

House Bill No. 1359

An act relating to the Shawano Water Control District, Palm Beach County; providing for codification of special laws regarding special districts pursuant to section 189.429, Florida Statutes, relating to Shawano Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying, repealing, amending, and reenacting chapters 11864 (1927), 13579 (1929), 24254 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and 63-863, Laws of Florida; providing for minimum charter requirements; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Shawano Water Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act. It is further the intent to preserve all District authority, including the authority to annually assess and levy taxes or non-ad valorem assessments against all assessable property in the District.

Section 2. Chapters 11864 (1927), 13579 (1929), 24254 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and 63-863, Laws of Florida, relating to the Shawano Water Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Shawano Water Control District is re-created, and the charter for the District is re-created and reenacted to read:

Section 1. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the charter of the Shawano Water Control District:

(a) The District is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time, so far as not inconsistent with this act.

(b) The powers, functions, and duties of the District regarding non-ad valorem assessments, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 189, 197, and

298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(c) The District's charter may be amended only by special act of the Legislature.

(d) In accordance with chapter 11864, Laws of Florida, and subsequent amendatory special acts of the Legislature, the District is governed by a Board of Supervisors. The membership and organization of the Board shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(e) The compensation of board members shall be governed by this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(f) The administrative duties of the Board of Supervisors shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(g) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in this act, and chapters 112, 119, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(h) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(i) The procedures for conducting District elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, this act, and applicable general laws, as they may be amended from time to time; however, a quorum for purposes of holding the annual meeting or any special meeting shall consist of those landowners present in person or represented by proxy at said meeting.

(j) The District may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(k) The methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 170, 197, and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

(l) The District's planning requirements shall be as set forth in chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(m) The District's geographic boundary limitations shall be as set forth in this act.

(n) The District shall have all powers provided to it by this act, chapters 189 and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

Section 2. Status and boundaries of Shawano Water Control District.—The Shawano Water Control District is hereby declared to be an independent water control district and a public corporation of the State of Florida pursuant to chapter 298, Florida Statutes, as it may be amended from time to time, and the lands lying within the area described as follows in Palm Beach County, Florida, shall hereby constitute the Shawano Water Control District:

All of Sections 4, 5, 6, 7, 8, 9, 16, 17 and 18 of Township 45 South, Range 39 East; and all of Sections 1, 12, 13, 14, 15, 19, 20, 21, 22, 23, 25, 26, 28, 28, 29 and 30 of Township 45 South, Range 38 East; and all of those portions of Sections 2, 3, and 11 of Township 45 South, Range 38 lying Northeast of the centerline of the Hillsboro Canal; and all of those portions of Sections 19, 24 and 30 of Township 45 South, Range 38 East lying Southwest of the centerline of the Hillsboro Canal.

Section 3. Powers of the District.—Said District shall have the power to sue and be sued by its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal and to alter the same at pleasure; to acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the District, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act and chapter 298, Florida Statutes; to construct, operate, and maintain canals, ditches, drains, levees, and other works for drainage and water control purposes; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage and water control purposes; to construct, operate, and maintain irrigation works, machinery, and plants; to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said District or the Supervisors thereof; to borrow money and issue negotiable or other bonds of said District as hereinafter provided; to borrow money, from time to time, and issue negotiable or other notes of said District therefor, bearing interest at the rate as provided by general law, in anticipation of the collection of taxes, levies, and assessments or revenues of said District, and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same; and to exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties of said District stated in this act. The powers and duties of said District shall be exercised by the Board of Supervisors thereof, which Board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the Board of Supervisors may from time to time determine, and to fix their compensation and duties.

Section 4. Board of Supervisors; election, organization, powers, duties, and terms of office.—There is hereby created a Board of Supervisors of Shawano Water Control District which shall be the governing body of said District. Said Board of Supervisors shall consist of three persons who, except as herein otherwise provided, shall hold office for the term of 3 years and until their successors shall be duly elected and qualified. Notice of a special meeting of landowners for the purpose of electing the Board of Supervisors shall be given by causing publication thereof to be made once a week for 2

consecutive weeks prior to such meeting, in some newspaper published in Palm Beach County. Such special meeting of landowners shall be held in some public place in Palm Beach County, and the place, date, and hour of holding such meeting and the purpose thereof shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting and a secretary thereof. At such meeting, each and every acre of land in the District shall represent one share and each owner shall be entitled to one vote by person or by written proxy for every acre of land owned by him or her in the District. The person receiving the highest number of votes for such Supervisor shall be declared and elected as such Supervisor.

Each year during the month of June, a Supervisor shall be elected, as hereinafter provided, by the landowners of said District to take the place of a retiring Supervisor, hearing reports and considering any matters upon which the Board may request the advice and view of the landowners. All vacancies or expirations on said Board shall be filled as required by this act. The Supervisors of said Shawano Water Control District need not be residents of said District or of the State of Florida, and they may or may not be owners of lands or property within said District. In case of a vacancy in the office of any Supervisor, the remaining Supervisors may fill such vacancy until the next annual meeting of the landowners, when his or her successor shall be elected by the landowners for the unexpired term. As soon as practicable after their election, the Board of Supervisors of said District shall organize by choosing one of their number president of said Board of Supervisors and by electing some suitable person secretary, who may or may not be a member of said Board. The Secretary shall be required to execute a bond for the faithful performance of his or her duties in such penal amount as the Board may determine. The Board of Supervisors shall adopt a seal which shall be the seal of said District. At each annual meeting of the landowners of the District, the Board of Supervisors shall report all work undertaken or completed during the preceding year, and the status of the finances of the District.

All Supervisors shall hold office until their successors shall be elected and qualified. Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election shall not or cannot be held at such time or on such day, then in such event and in all and every such event, the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter as soon as practicable and consistent with this act.

Section 5. Supervisors to take oath.—Each Supervisor before entering upon his or her official duties shall take and subscribe to an oath before some officer authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as Supervisor of the Shawano Water Control District to which he or she was elected or appointed, and that he or she will not neglect any of the duties imposed upon him or her by this act.

Section 6. Compensation of Board.—Each Supervisor shall be paid for his or her services as set forth in chapter 298, Florida Statutes, and he or she

shall be paid 10 cents per mile for each mile actually traveled in going to and from their place of residence to the place of meeting.

Section 7. Meetings of landowners; election of Supervisors.—The Board of Supervisors shall have the power to call special meetings of the landowners at any time to receive reports of the Board of Supervisors or consider and act upon any matter upon which the Board of Supervisors may request advice. Notice of all meetings of the landowners shall be given by the Board of Supervisors by causing publication thereof to be made for 2 consecutive weeks prior to such meeting in some newspaper published in Palm Beach County. The meetings of the landowners shall be held in some public place in said county, and the place, day, and hour of holding such meetings shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting. The Secretary of the Board of Supervisors shall be the secretary of such meeting. At all such meetings each and every acre of land in the District shall represent one share, and each owner shall be entitled to one vote in person or by written proxy for every acre of land owned by him or her in the District. The person receiving the highest number of votes for Supervisor shall be declared and elected as such Supervisor.

The Trustees of the Internal Improvement Fund of Florida may represent and vote in respect to all lands belonging to the State of Florida or the Trustees of the Internal Improvement Fund of Florida, and they shall have the right to vote for Supervisors and upon all other matters that may come before any such meetings of the landowners to the extent of the acreage in such District owned by the State of Florida or the Trustees of the Internal Improvement Fund, upon the same basis of one vote for each acre of land as prescribed in this act for private landowners in said District. The votes to be cast by said Trustees of the Internal Improvement Fund may be cast by any member of said Trustees or by any person holding a proxy or proxies from said Trustees. Guardians may represent their wards, executors and administrators may represent the estates of deceased persons, trustees may represent lands held by them in trust, and private corporations may be represented by their officers or duly authorized agents. Guardians, executors, administrators, trustees, and corporations may vote by proxy.

Section 8. Powers given Supervisors to effect reclamation of District.—In addition to the powers as set forth in chapter 298, Florida Statutes, the Board of Supervisors is hereby authorized and empowered to clean out, straighten, open up, widen, or change the course and flow, alter or deepen any canal, ditch, drain, river, water course, or natural stream; to concentrate, divert, or divide the flow of water in or out of said District; to construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, flood ways, pumps, pumping stations, pipes, and syphons, and may connect the same or any of them with any canals, drains, ditches, levees, or other works that may have been heretofore or which may be hereafter constructed by the Trustees of the Internal Improvement Fund or by the State of Florida, and with any natural stream, lake, or water course in or adjacent to said District; to build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said District; to construct or enlarge or

cause to be constructed or enlarged any and all bridges that may be needed in or out of said District, across any drain, ditch, canal, flood way, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill, or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any public highway, railroad right-of-way, track, grade, fill, or cut in or out of said District; to remove any fence, building, or other improvements in or out of said District; and to hold, control, and acquire by donation or purchase and, if need be, by condemnation, any land, easement, railroad right-of-way, sluice, reservoir, holding basin, pumping systems, or franchise in or out of said District for rights-of-way, holding basins, or any of the purposes herein provided, or for material to be used in constructing and maintaining said works and improvements for draining, protecting, and reclaiming the lands in said District. So far as may be necessary to the drainage of said District or the works and improvements constructed, operated, or maintained by said Board of Supervisors, said Board may open, improve, construct, and maintain roads and hard surfaced highways in said District. Said Board of Supervisors shall also have the right to condemn or acquire by purchase or grant for the use of the District any land or property within or without said District not acquired or condemned by the court on report of the Commissioners assessing benefits and damages, and may follow the procedure that is now provided by law for the appropriation of land or other property taken for railroad rights-of-way in case of condemnation. The Board of Supervisors of said District shall have the power to buy and pay for any canals, dikes, levees, pumps, plants, pumping systems, or other drainage or reclamation works, machinery, or plants placed or constructed, or being placed and constructed, in said District by any private person or corporation which may, in the opinion of said Board, be useful or convenient in the execution of the Water Control Plan, or any part thereof, and may execute the warrants, notes, or other evidences of indebtedness of said District in payment thereof in whole or in part. Said Board of Supervisors shall have full power and authority to build, construct, install, excavate, complete, operate, and maintain any and all works and improvements needed to carry out, maintain, protect, and give effect to said Water Control Plan.

Section 9. Eminent domain.—The said Board of Supervisors is hereby authorized and empowered to exercise the right of eminent domain and may condemn for the use of said District any and all lands, easements, rights-of-way, riparian rights, and property rights of every description, in or out of said District, required for the public purposes and powers of said Board as herein granted, and may enter upon, take, and use such lands as it may deem necessary for such purposes.

Section 10. Grant of rights-of-way, etc., through state lands.—The State of Florida hereby grants unto said Shawano Water Control District f/k/a Brown Drainage District all necessary easements, rights-of-way, and other rights required for the execution of said Water Control Plan or for the exercise of the powers and public purposes of said District over, upon, and across all lands vested in the State of Florida or in the Trustees of the Internal Improvement Fund of the State of Florida.

Section 11. Powers of Supervisors to carry out the Water Control Plan; engineer to be superintendent of works; method of letting contracts.—The Board of Supervisors of said District shall have full power and authority to build, construct, excavate, and complete any and all works and improvements which may be needed to carry out, maintain, and protect the Water Control Plan. To accomplish that end, the said Board of Supervisors are hereby authorized and empowered to employ personnel and to purchase machinery, employ personnel to operate same and directly have charge of and construct the works and improvements in such manner, or by use of other or more efficient means than provided for in the plans adopted. They may, at their discretion, let the contract for such works and improvements either as a whole or in parts or sections, and when such contract or contracts are let, they shall be advertised and let to the lowest and best bidder, who shall give a good and approved bond, with ample security, conditioned that he or she will well and promptly carry out the contract for such work and improvements, which contract shall be in writing and to which shall be attached and made a part thereof complete plans and specifications of the work to be done and improvements to be made under such contract, which plans and specifications shall be prepared by the District Engineer and shall be incorporated in and attached to the contract. The contract shall be prepared by the attorney for the District and approved by the Board of Supervisors and signed by its president and the contractor, and executed in duplicate. The District Engineer shall be the superintendent of all the works and improvements, and shall, at least once each year and when required, make a full report to said Board of all work done and improvements made, and make suggestions and recommendations to the Board as he or she may deem proper.

Section 12. Uniform acreage tax for payment of expenses.—Pursuant to section 298.349, Florida Statutes, the District may levy upon each and every acre of land within a newly created unit of development within said Shawano Water Control District as bounded and defined in this act a uniform initial assessment of \$50 per acre to be used by said District, through its said Board of Supervisors, for the purpose of paying expenses incurred or to be incurred in making surveys of the lands in said District, assessing District Administrator benefits and damages and other expenses necessarily incurred, as estimated or determined by said Board of Supervisors, before said Board of Supervisors collects or receives funds under the subsequent provisions of this act. Said assessment shall be a lien upon the lands in said District from the date of the creation of the new unit of development and shall be collected in the same manner as the annual installment of taxes. If it shall appear to the Board of Supervisors to be necessary to obtain funds to pay any expenses incurred or to be incurred in organizing said District, making said surveys, preparing the Water Control Plan, or other expenses of the conduct and operation of said District before a sufficient sum can be obtained by the collection of the acreage tax levied by this section, said Board of Supervisors may borrow a sufficient sum of money for any of said purposes at a rate of interest as provided by general law, and may issue negotiable notes or bonds therefor signed by the members of said Board of Supervisors, and may pledge any and all assessments of said acreage tax levied under the provisions of this section for the repayment thereof. Said Board of Supervisors may issue to any person or persons performing work or services or

furnishing anything of value in the organization of said District or making surveys of the same and assessing benefits or damages or preparing said Water Control Plan and other expenses necessarily incurred before the receipt of funds arising from assessments or benefits, negotiable evidence of debt bearing interest at the rate as provided by general law.

Section 13. Taxes levied and apportioned.—The Board of Supervisors shall, without unnecessary delay, levy a tax of such portion of such benefits on all lands in the District to which benefits have been assessed as may be found necessary by the Board of Supervisors to pay the cost of the completion of the proposed works and improvements as shown in said Water Control Plan, and in carrying out the object of said District, and in addition thereto 25 percent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of the lands in said District in proportion to the benefits as assessed and not in excess thereof. In case bonds are issued as provided hereinafter, then the amount of the interest (as estimated by said Board of Supervisors) which will accrue on such bonds shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and costs of making said improvements are or are not equal to or in excess of the benefits assessed. All lands in said District now or hereafter belonging to the Trustees of the Internal Improvement Fund of Florida shall be assessed to, and all taxes, levies, and assessments thereon (including taxes assessed for preliminary work and expenses and maintenance taxes as provided in this act) shall be paid by said Trustees of the Internal Improvement Fund out of any funds now or hereafter in the hands or possession of said Trustees or which may be obtained from the sale of any lands belonging to said Internal Improvement Fund or which may be appropriated by the Legislature of the State of Florida for the payment of drainage taxes upon the lands of said Fund; and all such taxes, levies, and assessments made, levied, or assessed under this act or any section or provision thereof, shall be a lien upon and may be enforced and collected from and against the lands of said Trustees of the Internal Improvement Fund of Florida in said Shawano Drainage District to the same extent and in like manner and with the same effect and as fully as if such lands were owned by a private individual. The Secretary of the Board of Supervisors, as soon as said total tax is levied shall, at the expense of the District, prepare a list of all taxes levied and the same shall thereafter become a permanent record in the office of the Secretary.

Section 14. Attorney to be employed.—The Board of Supervisors shall employ an attorney or attorneys to act for the District and to advise said Board. Such employment shall be evidenced by an agreement in writing, which as far as possible shall specify the exact amount to be paid to said attorney for all services and expenses. Such attorney shall conduct all legal proceedings and suits in court where the District is a party or interested, and shall in all legal matters advise the Board of Supervisors, all officers, employees, or agents of said District and Board, and generally look after and attend to all matters of a legal nature for said Board and District. When the said Board may deem it necessary they may, by and with the advice of said attorney, and under the like terms and conditions as above set forth, employ a consulting and other attorney or attorneys.

Section 15. Bridges to be approved by District Engineer.—All bridges contemplated by this act, and all enlargements of bridges already in existence, shall be built and enlarged according to and in compliance with the plans, specifications, and orders made or approved by the District Engineer. If any such bridge shall belong to any corporation, or be needed over a public highway or right-of-way of any corporation, the Secretary of said Board of Supervisors shall give such corporation notice by delivering to its agent or officer, in the county wherein said District is situated, a copy of the order of the Board of Supervisors of said District, declaring the necessity for the construction or enlargement of said bridge. A failure to construct or enlarge such bridge within the time specified in such order shall be taken as a refusal to do said work by said corporation, and thereupon the said Board of Supervisors shall proceed to let the work of constructing or enlarging the same at the expense of the corporation for the cost thereof, which costs shall be collected by said Board of Supervisors from said corporation by suit therefor, if necessary. But before said Board of Supervisors shall let such work it shall give some agent or officer of said corporation, now authorized by the laws of this state to accept service of summons, or upon whom service of summons for said corporation might be made, at least 20 days' actual notice of the time and place of letting such work. Any owner of land within or without the District may, at his or her own expense, and in compliance with the terms of this act, construct a bridge across any drain ditch, canal, or excavation in or out of said District. Said Drainage District shall have full authority to construct and maintain any ditch or lateral provided in its Water Control Plan across any of the public highways of this state, without proceedings for the condemnation of the same, or being liable for damages therefor. Within 10 days after a dredge boat or any other excavating machine shall have completed a ditch across any public highway, a bridge shall be constructed and maintained over such drainage ditch where the same crosses such highway; provided, however, the word "corporation," as used in this section, shall not apply to counties.

Section 16. No change of venue allowed.—No change of venue shall be allowed in any of the proceedings had under the provisions of this act, except where the judge of the court in which the petition has been filed shall be disqualified for any of the reasons stated in the statutes of this state relating to the change of venue in civil cases. If the judge of such court is disqualified, the procedure shall be the same as in other civil cases in chancery.

Section 17. Supervisors to provide for compensation of all employees.—The Board of Supervisors, except where otherwise provided, shall, by resolution, at the time of hiring or appointing, provide for the compensation for work done and necessary expenses incurred by any officer, engineer, attorney, or other employee, and shall also pay the fees, per diem, and necessary expenses of all court and county officers who may, by virtue of this act, render services to said District.

Section 18. Meaning of word "owner".—The word "owner," as used in this act, shall mean the owner of the freehold estate, as appears by the deed record, and it shall not include reversioners, remaindermen, vendees under contracts of purchase, trustees, or mortgagees, who shall not be counted and

need not be notified by publication, or served by process, but shall be represented by the then owners of the freehold estate in any proceeding under this act.

Section 19. Appointment and duties of superintendent of plant and operation and overseers.—For the purpose of preserving any ditch, drain, dike, levee, or other work constructed or erected under the provisions of this act, and for the taking care and operation of the equipment owned by said District and the maintenance of the canals and other works of said District, including the removal of obstructions from the same, and such other duties as may be prescribed by the Board of Supervisors, said Board shall have the power to employ a superintendent of plant and operation who shall have charge and supervision of the works of the District after the construction of the same, and said Board shall also have authority to employ or appoint an overseer or overseers who shall hold their positions at the will of the Board, and who shall assist said superintendent in the performance of the work aforesaid.

Section 20. Investments.—The Board may make any investment authorized by chapter 218, Florida Statutes, or other applicable law.

Section 21. Maintenance tax may be levied.—To maintain and preserve the ditches, drains, and other improvements made pursuant to this act, and to repair and restore the same, when needed, and for the purpose of defraying the current expenses of the District, including any sum which may be required to pay state and county taxes on any lands which may have been purchased and which are held by the District under the provisions of this act, the Board of Supervisors may, upon the completion of the said improvements in whole or in part, as may be certified to the said Board by the District Engineer, and on or before the first day of November in each year thereafter, levy a tax, which shall become due and be collected at the same time state and county taxes are due and collected, upon each tract or parcel of land within the District, to be known as a “maintenance tax.” Said maintenance tax may be apportioned upon the basis of the net assessments of benefits accruing for original construction, and shall be certified to the Tax Collector of Palm Beach County in like manner and at the same time as the annual installment tax is certified. The Tax Collector shall demand and collect the maintenance tax and make return thereof and shall receive the same compensation therefor, and be liable for the same penalties for failure or neglect so to do as provided herein for the annual installment of taxes.

Section 22. Readjustment of tax levy for maintenance.—Whenever the Board of Supervisors, or the owners of 25 percent or more of the acreage of the lands in the District, shall file a petition with the Board of Supervisors, stating that there has been a material change in the values of the property in the District since the last previous assessment of benefits, and praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of the maintenance tax, the said Board of Supervisors shall give notice of the filing and hearing of said petition in the manner and for the time provided in this act. Such notice may be in the following form:

'Notice is hereby given to all persons interested in the lands included within the Shawano Drainage District that a petition has been filed with the District, praying for a readjustment of the assessment of benefits for the purpose of making an equitable basis for the levy of the maintenance tax in said District, and that said petition will be heard by the Board of Supervisors.'

Upon the hearing of said petition, if said court shall find that there has been a material change in the values of the lands in said District since the last previous assessment of benefits, the Board shall order that there be made a readjustment of the assessments of benefits for the purpose of providing a basis upon which to levy the maintenance tax of said District. All proceedings, notices, hearings, orders, and all other requirements of this act shall be taken, done, and followed as provided in this act for the assessment of benefits for carrying out the Water Control Plan; provided that in making the readjustment of the assessment of benefits it shall not be limited to the aggregate amount of the original or any previous assessment of benefits.

Section 23. District may consolidate with other district.—The District created and established by this act may unite and consolidate with, or have united and consolidated with it, any other drainage district or districts organized under any general or special laws of Florida, and such new and consolidated district, and the Board of Supervisors thereof, shall have the rights, powers, and privileges of the District organized under this act. In order to effect such consolidation, the Board of Supervisors of each of the original districts shall call an election in the same manner as elections for supervisors, stating the time, place, and object of such election. If a majority of the acreage voting in each district vote in favor of the proposition to unite and consolidate such district, the Boards of Supervisors of such districts shall present a petition to the Circuit Court of the County in which the greatest amount of the lands is located, accompanied by a complete return of said election, in which petition shall be stated the names of the original districts, when incorporated, the names of the owners of the lands, if known, and the boundaries of the districts. When said petition has been filed, the Clerk of said Circuit Court shall give notice of such filing in the manner provided for giving notice in this act, said notice to state substantially the contents of said petition and the objects sought and the date on which said matter is to be heard by said court. Any person owning land in either of said districts, on or before the time stated in said notice, may file objections to the regularity or sufficiency of any of the proceedings had in the premises, and if such objections are overruled, or if no objections are made, the court shall make an order that any two or more of the several districts so asking to be united shall be united and consolidated as one district, under some appropriate designation, with all the rights, powers, and privileges of said Shawano Water Control District organized under this act, and the lands so included in the new District shall be subject to all liens, liabilities, and obligations of the original districts, and a new Board of Supervisors shall be elected as is herein provided in case of election of Supervisors. All orders made in regard to extension of time, boundaries, or uniting districts shall be spread on the records of the circuit court, and a certified copy thereof shall be filed with the clerk of the circuit court of each county in which any of such

lands are located, and also with the Secretary of State, and said clerk shall receive a fee of \$1 for filing and preserving such certificates.

Section 24. New Water Control Plan may be adopted; procedure.—If the works set out in the Water Control Plan of said Shawano Water Control District shall be found by the Board of Supervisors to be insufficient to reclaim in whole or in part any or all of the lands of said District, said Board of Supervisors shall have the right to formulate new or amended Water Control Plans containing new canals, ditches, levees, pumps, pumping systems, and other works, and additional assessments may be made in conformity with the provisions of this act, the same to be made in proportion to the increased benefits accruing to the lands because of the additional works. If it should be found by said Board of Supervisors at any time that the amount of the total tax levied under the provisions of this act, or that the funds derived from the sale of the bonds under this act, are insufficient to pay the costs of the works set out in said Water Control Plan, the Board of Supervisors may make an additional levy to provide funds to complete the work, and in addition thereto 25 percent of said total amount for emergencies; and if in their judgment it seems best, said Board of Supervisors may issue bonds not to exceed the amount of said additional levy. If it should be found at any time that the Water Control Plan as adopted required modification by widening, lowering, or deepening the canals or ditches or widening or raising the levees or enlarging, improving, or substituting pumps, pumping systems, and other works authorized or contemplated by the Water Control Plan or by the construction of additional canals, ditches, or levees or the installation of additional pumps or pumping systems, and that the amount of the total tax levied under this act, or that the funds derived from the sale of bonds under the provisions of this act, are not sufficient to carry out the Water Control Plan with such modifications, said Board of Supervisors may consider said change to the Water Control Plan and direct the District Engineer to appraise the lands that shall be taken for such enlarged or improved works and assess the benefits and damages to any or all lands, public highways, railroads, or other property in said District by the proposed amendments and changes to the Water Control Plan.

After the lists of lands with the assessed benefits have been approved by the Board of Supervisors as provided in this act, then the Board shall have power to levy an additional tax of such portion of said benefits on the lands in said District to which benefits have been assessed as may be found necessary by the Board of Supervisors to pay the increased cost of the completion of the proposed works and improvements as shown in said Water Control Plan as amended, including the cost of superintending the same and all incidental expenses in connection therewith, and in addition thereto 25 percent of said total amount for emergencies, and if in their judgment it seems best, said Board of Supervisors may issue bonds not to exceed the amount of said additional levy. The additional taxes authorized to be levied under the provisions of this section shall be levied and collected in the same manner as taxes levied and collected under the provisions of this act. Bonds issued under the provisions of this section shall draw interest at a rate as provided by general law, payable semi-annually, and shall be payable at such time or times and at such place or places as the Board of Supervisors

may determine. Any additional tax authorized to be levied under the provisions of this section shall be apportioned to and levied upon each tract of land in said District in proportion to the benefits assessed, and not in excess thereof, and in case bonds are issued as herein provided, then the amount of the interest as estimated by said Board of Supervisors which will accrue on such bonds shall be included and added to the said additional levy, but the interest to accrue on said bonds shall not be included as a part of the cost of the construction in determining whether or not the expenses and costs of making the improvements shown in the Water Control Plan are not equal to or in excess of the benefits assessed.

Section 25. Supervisors may remove officers and employees.—The Board of Supervisors may at any time remove any officer, attorney, District Engineer, or other employee appointed or employed by said Board.

Section 26. Water courses to be connected with drainage district; connecting drains and completion of plan; scope of work.—At the time of the construction in the said District of the Water Control Plan hereinbefore referred to, all canals, ditches, or systems of drainage already constructed in said District, and all water courses shall, if necessary to the drainage of said land in said District, be connected with and made a part of the works and improvements of the Water Control Plan of said District. But no canals, ditches, drains, or systems of drainage constructed after the completion of the aforesaid Water Control Plan shall be connected therewith, unless the consent of the Board of Supervisors shall be first had and obtained, which consent shall be in writing and shall particularly describe the method, terms, and conditions of such connection, and shall be approved by the District Engineer. Such connection, if made, shall be in strict accord with the method, terms, and conditions laid down in said consent. If the landowner or owners wishing to make such connection are refused such consent by the Board of Supervisors, or decline to accept the consent granted, then said landowner or owners may file a petition for such connection in the Circuit Court of Palm Beach County, and the matter in dispute shall in a summary manner be decided by said court, which decision shall be final and binding upon the District the landowner or owners. No connection with the works or improvements of said Water Control Plan of said District, or with any canal, ditch, drain, or artificial drainage, wholly within said District, shall be made, caused, or affected by any landowner or owners, company, or corporation, municipal or private, by means of or with any ditch, drain, cut, fill, roadbed, levee, embankment, or artificial drainage, wholly without the limits of said District, unless such connection is consented to by the Board of Supervisors, or in the manner hereinbefore provided.

Section 27. Owners of land assessed for construction of canals, etc., may pay taxes in advance.—Any person or corporation, copartnership, or other parties owning lands assessed for the construction of any canal, ditch, or other improvement under the provisions of this act shall have the right and privilege of paying such tax assessment to the Treasurer of the Board of Supervisors of the District, at any time on or before a date to be fixed by resolution of the Board of Supervisors; and the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. When such tax assessment has been paid, the Secretary of the

Board of Supervisors shall enter upon the drainage tax record opposite each tract for which payment is made the words "paid in full," and such tax assessment shall be deemed satisfied; and the Secretary of the Board of Supervisors shall also make or cause to be made the same entry opposite each tract for which payment is made in the table included in the certificate filed in the Office of the Clerk of the Circuit Court under the provisions of this act.

Section 28. Duty of county, etc., to make payment of taxes.—Whenever, under the provisions of this act, the Drainage District tax is levied against a county, city, village, township, or other political subdivision of the state, it shall be the duty of the governing or taxing body of such political subdivision immediately to take all the legal and necessary steps to make payment of such tax, including, if necessary, steps for the levying and collection of a tax to make such payment as other taxes of such political subdivision are levied and collected, and such tax shall not be affected by any statutory limitation upon the rate or amount of the taxes of such political subdivision.

Section 29. Landowner in district may construct drains across land of intervening landowner; proceedings; Board may enter lands.—Any landowner within Shawano Water Control District may construct ditches to drain his or her lands into the public ditches; and if any intervening landowner should refuse permission to cross his or her land with such ditch, the landowner seeking to construct such ditch may by proceedings in the circuit court, to be conducted in the same manner as condemnation proceedings instituted by railroads, condemn his or her right-of-way for such ditch. The Board of Supervisors, the Board of Commissioners, and the District Engineer of the District, as well as all officers, agents, and employees thereof, and contractors and their employees, may enter upon lands within or without the District in order to make surveys or examinations to accomplish the necessary purposes of the District, or to have access to the works of the District, but no unnecessary damage shall be done. Any person or corporation preventing such entrance shall be deemed in violation of section 298.66, Florida Statutes, and upon conviction shall be punished in the manner provided by law.

Section 30. Principal office.—The Board of Supervisors shall, by resolution, determine the location of the principal office of the Board, which shall be within Palm Beach County, but need not be in said District. Nothing herein contained shall prevent said Board from holding legal meetings and taking necessary action at other places within or without the District. Two members of said Board shall constitute a quorum, and the assent of two members shall be necessary to all acts of the Board. The Board shall determine the time and place of regular meetings, and may hold special meetings on the call of any member, notice of any such special meeting being given or mailed or telegraphed to each member or left at his or her residence or place of business. Any member may at any time, before or after the meeting, waive notice of the time, place, or purpose of any or all special meetings, and said waiver may be general as to all business or may be limited to business specified in the waiver.

Section 31. Unit development; powers of supervisors to designate units of District and adopt system of progressive drainage by units; Water Control

Plans and financing assessments, etc., for each unit.—The Board of Supervisors of Shawano Water Control District shall have the power and is hereby authorized in its discretion to drain and reclaim or more completely and intensively to drain and reclaim the lands in said District by designated areas or parts of said District to be called “units.” The units into which said District may be so divided shall be given appropriate numbers or names by said Board of Supervisors, so that said units may be readily identified and distinguished. The Board of Supervisors shall have the power to fix and determine the location, area, and boundaries of and lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire District has been or is being or shall be instituted or carried on under the provisions of this act. If the Board of Supervisors shall determine that it is advisable to conduct the work of draining and reclaiming the lands in said District by units, as authorized by this section of this act, said Board shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct such work accordingly, and shall at the same time and manner fix the number, location, and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. As soon as practicable after the adoption and recording of such resolution, said Board of Supervisors shall publish notice once a week for 2 consecutive weeks in a newspaper published in Palm Beach County, Florida, briefly describing the units into which said District has been divided and the lands embraced in each unit, giving the name, number, or other designation of such units, requiring all owners of lands in said District to show cause in writing before said Board of Supervisors at a time and place to be stated in such notice why such division of said District into such units should not be approved, and said system of development by units should not be adopted and given effect by said Board, and why the proceedings and powers authorized by this section of this act should not be had, taken, and exercised. At the time and place stated in said notice, said Board of Supervisors shall hear all objections or causes of objection (all of which shall be in writing) of any landowners in said District to the matters mentioned and referred to in such notice, and if no objections are made, or if said objections, if made, shall be overruled by said Board, then said Board shall enter in its minutes its finding and order confirming said resolution, and may thereafter proceed with the development, drainage, and reclamation of said District by units pursuant to such resolution and to the provisions of this act. If, however, said Board of Supervisors shall find a result of such objections, or any of them, or the hearing thereon, that the division of said District into such units as aforesaid should not be approved or that said system of development by units should not be adopted and given effect, or that the proceedings and powers authorized by this section of this act should not be had, taken, or exercised, or that any other matter or thing embraced in said resolution would not be in the best interest of the landowners of said District or would be unjust or unfair to any landowner therein or otherwise inconsistent with fair and equal protection and enforcement of the rights of every landowner in said District, then said Board of Supervisors shall not proceed further

under such resolution, but said Board of Supervisors may, as a result of such hearing, modify or amend said resolution so as to meet such objections so made, and thereupon said Board may confirm said resolution as so modified or amended and may thereafter proceed accordingly. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of said Board under this section; but, at any time not less than 1 year after the date of the hearing upon any such resolution, the Board of Supervisors may adopt other resolutions under this section and thereupon proceed on due notice in like manner as above. If said Board of Supervisors shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the District, or if any such landowner shall deem himself or herself aggrieved by any action of the Board of Supervisors in respect to any objections so filed, such landowner may, within 10 days after the ruling of said Board, file a bill of complaint in a court of competent jurisdiction against said District, praying an injunction or other appropriate relief against the action or any part of such action proposed by such resolution or resolutions of said Board, and such suits shall be conducted like other suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus. Upon the hearing of said cause, the court of competent jurisdiction shall have the power to hear the objections and receive the evidence thereon of all parties to such cause and approve or disapprove said resolutions and action of said Board in whole or in part, and to render such decree in such cause as right and justice require. When said resolutions creating said unit system shall be confirmed by the Board of Supervisors, or by the court if such proposed action shall be challenged by a landowner by the judicial proceedings hereinabove authorized, said Board of Supervisors may adopt a water control plan or plans for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned by the District Engineer and the Engineer's Report considered and confirmed, all in like manner as is provided in this act in regard to Water Control Plans for the assessments for benefits and damages of the entire District. With respect to the Water Control Plan, notices, Engineer's Report, and notice and confirmation thereof, the levy of assessments and taxes, including maintenance taxes, and the issuance of bonds and all other proceedings as to each and all of such units, said Board shall follow and comply with the same procedure as is provided in this act with respect to the entire District; and said Board of Supervisors shall have the same powers in respect to each and all of such units as is by this act vested in them with respect to the entire District. All the provisions of this act shall apply to the drainage, reclamation, and improvement of each, any, and all of such units, and the enumeration of or reference to specific powers or duties of the Supervisors or any other officers or other matters in this act as hereinabove set forth shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this act where the entire District is mentioned or referred to. All assessments, levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made, or issued, and not

upon the remaining units or lands in said District. The Board of Supervisors may at any time amend its said resolutions by changing the location and description of lands in any such unit or units; and provided, further, that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as hereinabove required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units; provided, however, that no lands against which benefits shall have been assessed may be detached from any such unit after the confirmation of the Engineer's Report of benefits in such unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon the lands within such unit or units.

Provided, however, that if, after the confirmation of the Engineer's Report of benefits in such unit or units, or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the Board of Supervisors finds the Water Control Plan for any such unit or units insufficient or inadequate for efficient development, the Water Control Plan may be amended or changed as provided in this act, and the unit or units may be amended or changed as provided herein, by changing the location and description of lands in any such unit or units, by detaching lands therefrom or by adding lands thereto, and in such event all assessments, levies, taxes, bonds, and other obligations made, levied, assessed, incurred, or issued for in respect to any such unit or units may be allocated and apportioned to the amended unit or units in proportion to the benefits assessed by the Engineer's Report for the amended Water Control Plan and said Report shall specifically provide for such allocation and apportionment. However, a change or amendment to a designated unit is not authorized if it has the effect of impairing a debt or other obligation of the unit of the District.

Section 32. Bonds may be validated.—Whenever the Board of Supervisors of Shawano Water Control District shall have authorized the issuance of bonds, notes, or other obligations of said District under any of the provisions of this act, said Board of Supervisors may, if it shall so elect, cause such bonds, notes, or other obligations to be validated in accordance, as nearly as practicable, with the provisions of law relating to the validation of bonds issued by counties, municipalities, taxing districts, or other political districts or subdivisions, in the manner provided for in chapter 75, Florida Statutes, for which purpose, in the event of the exercise of such election by said Board of Supervisors, all the provisions of law relating to the validation of bonds, issued by counties, municipalities, taxing districts, or other political districts or subdivisions, shall be held to include and apply to bonds, notes, and obligations issued by or in the name of said Shawano Water Control District, or any unit thereof and the decree of validation that shall be entered by the court shall be conclusive as to all questions raised and those which could have been raised in the validation suit.

Section 33. District may maintain spoil banks, etc.—The District may maintain spoil banks for the dumping, preservation, or disposal of dirt, sand, gravel, clay, rock, wood, lumber, logs, and other substances which may have

been taken from any excavation or other work of the District, or which may have come into the District's control or possession through carrying out the Water Control Plan or which may have been acquired by the District for use in carrying out such plan, and such spoil banks shall be deemed works of the District as the term "works" is used in this act. Any or all such material may be sold, used in the construction of drainage works or roads, or otherwise disposed of by the District. Such spoil banks shall be and remain the property of the District until disposed of, regardless of whether they occupy land belonging in the District or other land.

Section 34. Definition of terms.—This act may be known and cited as an "act creating Shawano Water Control District." The words "land," "lands," and "property" shall, unless some other meaning be clearly intended, be held to include easements and every other interest in real estate, and shall include public highways and rights-of-way of railroad, electric, telegraph, telephone, gas, water, and other corporations; the words "public roads" and "public highways" shall not be held to include rights-of-way of railroads and other public service corporations; the words "tax" or "taxes," as applied to the revenues authorized by this act, and the word "levy" or similar words in relation to such revenues, shall not be deemed a denial that the so-called taxes are in fact special assessments; the words "lands belonging to the state" or similar phrase shall include all lands belonging to or under the jurisdiction of the Internal Improvement Board, but not any school lands; the word "person" shall be taken, unless otherwise clearly intended, to mean persons, firm, copartnership, association, or private or public corporation; and the word "engineer" shall mean the District Engineer, or a deputy or assistant thereof, unless otherwise expressed, and shall not include a consulting engineer, who is not vested under this act with the authority given the District Engineer except expressly so stated herein. The provisions of this act as to votes of landowners by acreage shall apply to easements for railroad and other rights-of-way, but not to the land upon which such easements exist, and the vote of the owners of such easements shall be in accordance with the acreage of the lands upon which the easements exist. Political subdivisions owning or controlling public highways in the District shall not have the right to vote at such landowners' meetings, nor shall the land upon which such public highway is built be entitled to vote at such meetings. The word "court" or the words "circuit court" shall mean the Circuit Court of Palm Beach County, or any court which, under the laws of Florida, could exercise jurisdiction of the matter, unless some other court be clearly intended; the word "county" shall mean Palm Beach County. "Deputy" as used in this act shall include Assistant, and "Assistant" shall include deputy. The term "President of said District" shall mean and include the President of the Board of Supervisors.

Section 35. Surveys; monuments; penalty for destroying, etc.—The Board of Supervisors of Shawano Water Control District may authorize and direct the District Engineer to make such survey or surveys of the lands within said District as may be necessary or convenient for the execution of the Water Control Plan or any amended Water Control Plan or any part thereof. In making such survey or surveys, the District Engineer may establish such monuments as may be necessary or convenient to provide definite reference points from which may be located any points, lines, lots, or units

of said District. Such monuments shall be suitably marked or inscribed with the letters S.W.C.D. or B. D. D. (meaning Brown Drainage District or Shawano Water Control District). Any person or persons moving, molesting, or destroying any such monument, or destroying, injuring, or defacing the marks or inscription thereon, shall be guilty of a misdemeanor and shall be punished as provided by law.

Section 36. Obstruction of works; damage; penalty.—Whoever shall willfully damage any ditch, canal, drain, levee, reservoir, roadway, bridge, culvert, or other works established or constructed under this act, or that may have been heretofore constructed within the territory embraced in said District, or shall fill or obstruct the flow of water in any canal, ditch, drain, or waterway, or shall remove any earth, stone, or material from the banks of any canal, drain, or ditch without first having obtained permission in writing from said Board to fill or obstruct such flow of water or to remove such material shall be deemed in violation of section 298.66, Florida Statutes, and upon conviction shall be punished in the manner provided by law.

Section 37. Changing boundaries of District.—Land may be added to the District by resolution of the Board of Supervisors upon written consent of the owner or owners of such land. Land may be detached from the District by resolution of the Board of Supervisors if such Board finds that such land cannot economically be benefited by the Water Control Plan or Plans for the District or its units and if no indebtedness has been incurred which would be payable from taxes or assessments levied or to be levied against the lands to be detached.

Section 38. Validation of contracts.—All contracts made by the District or its Board of Supervisors since June 16, 1947, for drainage and reclamation work in said District and for the purchase of equipment, supplies, and materials, and all other contracts and official acts of said Board, its officers, and agents, are hereby validated, ratified, and confirmed.

Section 39. Validation of final decree.—The final decree entered August 13, 1947, in Chancery cause no. 23736, in the Circuit Court of Palm Beach County, Florida, validating bonds issued by said District is hereby validated, ratified, and confirmed.

Section 40. Validation of assessments, taxes, bonds, and other obligations.—The annual taxes levied by said District for the years 1947 and 1948 and the tax rolls for said years are hereby validated, ratified, and confirmed. All bonds, notes, or other obligations heretofore issued, or authorized to be issued by said District payable from taxes or assessments levied upon lands within the District or within any unit, be and they hereby are in all respects confirmed and validated as the valid and legally binding obligations of said District.

Section 4. Liberal construction.—It is intended that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for by this act, and where strict construction would permit or assist in the accomplishment of any part of the work authorized by this act, the liberal construction shall be chosen.

Section 5. Ratification of prior acts.—All acts and proceedings of the circuit court taken by, for, and on behalf of the District since the creation thereof, and all of the acts and proceedings of the Board of Supervisors, and all other officers and agents of the District, and of the county, acting for and on behalf of the District, and any and all tax levies and assessments which have been made by the Board of Supervisors for and on behalf of the District, are each and every one of them, and each and every part thereof, hereby ratified.

Section 6. Invalidity.—If any section, subsection, sentence, clause, or phrase of this act is held to be unconstitutional, such holding shall not affect the validity of the remaining portions of the act, the Legislature hereby declaring that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, irrespective of any other separate section, subsection, sentence, clause, or phrase thereof, and irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases thereof may be declared unconstitutional.

Section 7. Chapters 11864 (1927), 13579 (1929), 24254 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and 63-863, Laws of Florida, are hereby repealed.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor April 22, 2002.

Filed in Office Secretary of State April 22, 2002.