

HB 11B

2023B

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A bill to be entitled
 An act relating to the Sunshine Water Control
 District, Broward County; codifying, reenacting,
 amending, and repealing the district charter;
 providing legislative intent; providing for
 continuation of authority for revenue collection and
 powers to meet outstanding obligations; providing a
 definition; repealing chapters 63-609 and 2021-255,
 Laws of Florida, and chancery decree No. 62-4596-F,
 relating to the district; providing an exception to
 general law; providing an effective date.

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

Section 1. Chapters 63-609 and 2021-255, Laws of Florida,
relating to the Sunshine Water Control District, formerly known
as the Sunshine Drainage District, and the decree in chancery
No. 62-4596-F entered by the Circuit Court in and for the
Fifteenth Judicial Circuit of the State of Florida on January
23, 1963, creating and incorporating the Sunshine Drainage
District as a public corporation of the State of Florida, are
codified, reenacted, amended, and repealed as provided herein.
Furthermore, it is the intent of the Legislature to preserve all
authority to generate revenue and pay outstanding indebtedness
as continued in force by the operation of ss. 2 and 15, Art. XII

26 | of the State Constitution.

27 | Section 2. The charter for the Sunshine Water Control
28 | District is reenacted to read:

29 | Section 1. The Sunshine Water Control District, as
30 | ratified and approved by chapter 63-609, Laws of Florida, and
31 | subsequently amended by chapter 2021-255, Laws of Florida, is
32 | hereby ratified, confirmed, and approved. The Sunshine Water
33 | Control District shall continue to be a public corporation of
34 | this state and have perpetual existence. All lawful debts,
35 | bonds, obligations, contracts, franchises, promissory notes,
36 | audits, minutes, resolutions, and other undertakings of the
37 | Sunshine Water Control District are hereby validated and shall
38 | continue to be valid and binding on the district in accordance
39 | with their respective terms, conditions, and covenants. All
40 | taxes levied by the Board of Supervisors of the Sunshine Water
41 | Control District are validated and shall continue to be valid
42 | and binding on the district in accordance with their respective
43 | terms, conditions, and covenants. All taxes levied by the Board
44 | of Supervisors of the Sunshine Water Control District on lands
45 | within the boundaries of the district shall continue to be
46 | effective, binding, and collectible and a lien on such lands in
47 | accordance with this act. Any proceeding commenced by the
48 | Sunshine Water Control District for the construction of any
49 | improvements, works, or facilities; for the assessment of
50 | benefits and damages; or for the borrowing of money shall not be

51 impaired or avoided by this act.

52 Section 2. Boundaries.—The Sunshine Water Control District
53 shall include all of the lands within the following described
54 boundaries:

55
56 The West five-eighths (W. 5/8) of Section 14, TOGETHER WITH
57 Sections 16, 18, 20 and 22, Township 48 South, Range 41
58 East, Broward County, Florida.

59
60 TOGETHER WITH Sections 15, 17, 19 and 21, Township 48
61 South, Range 41 East, according to the plat of FLORIDA
62 FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, as recorded in
63 Plat Book 1, Page 102, of the Public Records of Palm Beach
64 County, Florida.

65
66 TOGETHER WITH a strip of land known as the Sunshine
67 Drainage District East Outfall Canal Right of Way, said
68 strip of land being that portion of Section 27, Township 48
69 South, Range 41 East, according to the plat of FLORIDA
70 FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, as recorded in
71 Plat Book 1, Page 102, of the Public Records of Palm Beach
72 County, Florida, lying East of a line parallel with and 170
73 feet West of the East line of said Section 27; TOGETHER
74 WITH the East 170 feet of that portion of Section 34,
75 Township 48 South, Range 41 East, Broward County, Florida,

76 lying North of the North Right of Way line of South Florida
 77 Water Management District (formerly Central and Southern
 78 Florida Flood Control District) Canal C-14.

79
 80 TOGETHER WITH a 170 foot wide strip of land, known as the
 81 Sunshine Drainage District West Outfall Canal Right of Way,
 82 said strip of land being portions of Sections 28 and 32,
 83 Township 48 South, Range 41 East, Broward County, Florida,
 84 and a portion of Section 29, Township 48 South, Range 41
 85 East, according to the plat of FLORIDA FRUIT LANDS
 86 COMPANY'S SUBDIVISION NO. 2, as recorded in Plat Book 1,
 87 Page 102, of the Public Records of Palm Beach County,
 88 Florida, as described in Official Records Book 5345, Pages
 89 483 through 486, inclusive, of the Public Records of
 90 Broward County, Florida.

91
 92 TOGETHER WITH a 60 foot wide strip of land being a portion
 93 of Section 33, Township 48 South, Range 41 East, according
 94 to the plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION
 95 NO. 2, as recorded in Plat Book 1, Page 102, of the Public
 96 Records of Palm Beach County, Florida, bounded on the West
 97 by the West line of said Section 33, and bounded on the
 98 North, East and South by Tract "T" (Park) OAKLAND WOOD,
 99 according to the Plat thereof, recorded in Plat Book 80,
 100 Page 39, of the Public Records of Broward County, Florida.

101
 102 TOGETHER WITH portions of Sections 12, 13 and 24, Township
 103 48 South, Range 40 East, Broward County, Florida, lying
 104 East of the East Right-of-Way line of LEVEE L-36 (600 foot
 105 Canal Right-of-Way), lying North of the Westerly extension
 106 of the South line of said Section 19, Township 48 South,
 107 Range 41 East, and lying South of the Westerly extension of
 108 the North line of said Section 18, Township 48 South, Range
 109 41 East, Broward County, Florida.

110
 111 Said lands lying and situate in the City of Coral Springs,
 112 Broward County, Florida, containing 5533.5 acres, more or
 113 less.

114
 115 Section 3. Chapter 298, Florida Statutes, made
 116 applicable.—The Sunshine Water Control District, a public
 117 corporation of this state, created under chapter 298, Florida
 118 Statutes, shall be governed by chapter 298, Florida Statutes, as
 119 may be subsequently amended, so far as not inconsistent with
 120 this act or any subsequent special acts relating to the Sunshine
 121 Water Control District.

122 Section 4. Powers of the district.—The Sunshine Water
 123 Control District shall have, in addition to the powers provided
 124 for in chapter 298, Florida Statutes, the power and authority to
 125 construct, improve, pave, and maintain roadways and roads

126 necessary and convenient to provide access to and efficient
127 development of areas made suitable and available for the
128 cultivation, settlement, urban subdivision, homesites, and other
129 beneficial use and development as a result of the drainage and
130 reclamation operations of the district, including any dedicated
131 to public use within the boundaries of the district.

132 Section 5. Levy of taxes on fractional acres.—In levying
133 and assessing all taxes, each tract or parcel of land less than
134 one acre in area shall be assessed as a full acre, and each
135 tract or parcel of land more than one acre in area which
136 contains a fraction of an acre shall be assessed at the nearest
137 whole number of acres, a fraction of one-half or more to be
138 assessed as a full acre.

139 Section 6. Application to existing district, boundaries,
140 plan of reclamation, and drainage, etc.—The powers hereinabove
141 vested in the Board of Supervisors of the Sunshine Water Control
142 District shall apply to the presently existing district, the
143 presently existing boundaries thereof or as the boundaries may
144 be extended as authorized by law, and the present plan of
145 reclamation and drainage together with any assessment of
146 benefits which may be approved by law, and the boundaries of
147 said district and the plan of reclamation and drainage and the
148 assessment and levying of taxes for carrying out said plan of
149 reclamation and drainage and for the maintenance and operation
150 thereof, may be changed in whole or in part as units, or, with

151 reference to the entire district, in accordance with chapter
152 298, Florida Statutes, and this act.

153 Section 7. Board of supervisors.-

154 (1) Prior to November 5, 2024, the district is governed by
155 a three-member board, elected on a 1-acre, one-vote basis by the
156 landowners in the district. However, landowners owning less than
157 1 acre shall be entitled to one vote. Landowners with more than
158 1 acre shall be entitled to 1 additional acre for any fraction
159 of an acre owned when all acreage has been aggregated for
160 purposes of voting. The procedures for conducting district
161 elections and for qualification of electors shall be pursuant to
162 chapters 189 and 298, Florida Statutes, as they may be amended
163 from time to time. However, a quorum for purposes of holding the
164 annual meeting or any special meeting shall consist of those
165 landowners present in person or represented by proxy at the
166 meeting. The membership and organization of the board shall be
167 as set forth in this act and chapter 298, Florida Statutes, as
168 they may be amended from time to time.

169 (2) As of November 5, 2024, the board of supervisors shall
170 consist of five members.

171 (3) Notwithstanding any provision of law to the contrary,
172 members of the board of supervisors shall be elected by the
173 qualified electors of the district. Election of board members by
174 the qualified electors shall be the exclusive method for the
175 election of the members of the board of supervisors.

176 (4) The board of supervisors shall call an election at
177 which the members of the board will be elected. Such election
178 shall be held in conjunction with the general election in
179 November 2024. Candidates may qualify for the offices of the
180 board of supervisors, which shall be designated as seat 1, seat
181 2, seat 3, seat 4, and seat 5, each elected at large within the
182 district. A candidate qualifying for election must be an elector
183 and resident of the district. Each board member shall be elected
184 by the qualified electors of the district for a term of 4 years,
185 except that, at the first such election, the three members
186 elected to seat 1, seat 2, and seat 3 shall be elected for terms
187 of 4 years each, and the two members elected to seat 4 and seat
188 5 shall be elected for terms of 2 years each. Thereafter, there
189 shall be an election held every 2 years for expiring terms and
190 all members shall be elected for terms of 4 years each. The
191 candidate receiving the most votes for each seat shall be
192 elected. All elected board members must be qualified electors of
193 the district. Members of the board of supervisors as of October
194 1, 2023, shall serve until the certification of the November
195 2024 general election results.

196 (5) Elections of board members by qualified electors held
197 pursuant to this section shall be nonpartisan and shall be
198 conducted in a manner prescribed by law for holding general
199 elections. Board members shall assume the office on the second
200 Tuesday following their election.

201 (6) Candidates seeking election to office by qualified
202 electors under this section shall conduct their campaigns in
203 accordance with chapter 106, Florida Statutes, and shall file
204 qualifying papers and qualify for individual seats in accordance
205 with s. 99.061, Florida Statutes. Candidates shall pay a
206 qualifying fee, which shall consist of a filing fee and election
207 assessment or, as an alternative, shall file a petition signed
208 by not less than 1 percent of the qualified electors of the
209 district, and take the oath required in s. 99.021, Florida
210 Statutes, with the Supervisor of Elections of Broward County.
211 The amount of the filing fee is 3 percent of the annual salary
212 of the office. The amount of the election assessment is 1
213 percent of the annual salary of the office. The filing fee and
214 election assessment shall be distributed as provided in s.
215 105.031(3), Florida Statutes.

216 (7) The Supervisor of Elections of Broward County shall
217 appoint the inspector and clerks of elections, prepare and
218 furnish the ballots, designate polling places, and canvass the
219 returns of the election of board members by qualified electors.
220 The county canvassing board shall declare and certify the
221 results of the election.

222 (8) The terms "qualified elector" and "elector" mean any
223 person at least 18 years of age who is a citizen of the United
224 States, a permanent resident of the state, and a resident of the
225 county within which the district lands are located when the

226 | registration books are open.

227 | Section 8. Severability.—In case any one or more of the
 228 | sections or provisions of this act or the application of such
 229 | sections or provisions to any situations, circumstances, or
 230 | person shall for any reason be held to be unconstitutional, such
 231 | unconstitutionality shall not affect any other sections or
 232 | provisions of this act or the applications of such sections or
 233 | provisions to any other situation, circumstances, or person, and
 234 | it is intended that this law shall be construed and applied as
 235 | if such section or provision had not been included herein for
 236 | any unconstitutional application.

237 | Section 9. Effect of conflict.—In the event of a conflict
 238 | between the provisions of this act and the provisions of any
 239 | other act, the provisions of this act shall control to the
 240 | extent of such conflict.

241 | Section 3. The provisions of this act shall be liberally
 242 | construed to effect their purposes and shall be deemed
 243 | cumulative, supplemental, and alternative authority for the
 244 | exercise of the powers provided herein.

245 | Section 4. Chapters 63-609 and 2021-255, Laws of Florida,
 246 | and the decree in chancery No. 62-4596-F entered by the Circuit
 247 | Court in and for the Fifteenth Judicial Circuit of the State of
 248 | Florida on January 23, 1963, creating and incorporating the
 249 | Sunshine Drainage District as a public corporation of the State
 250 | of Florida, are repealed.

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251 Section 5. Notwithstanding s. 189.0311(2), Florida
252 Statutes, the Sunshine Water Control District is not dissolved
253 as of June 1, 2023, but continues in full force and effect.

254 Section 6. This act shall take effect upon becoming a law.