication: _____, (year)
 169 _____
 170

171 (Chair or President, Board of Supervisors)

172
 173 _____ County, Florida
 174

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

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

205 Section 4. Section 298.341, Florida Statutes, is amended
206 to read:

207 298.341 When unpaid assessments delinquent; penalty.--All
208 non-ad valorem assessments provided for in this chapter become
209 delinquent and bear penalties on the amount of the assessments
210 in the same manner as county taxes. The assessments shall, from
211 January 1 of each year assessable property is liable for
212 district assessments, constitute a lien until paid on the
213 property against which assessed and are enforceable in the same
214 manner as county taxes.

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

217 298.77 Readjustment of assessments; procedure, notice,
218 hearings.--

219 (3) Any interested person may file an answer to the
220 petition before the return day and, if so, shall be duly heard,
221 but, if not, the cause shall proceed ex parte. Upon the hearing
222 of the petition, if the board shall find that there has been a
223 material change in the values of the lands in the district since

224 the last previous assessment of benefits, contributed to by the
225 drainage system, and that the other material allegations of the
226 petition herein required to be set forth are substantially true,
227 the board of supervisors shall order that there be made a
228 readjustment of the assessment of benefits for the purpose of
229 providing a basis upon which to levy further and future taxes
230 for the payment of the obligations of, and maintaining the
231 drainage system in, the district, and shall order the engineer's
232 report to be revised accordingly. Thereupon, the board of
233 supervisors shall proceed pursuant to s. 298.301 to make such
234 readjustment of assessment of benefits to each piece or parcel
235 of land which has accrued or will accrue as a result of the
236 drainage system. Provided, in making the readjustment of the
237 assessment of benefits, the board of supervisors shall not
238 increase the existing assessment, or unpaid portion thereof, on
239 any piece or parcel of land; provided, further, that after the
240 making of such readjustment, the limitation of 10 percent of the
241 annual maintenance tax which may be levied shall apply to the
242 amount of benefits as readjusted.

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