

CHAPTER 2023-6

House Bill No. 11-B

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

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

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the Sunshine Drainage District as a public corporation of the State of Florida, are codified, reenacted, amended, and repealed as provided herein.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

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

Section 1. The Sunshine Water Control District, as ratified and approved by chapter 63-609, Laws of Florida, and subsequently amended by chapter 2021-255, Laws of Florida, is hereby ratified, confirmed, and approved. The Sunshine Water Control District shall continue to be a public corporation of this state and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other undertakings of the Sunshine Water Control District are hereby validated and shall continue to be valid and binding on the district in accordance with their respective terms, conditions, and covenants. All taxes levied by the Board of Supervisors of the Sunshine Water Control District are validated and shall continue to be valid and binding on the district in accordance with their respective terms, conditions, and covenants. All taxes levied by the Board of Supervisors of the Sunshine Water Control District on lands within the boundaries of the district shall continue to be effective, binding, and collectible and a lien on such lands in accordance with this act. Any proceeding commenced by the Sunshine Water Control District for the construction of any improvements, works, or facilities; for the assessment of benefits and damages; or for the borrowing of money shall not be impaired or avoided by this act.

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

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

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

TOGETHER WITH a strip of land known as the Sunshine Drainage District East Outfall Canal Right of Way, said strip of land being that portion of Section 27, Township 48 South, Range 41 East, according to the plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, as recorded in Plat Book 1, Page 102, of the Public Records of Palm Beach County, Florida, lying East of a line parallel with and 170 feet West of the East line of said Section 27; TOGETHER WITH the East 170 feet of that portion of Section 34, Township 48 South, Range 41 East, Broward County, Florida, lying North of the North Right of Way line of South Florida Water Management District (formerly Central and Southern Florida Flood Control District) Canal C-14.

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

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

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

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

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

Section 4. Powers of the district.—The Sunshine Water Control District shall have, in addition to the powers provided for in 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 5. 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 a 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 6. Application to existing district, boundaries, plan of reclamation, and drainage, etc.—The powers hereinabove vested in the Board of Supervisors of the Sunshine Water Control 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 law, 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 chapter 298, Florida Statutes, and this act.

Section 7. Board of supervisors.—

(1) Prior to November 5, 2024, the district is governed by a three-member board, elected on a 1-acre, one-vote basis by the landowners in the district. However, landowners owning less than 1 acre shall be entitled to one vote. Landowners with more than 1 acre shall be entitled to 1 additional acre for any fraction of an acre owned when all acreage has been aggregated for purposes of voting. The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, 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 the meeting. 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.

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

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

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

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

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

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

(8) The terms “qualified elector” and “elector” mean any person at least 18 years of age who is a citizen of the United States, a permanent resident of the state, and a resident of the county within which the district lands are located when the registration books are open.

Section 8. 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 9. 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 3. The provisions of this act shall be liberally construed to effect their purposes and shall be deemed cumulative, supplemental, and alternative authority for the exercise of the powers provided herein.

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

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

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

Approved by the Governor March 15, 2023.

Filed in Office Secretary of State March 15, 2023.