

By Senator Campbell

33-1890-98

See HB

1 A bill to be entitled
2 An act relating to Tindall Hammock Irrigation
3 and Soil Conservation District, Broward County;
4 codifying the district's charter, chapter
5 27428, Laws of Florida, 1951, as amended;
6 providing a provision that the district is an
7 independent special district; providing for the
8 appointment of the board of supervisors;
9 providing for correction of scrivener's errors;
10 revising obsolete constitution and statute
11 references; revising obsolete roadway and
12 agency references; providing that all rights,
13 title, and ownership of property owned by the
14 district will continue to be owned by the
15 district and that all obligations, contracts,
16 rules, resolutions, and regulations of the
17 district will continue in effect and be valid
18 as to the district; repealing all prior special
19 acts of the Legislature relating to the Tindall
20 Hammock Irrigation and Soil Conservation
21 District; providing that this act shall take
22 precedence over any conflicting law to the
23 extent of such conflict; providing
24 severability; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Chapter 27428, Laws of Florida, as amended,
29 is codified, reenacted, amended, and repealed as herein
30 provided.

31

1 Section 2. The Tindall Hammock Irrigation and Soil
2 Conservation District is re-created and reenacted to read:

3 Section 1. For the purpose of draining, reclaiming,
4 and conserving the lands hereinafter described, for
5 controlling the water in the district and the water tables
6 with respect to the lands therein, for agricultural and
7 sanitary purposes, and for the public health, convenience,
8 welfare, utility and benefit; an irrigation, soil conservation
9 and drainage district is hereby established to be known as
10 "Tindall Hammock Irrigation and Soil Conservation District,"
11 an independent special district, the territorial boundaries of
12 which shall be as follows:

13
14 (1) Begin at a point which point is a point on
15 the South Line of Tract One Tier Thirty-eight,
16 Fifty Feet East of the Southwest Corner of
17 Tract One, Tier Thirty-eight; Thence run
18 Southerly parallel to the West Line of Tier
19 Thirty-seven to a point which is Fifty Feet
20 East of the West Line of Tier Thirty-seven and
21 Fifty Feet North of the South Line of Tract
22 Four, Tier Thirty-seven; Thence run Easterly
23 parallel to the South Lines of Tract Four, Tier
24 Thirty-seven, Tract Four, Tier Thirty-five,
25 Tract Four, Tier Thirty-three, Tract Four, Tier
26 Thirty-one to a point on the West Line of Tier
27 Twenty-nine, Fifty Feet North of the Southwest
28 Corner of Tract Four, Tier Twenty-nine; Thence
29 run Southerly along the West Line of Tier
30 Twenty-nine to the Southwest Corner of Tract
31 Eight, Tier Twenty-nine; Thence run Easterly

1 along the South Lines of Tract Eight, Tier
2 Twenty-nine, Tract Eight, Tier Twenty-seven,
3 Tract Eight, Tier Twenty-five, and Tract Eight,
4 Tier Twenty-three to the Southeast Corner of
5 Tract Eight, Tier Twenty-three; Thence run
6 Northerly along the East Line of Tier
7 Twenty-three to the Southeast Corner of Tract
8 Four, Tier Twenty-three; Thence run Easterly
9 along the South Lines of Tract Four, Tier
10 Twenty-one, Tract Four, Tier Nineteen, and
11 Tract Four, Tier Seventeen to the Southeast
12 Corner of Tract Four, Tier Seventeen; Thence
13 run Northerly along the East Line of Tier
14 Seventeen to the Southwest Corner of Tract
15 Three, Tier Fifteen; Thence run Easterly along
16 the South Line of Tract Three, Tier Fifteen to
17 the Southeast Corner of Tract Three, Tier
18 Fifteen; Thence run Southerly along the East
19 Line of Tier Fifteen to the Southeast Corner of
20 Tract Four, Tier Fifteen; Thence run Easterly
21 along the South Line of Tract Four, Tier
22 Thirteen to the Southeast Corner of Tract Four,
23 Tier Thirteen; Thence run Southerly along the
24 East Line of Tier Thirteen to the Northeast
25 Corner of Tract Six, Tier Thirteen; Thence run
26 Westerly along the North Line of Tract Six,
27 Tier Thirteen to the Northwest Corner of Tract
28 Six, Tier Thirteen; Thence run Southerly along
29 the West Line of Tier Thirteen to the Southwest
30 Corner of Tract Seven, Tier Thirteen; Thence
31 run Southerly to the Northwest Corner of Tract

1 Eight, Section Twenty-five, Township Fifty
2 South, Range Forty-one East; Thence run
3 Southerly along the West Lines of Tract Eight,
4 Section Twenty-five, Township Fifty South,
5 Range Forty-one East and Tract Nine, Section
6 Twenty-five, Township Fifty South, Range
7 Forty-one East to the Southwest Corner of said
8 Tract Nine; Thence run Easterly along the South
9 Line of said Tract Nine to the Southeast Corner
10 of said Tract Nine; Thence run Northerly along
11 the East Line of said Tract Nine to the
12 Northeast Corner of said Tract Nine; Thence
13 Easterly along the South Line of Tract Seven,
14 Section Twenty-five, Township Fifty South,
15 Range Forty-one East to the Southeast Corner of
16 said Tract Seven; Thence run Northerly along
17 the East Line of Tract Seven to the South Line
18 of Tract Six, Tier Nine; Thence run Easterly
19 along the South Line of Tract Six, Tier Nine to
20 the Southeast Corner of Tract Six, Tier Nine;
21 Thence run Northerly along the East Line of
22 Tier Nine to the Southwest Corner of Tract
23 Four, Tier Seven; Thence run Easterly along the
24 South Line of Tract Four, Tier Seven to the
25 Southeast Corner of Tract Four, Tier Seven;
26 Thence run Northerly along the East Line of
27 Tier Seven to the Northeast Corner of Tract
28 Four, Tier Seven; Thence run Westerly along the
29 North Lines of Tract Four, Tier Seven, Tract
30 Four, Tier Nine, Tract Four, Tier Eleven and
31 Tract Four, Tier Thirteen to the Northwest

1 Corner of Tract Four, Tier Thirteen; Thence run
2 Northerly along the West Line of Tier Thirteen
3 to the Northwest Corner of Tract One, Tier
4 Thirteen; Thence run Westerly along the North
5 Lines of Tract One, Tier Fifteen and Tract One,
6 Tier Seventeen to the Northwest Corner of Tract
7 One, Tier Seventeen; Thence run Southerly along
8 the West Line of Tier Seventeen to the
9 Northwest Corner of Tract Three, Tier
10 Seventeen; Thence run Westerly along the North
11 Line of Tract Three, Tier Nineteen to the
12 Northeast Corner of Tract Three, Tier
13 Twenty-one; Thence run Northerly along the East
14 Line of Tier Twenty-one to the Southeast Corner
15 of Tract One, Tier Twenty-two; Thence run in a
16 Westerly direction along the prolongation of
17 the South Line of Tract One, Tier Twenty-two to
18 the point of beginning; All in Newman's Survey
19 thereof according to the Plat thereof recorded
20 in Plat Book Two, at Page Twenty-six of the
21 Public Records of Dade County, Florida; said
22 lands situate, lying and being in Broward
23 County, Florida.

24
25 (2) Also included within the territorial
26 boundaries is the West 50 Feet of Tracts 1, 2,
27 3, and 4, Tier 37; and the South 50 Feet of
28 Tract 4, Tier 31, of Tract 4, Tier 33, of Tract
29 4, Tier 35, and of Tract 4, Tier 37, of
30 Newman's Survey thereof, according to the Plat
31 thereof recorded in Plat Book 2, Page 26, Dade

1 County Records, said lands situate, lying and
2 being in Broward County, Florida.

3 Section 2. (1) The governing board of the district
4 shall be composed of three landowners of the district. The
5 governing board shall be designated the Board of Supervisors
6 of the Tindall Hammock Irrigation and Soil Conservation
7 District.

8 (2) The board of supervisors shall be Hamilton C.
9 Forman, H. Collins Forman, Jr. and Charles R. Forman and said
10 landowners are hereby appointed as the Board of Supervisors of
11 the Tindall Hammock Irrigation and Soil Conservation District
12 and shall hold office until their successors are elected and
13 shall have qualified.

14 (3) Notice of a landowners' meeting shall be given by
15 publishing the time and place of such meeting in a newspaper
16 of general circulation of Broward County at least 15 days
17 prior to the meeting, the meeting to be held in a public place
18 in Broward County. The landowners, when assembled, shall
19 organize by the election of a chair and secretary of the
20 meeting, who shall conduct the election. At such election,
21 each and every acre of land in the district, except as
22 hereinafter provided, shall represent one share, and each
23 owner shall be entitled to one vote in person or by proxy in
24 writing, for each acre of land owned by him or her in the
25 district. A fraction of an acre shall be voted as the same
26 fraction of a vote.

27 (4) If any elected supervisor is unable to serve by
28 reason of death, incapacity, or refusal, the board of
29 supervisors may call a special election to fill the vacancy.

30 (5) At any meeting of landowners, legal
31 representatives may represent the landowners; however, lands

1 which are delinquent in the payment of district taxes for 2
2 years or more after tax sale shall not be considered as lands
3 entitling anyone to vote in the elections, and such lands
4 shall not be considered as acreage within the district for the
5 purpose of determining whether a quorum is present.

6 (6) Each supervisor, before entering upon his or her
7 official duties, shall take and subscribe to an oath before an
8 officer authorized by law to administer oaths that he or she
9 will honestly, faithfully, and impartially perform the duties
10 devolving upon him or her in office as supervisor of the
11 district, and that he or she will not neglect any of the
12 duties imposed upon him or her by this act.

13 (7) Each supervisor shall be entitled to receive a per
14 diem of \$5 for attending meetings of the said board of
15 supervisors; however, the compensation of each supervisor
16 shall not exceed the sum of \$25 during any 1 month. Members of
17 the board of supervisors shall be reimbursed from time to time
18 for traveling and other necessary expenses incurred incident
19 to the performance of their duties as such supervisors.

20 Section 3. (1) The Board of Supervisors of Tindall
21 Hammock Irrigation and Soil Conservation District shall have
22 the power to make contracts; to adopt and use a common seal
23 and alter the same at pleasure; to acquire, hold, and control
24 by condemnation, gift, exchange, purchase, or otherwise, any
25 real or personal property, surveyors' notes or engineering
26 data, which may be needed to carry out the provisions of this
27 act, or which may be useful in the accomplishment of any of
28 the purposes for which said district is created, and to sell,
29 lease, or to otherwise dispose of any such property; to
30 appoint or employ such agents, engineers, attorneys, and
31 employees as the business of the board may require; to

1 construct, purchase, operate, and maintain pumping plants and
2 stations, and all equipment and machinery pertaining thereto;
3 and to contract for the construction, operation, and
4 maintenance of the pumping plants and stations, including the
5 purchase and supply of electric and other power and energy for
6 the operation of the same; to grant permits to owners of land
7 within the district for the installation of water control
8 structures upon such terms and conditions as the board may
9 determine and to supervise and regulate the operation of such
10 structures; and to borrow money and to issue notes and bonds
11 therefor, as hereinafter provided, in order to enable the
12 board to carry out and perform any powers conferred by this
13 act.

14 (2) The board of supervisors is exclusively authorized
15 and empowered to establish and construct a system of canals,
16 drainage ditches, drains, levees, dikes, dams, sluices,
17 revetments, locks, reservoirs, onsite water retention areas,
18 floodways, pumping stations, and other works and improvements
19 of such dimension, depth, and proportion as in the judgment of
20 the board is advisable to drain, reclaim, and conserve the
21 lands within the district and to accomplish any of the
22 purposes for which the district was created, and to maintain
23 and operate such works in such manner as the board shall deem
24 most advantageous to the improvement and development of the
25 lands in the district and to accomplish the foregoing objects;
26 to clean out, straighten, open up, widen, or change the course
27 and flow, alter or deepen any canal, ditch, drain, river, or
28 watercourse, inside of the district for the benefit of the
29 district, that the board may deem necessary to facilitate the
30 irrigation, reclamation, drainage, conservation, and
31 improvement of the lands in the district, including navigation

1 facilities, making the lands within the district available for
2 agricultural purposes, habitation, and general utilities; to
3 concentrate, divert, or divide the flow of water in or out of
4 the district; to construct or enlarge any bridges, culverts,
5 or water carrying facilities that may be needed by the
6 district across any ditch, canal, public highway, or road; to
7 construct such roadways over levees, embankments, and other
8 works as may be needed by the district.

9 (3) The board shall have the exclusive power and
10 authority to pump water into or out of the canals, ditches,
11 drains, and other works in the district, or on or from the
12 lands in the district in such amounts as the board shall
13 determine; to regulate and control the flow of water into and
14 out of the district; to maintain such water tables with
15 respect to the lands in the district as in the judgment of the
16 board shall be to the best interests of the district and of
17 the landowners therein; and to do or cause to be done or
18 permit others to do all things which may be necessary,
19 desirable, or convenient in order to accomplish any of the
20 foregoing objects.

21 (4) In maintaining and operating the canals, drains,
22 levees, dikes, dams, locks, pumping stations, water control
23 structures, and other works and improvements, the board of
24 supervisors of the district, its agents, and employees shall
25 have the authority at all reasonable times to enter upon the
26 lands in the district in order to transport and use equipment,
27 machinery, and materials necessary to properly maintain,
28 preserve, and operate such irrigation works.

29 (5) In addition to the powers herein conferred upon
30 the Board of Supervisors of Tindall Hammock Irrigation and
31 Soil Conservation District, the board shall have and may

1 exercise all of the powers conferred upon the board of
2 supervisors of a drainage district created under the
3 provisions of chapter 298, Florida Statutes, and acts
4 amendatory thereof and supplemental thereto, except as such
5 may be in conflict or inconsistent with the provisions of this
6 act.

7 (6) The district is hereby authorized, empowered, and
8 directed to construct a water connection by channeling through
9 or under State Road 84 and Interstate Highway I-595 to the
10 North New River Canal for the purposes as provided herein.
11 Said water connection shall be constructed in accordance with
12 the regulations, requirements, and specifications of the
13 Department of Transportation.

14 Section 4. The board may, in its discretion, let any
15 part or all of the work to be performed within the district by
16 contract, but no contract for an amount in excess of \$25,000
17 shall be let until notice thereof shall have been published in
18 a newspaper of general circulation published in Broward County
19 not less than once a week for 2 consecutive weeks before the
20 date set for the letting of such contract. The work so
21 advertised shall be awarded to the lowest responsible bidder,
22 as may be determined by the board; however, the board shall
23 have the right to reject any and all bids and to readvertise,
24 as provided herein. The board shall have the right to require
25 a bond with a surety to be approved by the board in such
26 amount as the board may determine, conditioned that the
27 contractor will well and truly carry out the contract in
28 accordance with the terms thereof. Nothing in this section
29 shall prevent the board of supervisors from undertaking and
30 performing the work without a contract and by labor operating
31 under the directions of the board, its engineer, or employees.

1 Section 5. (1) To accomplish and carry out the
2 purpose of the act, the board is authorized and empowered, but
3 not directed, to levy and impose upon all lands lying and
4 being situate within the district an acreage tax not to exceed
5 the sum of \$60 per acre per annum and/or a millage tax not to
6 exceed 6 mills, the taxes to be levied and collected by the
7 Board of Supervisors of Tindall Hammock Irrigation and Soil
8 Conservation District.

9 (2) Prior to the first imposition of any millage tax,
10 a referendum shall be held to approve the annual imposition,
11 which shall not exceed the maximum millage rate authorized by
12 this act. In such referendum, each and every acre of land in
13 the district shall represent one share, and each owner shall
14 be entitled to one vote for each acre of land owned by him or
15 her in the district. A fraction of an acre shall be voted as
16 the same fraction of a vote. Once such millage is approved,
17 the district shall not be required to seek approval in future
18 years to levy the previously approved millage.

19 Section 6. (1) The board of supervisors may purchase
20 any tax sale certificate held by the state, county, or other
21 governmental agency, which includes taxes levied by or for the
22 Tindall Hammock Irrigation and Soil Conservation District, and
23 the right to sell such certificates, institute foreclosure
24 proceedings thereon, or proceedings to quiet title, or to
25 apply for and obtain a tax deed to lands covered thereby.

26 (2) The board may sell or lease land acquired through
27 tax deed, foreclosure, or otherwise, upon such terms and
28 conditions as it may determine and at the best price
29 obtainable, either at public or private sale.

30 Section 7. The Board of Supervisors of Tindall Hammock
31 Irrigation and Soil Conservation District is authorized and

1 empowered to borrow money on temporary or permanent loans and
2 to issue promissory notes and to incur obligations from time
3 to time upon such terms and at such rates of interest, not
4 exceeding the rate authorized by general law or, if no rate is
5 authorized by general law, at a rate not exceeding 12 percent
6 per year, as the board may determine for the purpose of
7 raising funds to purchase, install, construct, and prosecute
8 to final completion the drainage works and improvements herein
9 authorized, and for the purpose of paying all expenses
10 incident to such work and all expenses necessary or needful in
11 carrying out the purpose of the act, including, without
12 limiting the generality of the foregoing, cost of
13 rights-of-way. To enable the board to borrow and obtain money
14 necessary to carry out and perform the purposes aforesaid, the
15 board is authorized and empowered to issue in the corporate
16 name of the district negotiable coupon bonds, the aggregate
17 amount of all bonds issued hereunder not to exceed \$450,000.

18 Section 8. (1) The bonds to be issued pursuant to the
19 provisions of this act shall be in denominations of \$100, or
20 any multiple thereof, shall bear interest at a rate not to
21 exceed that authorized by general law, payable semiannually,
22 and shall mature at intervals within 50 years from the date of
23 their issuance, at first maturity to be not more than 10 years
24 from the date thereof, and both principal and interest of such
25 bonds shall be payable at a place or places determined by the
26 board and designated in the bonds. All bonds and coupons not
27 paid at a maturity shall bear interest at a rate not to exceed
28 that authorized by general law from maturity until paid.

29 (2) The bonds shall show on their face the purposes
30 for which they are issued and shall be payable solely out of
31 the acreage and/or millage taxes levied by or for the

1 district, pursuant to the provisions of this act. The bonds
2 shall be signed by the president of the board of supervisors,
3 attested by the secretary under the seal of the district.
4 Interest payments shall be evidenced by coupons bearing a
5 facsimile of the signature of the president of the board of
6 supervisors, or secretary of the district. Such bonds and
7 coupons shall be considered as having been validly executed if
8 signed by the proper officers in the office at the time of
9 such signing. Said bonds may contain such provisions for
10 registration, either as to principal, or principal and
11 interest, as the board may prescribe, and in the discretion of
12 the board it may be provided that, at any time after such
13 dates as shall be fixed by the board, the bonds may be
14 redeemed at the option of the board, in a manner and at a
15 price to be specified in the resolution in pursuance of which
16 said bonds are issued.

17 (3) The board of supervisors is authorized to provide
18 in the resolution authorizing the issuance of bonds and in the
19 bonds that one-half of the acreage and/or millage tax will be
20 devoted to, so far as necessary, the payment of the principal
21 of and interest on the bonds; that the holders of such bonds
22 shall have a first lien upon one-half of the acreage and/or
23 millage tax; and that no further charge shall be placed upon
24 the proceeds of such tax or obligation incurred payable
25 therefrom unless such charge or obligation be junior and
26 subordinate to the lien upon such proceeds for the payment of
27 the principal and interest on the bonds.

28 (4) All bonds issued under the provisions of this act
29 may be validated in the manner now or hereafter provided for
30 the validation of bonds of drainage districts.

31

1 Section 9. (1) This act shall, without reference to
2 any other act of the Legislature, be full authority for the
3 issuance and sale of bonds of Tindall Hammock Irrigation and
4 Soil Conservation District as authorized in this act, which
5 bonds shall have all the qualities of negotiable paper under
6 the law merchant, and shall not be invalid for any
7 irregularity or defect in the proceedings for the sale and
8 issue thereof and shall be incontestable in the hands of bona
9 fide purchasers or holders thereof for value. No proceedings
10 in respect to the issuance of any such bonds shall be
11 necessary except such as are required by this act. The
12 provisions of this act shall constitute an irrepealable
13 contract between the district and the holders of any bonds and
14 coupons attached thereto issued pursuant to the provisions
15 hereof. Any holder of any bonds or coupons may either at law
16 or in equity, by suit or mandamus, enforce and compel the
17 performance of the duties required by this act of any of the
18 officers or persons mentioned in this act in relation to the
19 bonds or to the collection, enforcement, and application of
20 the taxes for the payment thereof.

21 (2) In levying and imposing the acreage and/or millage
22 tax as provided in this act, the board shall take into account
23 maturing bonds and interest on all bonds and, within the
24 limits prescribed by this act, shall levy and impose annually
25 a sufficient amount of acreage and/or millage taxes to pay the
26 principal of and interest on such bonds promptly as they
27 become due. All bonds issued hereunder, regardless of the time
28 of sale, shall be equal in dignity and without priority except
29 as to time of payment therein stated.

30 (3) All bonds issued pursuant to the provisions of
31 this act, when executed, shall be delivered to the treasurer

1 of the district, who shall hold the same subject to the order
2 of the board. The board may sell or otherwise dispose of the
3 bonds in such manner as may be deemed necessary to meet the
4 payments for the works and improvements of the district and
5 the other purposes for which such bonds were issued. The bonds
6 shall not be sold for less than 95 percent of the par value
7 thereof, plus accrued interest.

8 Section 10. (1) Upon the adoption by the board of
9 supervisors of a resolution providing for the issuance of
10 bonds, a certified copy of such resolution shall be forwarded
11 to the Board of County Commissioners of Broward County. At the
12 first meeting of the board of county commissioners after the
13 receipt of the certified copy of the resolution, the board of
14 county commissioners shall order that an election be held in
15 the portion of the district lying within the county at a time
16 and a place designated by the board of county commissioners to
17 determine whether or not the bonds authorized by such
18 resolution shall be issued, and in such election only the
19 landowners who are qualified electors owning land in the
20 district shall be entitled to vote. Prior to the time of the
21 holding of the election, the board of county commissioners
22 shall cause to be published, once a week for 4 consecutive
23 weeks, in a newspaper of general circulation published in the
24 county, a notice of the holding of the election which shall
25 specify the time and place or places of the holding thereof.
26 The board of county commissioners shall appoint a clerk or
27 clerks and inspectors for such election, who need not be
28 qualified electors residing in Tindall Hammock Irrigation and
29 Soil Conservation District.

30 (2) For such election, electors may be registered as
31 prescribed by the general laws of the State of Florida for

1 registration of electors, and such electors shall have the
2 same qualifications and prerequisites for voting as in
3 elections under the general election laws, and in addition
4 thereto they shall submit proof by affidavit before the
5 registration office that they are landowners who are qualified
6 electors owning land within the Tindall Hammock Irrigation and
7 Soil Conservation District. All registered landowner electors
8 residing in Tindall Hammock Irrigation and Soil Conservation
9 District, as shown by the general registration books of
10 Broward County on the date of the closing of the registration
11 books, as hereinafter provided, shall be entitled to
12 participate in the bond election. No electors shall be
13 registered for such bond election within 5 days prior to the
14 date of holding of such election. The registration books in
15 the county shall be open during usual office hours, for the
16 registration of landowners of Tindall Hammock Irrigation and
17 Soil Conservation District from the date of the first
18 publication of the notice of the election in the county to the
19 date 5 days prior to the date of holding of the election.

20 (3) After the closing of the registration books, 5
21 days prior to the date of holding of such election, the Board
22 of County Commissioners of Broward County shall cause to be
23 prepared and certified by the registration officer of the
24 county, a list of the names of all qualified electors
25 appearing on the county registration books who are determined
26 to be landowners of Tindall Hammock Irrigation and Soil
27 Conservation District, and who are also determined to be
28 qualified to vote in the election. In each county, a certified
29 copy of such lists of qualified electors who are landowners of
30 Tindall Hammock Irrigation and Soil Conservation District who
31 are entitled to participate in the election, shall be

1 furnished to the inspectors and clerks of the election at
2 every voting place where election in the county is to be held,
3 and such lists shall be deemed taken and held to be prima
4 facie evidence of the total number of qualified electors who
5 are landowners of the Tindall Hammock Irrigation and Soil
6 Conservation District who are qualified to vote in such
7 election, and no person shall be permitted to vote in any
8 election whose name does not appear upon such list. In making
9 up the list of qualified voters, as herein provided, such
10 investigation shall be made as will warrant the conclusion
11 that all names appearing on the list are qualified to vote in
12 the bond election and that the list is a complete list of all
13 voters residing in Broward County. After the county
14 registration officer certifies the list of voters, who are
15 qualified electors and who are landowners of the Tindall
16 Hammock Irrigation and Soil Conservation District, the list
17 shall be filed and preserved among the records of the Board of
18 Supervisors of Tindall Hammock Irrigation and Soil
19 Conservation District.

20 (4) Any person shall be deemed to be a landowner who
21 has an immediate beneficial ownership interest, legal or
22 equitable, in the title to a fee simple estate in land
23 situated within the boundaries of Tindall Hammock Irrigation
24 and Soil Conservation District.

25 Section 11. (1) At the bond election, ballot boxes
26 may be used, notwithstanding the fact that at the time of
27 holding the election, voting machines may be in general use in
28 Broward County. The ballots to be used in such election shall
29 have printed thereon the description of the issuance of bonds
30 to be voted on as the board of supervisors of the district may
31 prescribe. Direction to the voter to express his or her choice

1 by making an "X" mark in the space opposite the words "For
2 Bonds" or "Against Bonds" shall be stated on the ballot. The
3 clerks and inspectors of the elections shall make returns to
4 the board of county commissioners which appointed them
5 immediately after the elections and the board of county
6 commissioners shall hold special meetings as soon thereafter
7 as practicable for the purpose of canvassing the election
8 returns and shall determine and certify to the result thereof
9 for the county. The certificates shall each show the number of
10 qualified electors in the county who are landowners of Tindall
11 Hammock Irrigation and Soil Conservation District, and shall
12 show the total number of votes cast "For Bonds" and "Against
13 Bonds." The certificates shall be forwarded immediately to the
14 Board of Supervisors of the Tindall Hammock Irrigation and
15 Soil Conservation District, by the board of county
16 commissioners. The certificates of declaration of result of
17 such elections shall be recorded in the minutes of the board
18 of supervisors of the district.

19 (2) If it shall appear from the certificates of the
20 board of county commissioners as a result of the elections
21 that a majority of the landowners who are qualified electors
22 of Tindall Hammock Irrigation and Soil Conservation District
23 participated in the bond elections, and that a majority of the
24 votes cast in such elections are in favor of the issuance of
25 such bonds then the same shall be deemed to have been
26 authorized in accordance with s. 12, Art. VII of the State
27 Constitution, as amended.

28 (3) Whenever any election shall be called and held,
29 under the provisions of this act, and the votes cast thereat
30 returned, tallied, and canvassed by the board of county
31 commissioners, and the findings of the board certified to the

1 Board of Supervisors of Tindall Hammock Irrigation and Soil
2 Conservation District, as herein provided, and recorded on the
3 minutes of the board of supervisors, a duly certified copy of
4 such certificates shall be admissible as evidence in all
5 courts of the state, and shall be deemed prima facie evidence
6 of the truth of the facts recited and shown thereby, including
7 the regularity of the call, conduct, and holding of such
8 election at the time and place specified.

9 Section 12. No proceedings for the holding of the bond
10 election shall be necessary except such as are required by the
11 provisions of this act; however, the board may follow any of
12 the provisions of the General Election Law of Florida or the
13 provisions of chapter 100, Florida Statutes, as now appearing
14 or hereafter amended, except such as are in conflict.

15 Section 13. All expenses of holding a bond election,
16 pursuant to the provisions of this act, shall be paid out of
17 the funds of Tindall Hammock Irrigation and Soil Conservation
18 District.

19 Section 14. (1) Two members of the board of
20 supervisors shall constitute a quorum. The board of
21 supervisors shall, by resolution, fix the time and the place
22 for holding regular meetings, but special meetings may be
23 called by the president or any two members of the board of
24 supervisors, at any time or place. The meeting place of the
25 board may be either within or without the district.

26 (2) The board of supervisors shall employ a competent
27 person or bank or trust company as treasurer of the district.
28 The same person may act as secretary and treasurer of the
29 district, if the board shall deem it to be advisable. The
30 treasurer shall execute a bond in such sum as shall be fixed
31 by the board and with a surety approved by the board

1 conditioned that he or she will well and truly perform the
2 duties imposed upon him or her by this act and that he or she
3 will account for all moneys coming into his or her hands as
4 treasurer of the district. The treasurer shall pay out funds
5 of the district, only upon checks, drafts, or warrants issued
6 by the district, which checks, drafts, or warrants shall be
7 signed by the treasurer and countersigned by at least one
8 member of the board of supervisors.

9 (3) At the organizational meeting of the board, or as
10 soon thereafter as is practicable, the board may, if deemed
11 desirable, select and appoint a competent person as chief
12 engineer of the district. The board may require the chief
13 engineer to enter into a bond with good and sufficient surety
14 in a sum to be named by the board conditioned that he or she
15 will faithfully and honestly perform all of the duties
16 required of him or her by the board of supervisors and deliver
17 to his or her successors all instruments, papers, maps,
18 documents, and other articles which may come into his or her
19 hands by virtue of his or her employment.

20 Section 15. All taxes or assessments levied pursuant
21 to the provisions of this act shall constitute a lien upon the
22 lands within the district as of the first day of January of
23 each year in which the assessments are made, which liens shall
24 be superior in dignity to all other liens upon the lands
25 except liens for state and county taxes and shall be equal in
26 dignity to the lien for the state and county taxes.

27 Section 16. Damage to any ditch, canal, drain, levee,
28 pumping station, or other works established or constructed
29 under this act, obstruction of the flow of water in any canal,
30 ditch, drain, or waterway, or removal of any earth, rock, or
31 material from the banks of any canal, drain, ditch, or

1 waterway within the district without permission from the board
2 of supervisors, is declared to be a criminal offense and
3 misdemeanor within the meaning of s. 775.08, Florida Statutes,
4 and shall be punishable as provided by general law.

5 Section 17. The provisions of chapter 298, Florida
6 Statutes, as now or hereafter amended, when not in conflict
7 with the provisions of this act shall be applicable to the
8 Tindall Hammock Irrigation and Soil Conservation District.

9 Section 18. The purpose of forming the Tindall Hammock
10 Irrigation and Soil Conservation District is to create an
11 irrigation district for the purpose of controlling,
12 regulating, and maintaining the water levels in all the
13 ditches and canals lying within the boundaries of the district
14 separate and apart from drainage purposes. To accomplish this
15 purpose it is necessary for the irrigation district board of
16 supervisors to have full, complete, and exclusive control over
17 all water levels within the Tindall Hammock Irrigation and
18 Soil Conservation District. In order to carry out the purpose
19 and intent of this act, the Board of Supervisors of the
20 Tindall Hammock Irrigation and Soil Conservation District is
21 authorized and empowered to have the exclusive right and
22 power, in their discretion, to regulate, maintain, and control
23 the water levels in all the canals and ditches lying within
24 the boundaries of the Tindall Hammock Irrigation and Soil
25 Conservation District.

26 Section 19. All lawful debts, bonds, obligations,
27 contracts, franchises, promissory notes, audits, minutes,
28 resolutions, and other takings of the Tindall Hammock
29 Irrigation and Soil Conservation District are validated and
30 shall continue to be valid and binding on the Tindall Hammock
31 Irrigation and Soil Conservation Drainage District in

1 accordance with their respective terms, conditions, covenants,
2 and tenor. Any procedure heretofore done by the Tindall
3 Hammock Irrigation and Soil Conservation District under the
4 Florida Statutes or any other law for the construction of any
5 improvements, works, or facilities, for the assessment of
6 benefits and damages, or for the borrowing of money shall not
7 be impaired or avoided by this act, but shall be continued and
8 completed in the name of Tindall Hammock Irrigation and Soil
9 Conservation Drainage District.

10 Section 20. The title, rights, and ownership of all
11 property, both real and personal, uncollected taxes,
12 assessments, claims, judgments, decrees, choses in action, and
13 all property and property rights held or owned by the Tindall
14 Hammock Irrigation and Soil Conservation District shall pass
15 to and be vested in the Tindall Hammock Irrigation and Soil
16 Conservation District.

17 Section 21. No obligations or contracts of Tindall
18 Hammock Irrigation and Soil Conservation District, including
19 financial obligations heretofore made or any proceeding
20 heretofore begun for any improvement, or for the borrowing of
21 money, or issuing of bonds, shall be impaired or avoided by
22 this act, but such debts, obligations, and contracts shall
23 pass to and be binding upon the Tindall Hammock Irrigation and
24 Soil Conservation District and all such proceedings heretofore
25 begun for the construction of any improvements or for the
26 borrowing of money or issuing of bonds may be continued and
27 completed and binding upon the Tindall Hammock Irrigation and
28 Soil Conservation District; and likewise, all debts of and
29 claims against the Tindall Hammock Irrigation and Soil
30 Conservation District shall be valid against the Tindall
31 Hammock Irrigation and Soil Conservation District.

1 Section 22. All existing rules, resolutions, and
2 regulations of the Tindall Hammock Irrigation and Soil
3 Conservation District not in conflict with the provisions of
4 this act shall continue in effect unless repealed, amended, or
5 modified by the Tindall Hammock Irrigation and Soil
6 Conservation District.

7 Section 3. Except as specifically reenacted herein,
8 chapter 27428, Laws of Florida, 1951, chapter 28935, Laws of
9 Florida, 1953, chapters 78-477, 86-370, and 90-475, Laws of
10 Florida, are repealed.

11 Section 4. In the event any section, or provision of
12 this act is determined to be invalid or unenforceable, such
13 determination shall not affect the validity of or
14 enforceability of each other section and provision of this
15 act.

16 Section 5. In the event of a conflict of the
17 provisions of this act, with the provisions of any other act,
18 the provisions of this act shall control to the extent of such
19 conflict.

20 Section 6. This act shall take effect October 1 of the
21 year in which enacted.
22
23
24
25
26
27
28
29
30
31