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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.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Subsection (3) of section 298.22, Florida
18	Statutes, is amended to read:
19	298.22 Powers of supervisorsThe 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, <u>purchase,</u> sell, <u>lease,</u> convey, <u>or</u> transfer <u>real</u> Page1of9

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29 or personal property, including or otherwise provide for pumping stations, including pumping machinery, motive equipment, 30 electric lines and all appurtenant or auxiliary machines, 31 devices, or equipment. 32 Section 2. Subsections (5) and (8) of section 298.225, 33 Florida Statutes, are amended to read: 34 35 298.225 Water control plan; plan development and amendment. --36 Before final adoption of the water control plan or 37 (5) plan amendment under s. 298.301, the board of supervisors must 38 39 submit the proposed plan or amendment to the jurisdictional water management district for review. Within 60 90 days after 40 receipt of the proposed water control plan or amendment, the 41 42 governing board of the jurisdictional water management district, or the executive director or designee, if delegated, must review 43 44 the proposed plan or amendment for consistency with the applicable water resource plans and policies and recommend to 45 the board of supervisors any proposed changes. If the 46 jurisdictional water management district determines that the 47 proposed plan or amendment is incomplete, it may notify the 48 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 management district. Within 60 days after receipt of the 52 applicable water management district's recommended changes, the 53 board of supervisors shall include the recommendations in the 54 55 water control plan or plan amendment to the extent practicable. 56 If the recommendations are not incorporated, the board of Page 2 of 9

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57 supervisors must specify its reasons in the water control plan or plan amendment adopted. A copy of the water control plan must 58 be filed with the jurisdictional water management district and 59 60 each local general purpose government within which all or a portion of the district's lands are located. A district which 61 has an adopted water control plan and is located entirely within 62 an unincorporated portion of a county shall be the exclusive 63 provider within the district for services and facilities as 64 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 report, or amendments thereto amendment under this section do 68 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 taxes beyond the maximum amount previously authorized by general 71 law, special law, or judicial proceeding, a change in the use of 72 said assessments or taxes, or substantial change to district 73 facilities, the provisions of s. 298.301(2)-(9) do not apply to 74 the plan adoption process. This section and s. 298.301 do not 75 apply to minor, insubstantial amendments to district plans or 76 engineer's reports, and such amendments or reports may be 77 78 adopted by resolution of the board of supervisors. Minor, insubstantial amendments include amendments to the water control 79 plan which replace, relocate, reconstruct, or improve and 80 upgrade district facilities and operations consistent with the 81 adopted water control plan, but which do not require increasing 82 83 assessments beyond the maximum amount authorized by law, or

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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
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112 amendment to the current water control plan to provide here insert a summary of the proposed water control plan or plan 113 amendment . On or before its scheduled meeting of (date and 114 at the district's offices located at (list address of 115 time) 116 offices) written objections to the proposed plan or plan amendment may be filed at the district's offices. A public 117 hearing on the proposed plan or plan amendment will be conducted 118 at the scheduled meeting, and written objections will be 119 considered at that time. At the conclusion of the hearing, the 120 board of supervisors may determine to proceed with the process 121 122 for approval of the proposed plan or plan amendment and direct 123 the district engineer to prepare an engineer's report identifying any property to be taken, determining benefits and 124 125 damages, and estimating the cost of implementing the improvements associated with the proposed plan or plan 126 amendment. A final hearing on approval of the proposed plan or 127 plan amendment and engineer's report shall be duly noticed and 128 held at a regularly scheduled board of supervisors meeting at 129 least 25 days but no later than within 60 days after the last 130 scheduled publication of the notice of filing of the engineer's 131 132 report with the secretary of the district. 133 134 Date of first publication: , (year) 135 136 (Chair or President, Board of Supervisors) 137 138 139 County, Florida Page 5 of 9

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140 (6) Upon the filing of the engineer's report, the board of 141 supervisors shall give notice thereof by arranging the 142 publication of the notice of filing of the engineer's report 143 144 together with a geographical depiction of the district once a 145 week for 2 consecutive weeks in a newspaper of general circulation in each county in the district. A location map or 146 147 legal description of the land shall constitute a geographical depiction. The notice must be substantially as follows: 148 149 Notice of Filing Engineer's Report for 150 District 151 152 153 Notice is given to all persons interested in the following described land and property in County (or Counties), 154 Florida, viz.: (Here describe land and property) 155 included within the district that the engineer hereto 156 appointed to determine benefits and damages to the property and 157 lands situated in the district and to determine the estimated 158 cost of construction required by the water control plan, within 159 or without the limits of the district, under the proposed water 160 control plan or plan amendment, filed her or his report in the 161 162 office of the secretary of the district, located at (list address of district offices), on the day of 163 164 (year) , and you may examine the report and file written objections with the secretary of the district to 165 all, or any part thereof, on or before (enter date 20 days 166 167 after the last scheduled publication of this notice, which date Page 6 of 9

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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) .

Date of first publication: _____, (year)

(Chair or President, Board of Supervisors)

____ County, Florida

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

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196 amendment should be sustained or implemented, it shall order the 197 engineer's report and water control plan or plan amendment changed to conform with its findings, and when changed, the 198 199 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 appropriate, the engineer's report and proposed water control 202 plan or plan amendment as so revised. When any land or other 203 property is shown by the engineer's report to be needed for 204 205 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 a sum to be fixed by the circuit court judge and of proceeding 210 211 with the work, before the assessment by the jury.

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

298.341 When unpaid assessments delinquent; penalty.--All 214 non-ad valorem assessments provided for in this chapter become 215 216 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 property against which assessed and are enforceable in the same 220 221 manner as county taxes.

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

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

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

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

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