

## CHAPTER 63-609

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## HOUSE BILL NO. 2080

AN ACT relating to a drainage district formed under Chapter 298, Florida Statutes, known as Sunshine Drainage District, in Broward county, the substance of which will ratify and approve the district boundaries; make applicable to said district the provisions of Chapter 298, Florida Statutes; provide for the levy, collection and enforcement of all taxes levied by said district at the same time and in like manner as county taxes; provide for the same discount and penalties as county taxes; grant additional powers to the district; provide for other taxing powers and methods of taxation; declare that waters in said district are a common enemy; provide for severability of the provisions of the act; provide that the act shall take precedence over any conflicting law to the extent of such conflict; provide for the carrying into effect of the provisions of this act; provide for the formation of unit district within the boundaries of the district or within the boundaries of such areas as are hereafter included in the district, and provide for the powers and duties of the unit district; and other provisions for the purposes of carrying into effect the objectives of the unit district; enact other provisions relating to this subject; and provide that the act shall take effect upon its approval by the Governor, or upon its becoming a law without such approval.

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

*Section 1. Creation of the District, and Boundaries Ratified and Approved.* The decree of the circuit court in and for the 15th judicial circuit, Broward County, Florida, entered in chancery No. 62-4596-F, on the 23rd day of January, 1963, creating and incorporating the Sunshine Drainage District as a public corporation of this state, and all subsequent proceedings taken in said circuit court concerning said district are ratified, confirmed and approved.

*Section 2. Provisions of Chapter 298, Florida Statutes, Made Applicable.* The Sunshine Drainage District, a public corporation of this state, created under Chapter 298, Florida Statutes, shall be governed by provisions of the general drainage laws of Florida applicable to drainage districts or sub-drainage districts which are embodied in Chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereinafter enacted, so far

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as not inconsistent with this act or any subsequent special acts relating to Sunshine Drainage District.

**Section 3. Powers of the District.** The Sunshine Drainage District shall have in addition to the powers provided for in said Chapter 298, Florida Statutes, the power and authority to construct, improve, pave and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for the cultivation, settlement, urban subdivision, homesites and other beneficial use and development as a result of the drainage and reclamation operations of the District, including any dedicated to public use within the boundaries of the district.

**Section 4. Installment Taxes, Levied and Apportioned, and the Collection Thereof.** Taxes shall be levied and apportioned as provided for in the general drainage laws of Florida, (Chapter 298, Florida Statutes, and amendments thereto), except that the provisions of Section 298.27, Section 298.38, Section 298.39, Section 298.40 and Section 298.41, Florida Statutes, and amendments thereto, shall not be applicable to said District. In lieu thereof, the following provisions shall apply to said district.

The board of supervisors shall determine, order and levy the amount of the annual installments of the total taxes levied under Section 298.36, Florida Statutes, which shall become due and be collected during each year at the same time that county taxes are due and collected, which said annual installment and levy shall be evidenced to and certified by the said board, not later than July 1st of each year, to the tax assessor of Broward County, Florida. Said tax shall be extended by the county tax assessor on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes, and the proceeds thereof paid to said district. Said tax shall be a lien until paid on the property against which assessed, and enforceable in like manner as county taxes.

**Section 5. Maintenance Tax.** The provision of Section 299.54, Florida Statutes, and amendments thereto, shall not be applicable to said district. In lieu thereof, the following provisions shall apply to said district.

To maintain and preserve the improvements made pursuant to this chapter and to repair and restore the same, when needed, and for the purpose of defraying the current expenses of the district,

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the board of supervisors may, upon the completion of said improvements, in whole or in part as may be certified to the said board by the chief engineer, levy annually a tax upon each tract or parcel of land within the district, to be known as a "maintenance tax". Said maintenance tax shall be apportioned upon the basis of the net assessments of benefits assessed as accruing for original construction, and shall be evidenced to and certified by said board not later than July 1st of each year, to the tax assessor of Broward County, Florida, and shall be extended by the county tax assessor on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes and the proceeds therefrom paid to said district. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

*Section 6. Levy of Taxes on Fractional Acres.* In levying and assessing all taxes, each tract or parcel of land less than one acre in area shall be assessed as full acre, and each tract or parcel of land more than one acre in area which contains a fraction of an acre shall be assessed at the nearest whole number of acres, a fraction of one-half or more to be assessed as a full acre.

*Section 7. Enforcement of Taxes.* The provisions of Section 298.45 and Section 298.46, Florida Statutes, and amendments thereto, shall not be applicable to said district. In lieu thereof, the following shall apply to said district.

The collection and enforcement of all taxes levied by said district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent taxes, the issuance, sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedure in connection therewith, shall be applicable to said district and the delinquent and unpaid taxes of said district to the same extent as if said statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes.

*Section 8. When Unpaid Taxes Delinquent: Penalty.* All taxes provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

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Section 9. *Water a Common Enemy.* It is hereby determined, declared and enacted that lands in the district in their natural condition are wet and subject to overflow and that the drainage, reclamation and protection of said lands available for agricultural, settlement, urban and subdivision purposes by drainage, reclamation and improvement, and the creation of said district with the powers vested in it by this act, are in the interest of and conducive to public welfare, health and convenience. It is further declared that in said district, surface waters, including rainfall are a common enemy, and the said district and any individual or agency holding a permit to do so from said district, shall have the right to dike, dam and construct levees to protect the said district or any part thereof, or the property of said individual or agency against the same, and thereby divert the course and flow of such surface water and/or pump the water from within such dikes and levees.

Section 10. *Unit Districts.* The board of supervisors of Sunshine Drainage District is authorized in its discretion to drain and reclaim or ~~reclaim~~ 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 said 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 or under Chapter 208, Florida Statutes, or both. If the board of supervisors shall determine that it is advisable to conduct the work of draining and reclaiming the lands in the district by units, the board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. The entire district may also be designated as a unit for the proper allocation of such part of the plan of reclamation and drainage as benefits the entire district. As soon as practicable after

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the adoption and recording of such resolution said board of supervisors shall publish notice once a week for two consecutive weeks in a newspaper published in Broward 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 landowner 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 findings and its order confirming said resolutions, 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. The board of supervisors may, as a result of any objections or of matters brought forth at the hearing, modify or amend such resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution, and if confirmed or modified or amended, may proceed thereafter in accordance with said resolution as confirmed, modified or amended. 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 one 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 aggrieved by any action of the board of supervisors in respect to any objection so filed, such landowner may, within twenty (20) days after the ruling of said board, invoke the jurisdiction of a court having jurisdiction over the merits of his claim. When said resolutions creating said unit system shall be confirmed by the board of supervisors (or by a court of competent jurisdiction, if such proposed action shall be challenged by a landowner

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by the judicial proceedings hereinabove authorized), said board of supervisors may adopt a plan or plans of reclamation for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned by commissioners appointed by the circuit court, and the report of the said commissioners considered and confirmed, all in like manner as is provided by law in regard to plans of reclamation for and assessments for benefits and damages of the entire district. With respect to the plan of reclamation, notices, appointment of commissioners to assess benefits and damages, report of commissioners 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 by law 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 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 con-

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firmation of the commissioners' 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 commissioners' 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 plan of reclamation for any such unit or units insufficient or inadequate for efficient development, the plan of reclamation may be amended or changed as provided in this section, by changing the location and description of lands in any such unit or units, by detaching lands therefrom or by adding land thereto, upon the approval of 51% of the landowners, according to acreage, in any such unit, either evidenced in writing or voting at a meeting of the landowners duly called pursuant to notice required under Chapter 298.11 and 298.12, Florida Statutes (for the election of supervisors), at which 51% of the landowners shall vote in favor thereof and of all the holders of bonds issued in respect to any such unit, and provided that in such event all assessments, levies, taxes, bonds and other obligations made, levied, assessed, incurred or issued for or 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 commissioners' report for the amended plan of reclamation and said report shall specifically provide for such allocation and apportionment. The landowners and all of the bondholders shall file their approval of or objections to such amended plan of reclamation within the time provided in Section 298.27, Florida Statutes, and shall file their approval of or objections to the amendment of such unit as provided in this section.

No lands shall be detached from any unit after the issuance of bonds or other obligations for such unit except upon the consent of all the holders of such bonds or other obligations. In the event of the change of the boundaries of any unit as provided herein and the allocation and apportionment to the amended unit or units of assessments, levies, taxes, bonds and other obligations in proportion to the benefits assessed by the commissioners' report for the amended plan of reclamation, the holder of bonds or other obligations heretofore issued for the original unit who consent to such allocations and apportionment shall be entitled to all rights

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and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended plan of reclamation. Conversely, in the event of the change of the boundaries of any unit wherein lands are detached therefrom with the consent of all the holders of such bonds or other obligations, then and in that event said lands so detached shall be relieved and released from any further liability for the assessment, levy or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

*Section 11. Future Changes in Plan of Reclamation and Drainage of District or Individual Units.* After the initial adoption by the board of supervisors of said plan or plans of reclamation and drainage of the entire district or units thereof, said plan or plans may be modified from time to time in the future, in whole or in part, in accordance with the changing character from time to time of the use of the lands in said district, in the manner hereinabove provided for; provided, however, that said plan or plans of reclamation or drainage shall not be changed or modified oftener than once every five years in any manner as will increase the assessments to be assessed against the land or the taxes levied against the land or modify the security of the bonds outstanding; provided, however, that this shall not affect technical changes or modifications of said plan or plans of reclamation or drainage approved by the district's engineers as will not affect the assessed benefits, levy of taxes or security of the bondholders, as changes or modifications of this type may be made at any time; provided, further that said limitation of five years shall not apply to any plan or plans of reclamation or drainage of the district or any unit thereof established under the provisions of this act, if the same is adopted by



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resolution of the board of supervisors of the district, within two years of the time when this act becomes a law.

Section 12. *Application to Existing District, Boundaries, Plan of Reclamation and Drainage, etc.* The powers hereinabove vested in the board of supervisors of Sunshine Drainage District shall apply to the presently existing district, the presently existing boundaries thereof or as the boundaries may be extended as authorized by law, and the present plan of reclamation and drainage together with any assessment of benefits which may be approved by the circuit court of Broward County, Florida, and the boundaries of said district and the plan of reclamation and drainage and the assessment and levying of taxes for carrying out said plan of reclamation and drainage and for the maintenance and operation thereof, may be changed in whole or in part as units, or, with reference to the entire district, in accordance with the provisions of this act.

Section 13. *Severability.* In case any one or more of the sections or provisions of this act or the application of such sections or provisions to any situations, circumstances or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this act or the applications of such sections or provisions to any other situation, circumstances or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 14. *Effect of Conflict.* In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 15. *Notice of Intention.* It is found and determined that a notice of intention to apply for this legislation was given in the time, form and manner required by the constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 16. *When Act to Take Effect.* This act shall take effect immediately upon its approval by the governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 10, 1963.