

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 which  
62 has an adopted water control plan and is located entirely within  
63 an unincorporated portion of a county shall be the exclusive  
64 provider within the district for services and facilities as  
65 authorized by this chapter or special act and included in an  
66 adopted water control plan.

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

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

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

88 298.301 District water control plan adoption; district  
 89 boundary modification; plan amendment; notice forms; objections;  
 90 hearings; assessments.--

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

103  
 104 Notice of Hearing

105  
 106 To the owners and all persons interested in the lands  
 107 corporate, and other property in and adjacent to the name of  
 108 district District.

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

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

134 Date of first publication: \_\_\_\_\_, (year)

135 \_\_\_\_\_

136  
 137 (Chair or President, Board of Supervisors)

138  
 139 \_\_\_\_\_ County, Florida

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

149  
 150 Notice of Filing Engineer's Report for  
 151 \_\_\_\_\_ District  
 152

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

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

174  
 175 Date of first publication: \_\_\_\_\_, (year)  
 176 \_\_\_\_\_

177  
 178 (Chair or President, Board of Supervisors)

179  
 180 \_\_\_\_\_ County, Florida

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

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

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

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

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



224           298.77 Readjustment of assessments; procedure, notice,  
225           hearings.--

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

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