

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; clarifying the authority of certain districts
 7 as exclusive providers of certain services and facilities;
 8 amending s. 298.301, F.S.; revising water control plan
 9 adoption procedures; amending s. 298.341, F.S.; revising
 10 provisions for assessment liens; amending s. 298.77, F.S.;
 11 providing for revision of the engineer's report pursuant
 12 to an assessment readjustment; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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

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

25 (3) May build and construct any other works and
 26 improvements deemed necessary to preserve and maintain the works
 27 in or out of said district; acquire, construct, operate,
 28 maintain, use, purchase, sell, lease, convey, or transfer real

29 or personal property, including ~~or otherwise provide for~~ pumping
 30 stations, ~~including~~ pumping machinery, motive equipment,
 31 electric lines and all appurtenant or auxiliary machines,
 32 devices, or equipment.

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

35 298.225 Water control plan; plan development and
 36 amendment.--

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

57 supervisors must specify its reasons in the water control plan
58 or plan amendment adopted. A copy of the water control plan must
59 be filed with the jurisdictional water management district and
60 each local general purpose government within which all or a
61 portion of the district's lands are located. A district or its
62 designee located in a county with a biomedical research
63 institution and campus pursuant to s. 288.955 with an adopted
64 water control plan shall be the exclusive provider within the
65 district for services and facilities as authorized by this
66 chapter or special act and included in an adopted water control
67 plan.

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

85 amendments to engineer's reports which do not increase the total
 86 assessment of benefits.

87 Section 3. Subsections (2), (6), and (8) of section
 88 298.301, Florida Statutes, are amended to read:

89 298.301 District water control plan adoption; district
 90 boundary modification; plan amendment; notice forms; objections;
 91 hearings; assessments.--

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

104
 105 Notice of Hearing
 106

107 To the owners and all persons interested in the lands
 108 corporate, and other property in and adjacent to the name of
 109 district District.

110 You are notified that the name of district District has
 111 filed in the office of the secretary of the district a
 112 resolution to consider approval of a water control plan or an

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

134
 135 Date of first publication: _____, (year)

136 _____

137
 138 (Chair or President, Board of Supervisors)

139
 140 _____ County, Florida

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

150
 151 Notice of Filing Engineer's Report for
 152 _____ District
 153

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

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

175
 176 Date of first publication: _____, (year)
 177 _____

178
 179 (Chair or President, Board of Supervisors)

180
 181 _____ County, Florida

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

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

213 Section 4. Section 298.341, Florida Statutes, is amended
 214 to read:

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

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

225 298.77 Readjustment of assessments; procedure, notice,
226 hearings.--

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

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