

By Senator Dawson

30-1684-01

See HB 905

1                                   A bill to be entitled  
2           An act relating to the Pine Tree Water Control  
3           District, Broward County; codifying, repealing,  
4           amending, and reenacting special acts relating  
5           to the district; providing legislative intent;  
6           deleting gender-specific references; providing  
7           a district charter; providing that this act  
8           shall take precedence over any conflicting law  
9           to the extent of such conflict; providing for  
10          severability; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. In accordance with section 189.429, Florida  
15 Statutes, this act constitutes the codification of all special  
16 acts relating to Pine Tree Water Control District. It is the  
17 intent of the Legislature in enacting this law to provide a  
18 single, comprehensive special act charter for the District,  
19 including all current legislative authority granted to the  
20 District by its several legislative enactments and any  
21 additional authority granted by this act.

22           Section 2. Chapters 61-1969, 63-1186, 65-1337, 69-905,  
23 71-562, 71-581, 73-420, 74-446, 77-518, 85-391, 93-372, and  
24 94-430, Laws of Florida, relating to the Pine Tree Water  
25 Control District, are codified, reenacted, amended, and  
26 repealed as herein provided.

27           Section 3. The charter for the Pine Tree Water Control  
28 District is re-created and reenacted to read:

29           Section 1. District created.--There is hereby created  
30 and established a local governmental body, corporate and  
31 politic, to be known as the "Pine Tree Water Control

1 District," hereinafter referred to as the "District." All  
2 lawful debts, bonds, obligations, contracts, franchises,  
3 promissory notes, audits, minutes, resolutions, and other  
4 takings of the Pine Tree Water Management District are hereby  
5 validated and shall continue to be valid and binding on the  
6 Pine Tree Water Control District in accordance with their  
7 respective terms, conditions, covenants, and tenor. Any  
8 procedure heretofore done by the Pine Tree Water Management  
9 District under the Florida Statutes or any other law, for the  
10 construction of any improvements, works, or facilities, for  
11 the assessment of benefits and damages, or for the borrowing  
12 of money shall not be impaired or avoided by this Act, but  
13 shall be continued and completed in the name of the Pine Tree  
14 Water Control District.

15 Section 2. Boundaries.--The boundaries of the District  
16 shall be:

17  
18 A portion of Township 48 South, Range 41 East,  
19 beginning at the Southeast corner of Section 1,  
20 run West along the South line of Section 1 and  
21 Section 2 of said Township and Range to the  
22 North extension of the East lines of Tracts 16,  
23 15 and 14 of Section 11, as recorded in Plat  
24 Book 1, Page 102, Public Records of Palm Beach  
25 County, Florida; thence, South along the said  
26 extension and the East line of said Tracts 16,  
27 15 and 14 to the Southeast corner of said Tract  
28 14; thence West along the South line of said  
29 Tract 14 and its extension to the West line of  
30 Section 11; thence, North along the West line  
31 of Section 11 and Section 2 to the West quarter

1       corner of Section 2; thence, East along the  
2       North line of the South half of said Section 2  
3       to the West line of Section 1; thence, North  
4       along the West line of Section 1, 2119.53 feet  
5       to a point 1320 feet South of the Northwest  
6       corner of said Section 1; thence, East and  
7       parallel to the North line of said Section 1 a  
8       distance of 1320 feet; thence North and  
9       parallel to the West line of said Section 1 a  
10       distance of 1320 feet to the North line of said  
11       Section 1; thence, East along the North line of  
12       said Section 1 to the Northeast corner of said  
13       Section; thence, South along the East line of  
14       Section 1 to the Southeast corner and the point  
15       of beginning.

16  
17       TOGETHER WITH:

18  
19       Portions of Section 35, Township 47 South,  
20       Range 41 East, Section 1, Township 48 South,  
21       Range 41 East, and Section 2, Township 48  
22       South, Range 41 East, lying within the  
23       following described boundaries:

24  
25       Commencing at the Southwest corner of the  
26       Northeast quarter of Section 2, Township 48  
27       South, Range 41 East; thence, East along the  
28       South line of the Northeast quarter of said  
29       Section 2 a distance of 1651.4 feet to the  
30       point of beginning; thence, North 0°54'42" West  
31       a distance of 1310.15 feet; thence, South

1           89°41'35" West a distance of 329.88 feet;  
2           thence, North 0°54'35" West a distance of  
3           803.12 feet; thence, South 89°41'36" West a  
4           distance of 0.60 feet; thence, North 0°55'04"  
5           West a distance of 1320 feet to the South line  
6           of Section 35, Township 47 South, Range 41  
7           East; thence, North 89°41'18" East along the  
8           South line of said Section 35, a distance of  
9           0.79 feet; thence North 01°16'01" West a  
10          distance of 660.44 feet; thence, North  
11          89°41'26" East a distance of 652.13 feet;  
12          thence, North 01°15'53" West a distance of  
13          3869.43 feet to the South right-of-way line of  
14          the Hillsboro Canal; thence Southeasterly along  
15          the South right-of-way line of the Hillsboro  
16          Canal to the intersection of said line with the  
17          East line of Section 35, Township 47 South,  
18          Range 41 East; thence, South along the East  
19          line of Section 35 to the Southeast corner of  
20          said Section 35; thence, East along the North  
21          line of Section 1, Township 48 South, Range 41  
22          East, a distance of 1320 feet; thence,  
23          Southerly on a line parallel to the East line  
24          of Section 2, Township 48 South, Range 41 East,  
25          a distance of 1320 feet; thence, Westerly on a  
26          line parallel to the North line of said Section  
27          1 to a point on the East line of the said  
28          Section 2; thence, South along the East line of  
29          said Section 2 to the Southeast corner of the  
30          Northeast quarter of the said Section 2;  
31          thence, West along the South line of the

1 Northeast quarter of the said Section 2, to the  
2 point of beginning. and all of Section 36,  
3 Township 47 South, Range 41 East lying South of  
4 the South right-of-way line of the Hillsboro  
5 Canal; and all of Section 11, Township 48  
6 South, Range 41 East, less Tracts 14, 15 and  
7 16, according to the Plat of FLORIDA FRUIT  
8 LANDS COMPANY'S SUBDIVISION NO. 2, as recorded  
9 in Plat Book 1, Page 102 of the Public Records  
10 of Palm Beach County, Florida; and all of  
11 Section 12, Township 48 South, Range 41 East;  
12 said lands situate, lying, and being in Broward  
13 County, Florida.

14  
15 Section 3. Applicability of certain provisions of  
16 chapter 298, Florida Statutes, to the Pine Tree Water Control  
17 District; inconsistent laws inapplicable.--The provisions of  
18 chapter 298, Florida Statutes, and all amendments thereto, now  
19 existing or hereafter enacted, are declared to be applicable  
20 to the Pine Tree Water Control District insofar as not  
21 inconsistent with the provisions of this Act or any subsequent  
22 special acts relating to the Pine Tree Water Control District.  
23 Notwithstanding the foregoing, the provisions of sections  
24 298.11, 298.12, and 298.54, Florida Statutes, and amendments  
25 thereto, shall not be applicable to the Pine Tree Water  
26 Control District.

27 Section 4. Definitions.--Unless a context shall  
28 indicate otherwise, the following words as used in this Act  
29 shall have the following meanings:  
30  
31

1           (1) "Assessable improvements" includes, without  
2 limitation, any and all public improvements that the District  
3 is empowered to provide in accordance with this Act.

4           (2) "Bond" includes "certificate," and provisions  
5 applicable to bonds shall be equally applicable to  
6 certificates. "Bond" includes general obligation bonds,  
7 assessment bonds, refunding bonds, revenue bonds, and such  
8 other obligations in the nature of bonds as are provided for  
9 in this Act, as the case may be.

10           (3) "Board" means the Board of Supervisors of the Pine  
11 Tree Water Control District, or if such Board shall be  
12 abolished, the Board, body, or commission succeeding to the  
13 principal functions thereof or to whom the powers given by  
14 this Act to the Board shall be given by law.

15           (4) "Cost," when used with reference to any project,  
16 includes, but is not limited to, the expenses of determining  
17 the feasibility or practicability of acquisition,  
18 construction, or reconstruction; the cost of surveys,  
19 estimates, plans, and specifications; the cost of acquisition,  
20 construction, or reconstruction; the cost of improvements;  
21 engineering, fiscal, and legal expenses and charges; the cost  
22 of all labor, materials, machinery, and equipment; the cost of  
23 all lands, properties, rights, easements, and franchises  
24 acquired; federal, state, and local taxes and assessments;  
25 financing charges; the creation of initial reserve and debt  
26 service funds; working capital; interest charges incurred or  
27 estimated to be incurred on money borrowed prior to and during  
28 construction and acquisition and for such period of time after  
29 completion of construction or acquisition as the Board may  
30 determine; the cost of issuance of bonds pursuant to this Act,  
31 including advertisements and printing, the cost of any

1 election held pursuant to this Act, and all other expenses of  
2 issuance of bonds; discount, if any, on the sale or exchange  
3 of bonds; administrative expenses; such other expenses as may  
4 be necessary or incidental to the acquisition, construction,  
5 or reconstruction of any project or to the financing thereof,  
6 or the development of any lands within the District, and  
7 reimbursement of any public or private body, person, firm, or  
8 corporation for any moneys advanced in connection with any of  
9 the foregoing items of cost. Any obligation or expense  
10 incurred prior to the issuance of bonds in connection with the  
11 acquisition, construction, or reconstruction of any project or  
12 improvements thereon, or in connection with any other  
13 development of land that the Board of the District shall  
14 determine to be necessary or desirable in carrying out the  
15 purposes of this Act, may be treated as a part of such cost.

16 (5) "District" means the Pine Tree Water Control  
17 District and "District Manager" means the Manager of the  
18 District.

19 (6) "Landowner" means the owner of the freehold  
20 estate, as appears by the deed record, including trustees,  
21 private corporations, and owners of cooperative and  
22 condominium units; it does not include reversioners,  
23 remaindermen, or mortgagees, who shall not be counted and need  
24 not be notified of proceedings under this Act.

25 (7) "Project" means any development, improvements,  
26 property, utility, facility, works, road, enterprise, service,  
27 or convenience now existing or hereafter undertaken or  
28 established under the provisions of this Act or under chapter  
29 298, Florida Statutes.

30 (8) "Water management and control facilities" means  
31 any canals, ditches, or other drainage facilities, reservoirs,

1 dams, levees, sluiceways, dredging holding basins, floodways,  
2 pumping stations, or any other works, structures, or  
3 facilities for the conservation, control, development,  
4 utilization, and disposal of water, and any purposes  
5 appurtenant, necessary, or incidental thereto, and includes  
6 all real and personal property and any interest therein,  
7 rights, easements, and franchises of any nature relating to  
8 any such water and flood control facilities or necessary or  
9 convenient for the acquisition, construction, reconstruction,  
10 operation, or maintenance thereof.

11 Section 5. Board; election; organization; terms of  
12 office; vacancy; quorum.--

13 (1) The Board of the District shall be the governing  
14 body of the District and shall exercise the powers granted to  
15 the District under this Act and under chapters 189 and 298,  
16 Florida Statutes. The District is an independent special  
17 district as defined in section 189.403(3), Florida Statutes.  
18 The Board shall consist of five members and, except as  
19 otherwise provided herein, each member shall be elected in  
20 compliance with all applicable election laws by the landowners  
21 of the District. Commencing in 1994 and every 2 years  
22 thereafter, two members of the Board shall be elected by the  
23 landowners of the District. The member receiving the highest  
24 number of votes shall be elected for a 4-year term and the  
25 member receiving the second-highest number of votes shall be  
26 elected for a 2-year term. The fourth and fifth members of the  
27 Board of Supervisors shall be appointed by the City of Coral  
28 Springs City Commission and the City of Parkland City  
29 Commission, respectively, and shall serve as members of the  
30 Board until replaced. All of the members shall be residents of  
31



1 Broward County and all members shall be residents of Florida  
2 and shall be landowners within the District.

3 (2) Each Supervisor, before entering upon his or her  
4 official duties, shall take and subscribe to an oath of office  
5 as prescribed in section 298.13, Florida Statutes.

6 (3) All Supervisors shall hold office for the terms to  
7 which they are elected or appointed and until their successors  
8 shall be chosen and qualified. In the case of a vacancy in the  
9 office of any Supervisor, the remaining Supervisor or  
10 Supervisors (even though less than a quorum) may fill such  
11 vacancy by appointment of a new Supervisor or Supervisors for  
12 the unexpired term of the Supervisor who vacated office.

13 (4) A majority of the members of the Board of  
14 Supervisors shall constitute a quorum.

15 (5) The Board of Supervisors shall meet at least one  
16 time every month to conduct the business of the District,  
17 provided that items shall have been submitted 14 days before  
18 the meeting. In the event no items are to be considered by the  
19 Board of Supervisors of the District, the District Manager may  
20 cancel the monthly meeting. Each member of the Board of  
21 Supervisors shall be paid an amount not to exceed \$100 per  
22 meeting, not to exceed \$100 per month.

23 (6) Each Supervisor appointed by the City of Coral  
24 Springs and the City of Parkland shall reside within the Pine  
25 Tree Water Control District and if a member of the respective  
26 City Commissions resides in the District, he or she shall be  
27 appointed to the Board of Supervisors.

28 Section 6. Taxes.--

29 (1) Ad valorem taxes.--The Board shall have the power  
30 to levy and assess an ad valorem tax not in excess of 5 mills  
31 on all the taxable property in the District to construct,

1 operate, and maintain assessable improvements; to pay the  
2 principal of, and interest on, any general obligation bonds of  
3 the District; and to provide for any sinking or other funds  
4 established in connection with any such bonds. The ad valorem  
5 tax provided for herein shall be in addition to county and all  
6 other ad valorem taxes provided for by law. Such tax shall be  
7 assessed, levied, and collected in the same manner and at the  
8 same time as county taxes. The levy of ad valorem taxes shall  
9 be approved by referendum when required by the State  
10 Constitution.

11 (2) Benefit taxes.--The Board shall annually  
12 determine, order, and levy the annual installment of the total  
13 taxes for bonds issued to finance water management and control  
14 plans which are levied under this Act, which taxes shall be  
15 due and collected during each year that county taxes are due  
16 and collected, and such annual installment and levy shall be  
17 evidenced to and certified to the property appraiser by the  
18 Board not later than August 31 of each year. This tax shall be  
19 entered by the property appraiser on the county tax rolls and  
20 shall be collected by the tax collector in the same manner and  
21 at the same time as county taxes, and the proceeds thereof  
22 shall be paid to the District. The tax shall be a lien on the  
23 property against which it is assessed until paid and shall be  
24 enforceable in like manner as county taxes.

25 (3) Maintenance tax.--To maintain and preserve the  
26 water management and control facilities of the District, a  
27 maintenance tax shall be evidenced to and certified to the  
28 property appraiser by the Board of Supervisors not later than  
29 August 31 of each year and shall be entered by the property  
30 appraiser on the county tax rolls and shall be collected by  
31 the tax collector in the same manner and at the same time as

1 county taxes, and the proceeds therefrom shall be paid to the  
2 District. The tax shall be a lien on the property against  
3 which it is assessed until paid and shall be enforceable in  
4 like manner as county taxes. If the maintenance is for  
5 original construction based upon an apportionment of benefits,  
6 the maintenance tax shall be apportioned on the same basis of  
7 the net assessments of benefits assessed or accruing for  
8 original construction and shall not exceed 10 percent thereof  
9 in any 1 year. If the maintenance is for other water  
10 management and control improvements owned, operated, or  
11 acquired by the District, the amount of the maintenance tax  
12 shall be determined by the Board based upon a report of the  
13 chief engineer and assessed by the Board upon such lands,  
14 which may be all of the lands within the District benefited by  
15 the maintenance thereof apportioned between the benefited  
16 lands in proportion to the benefits received by each tract of  
17 land.

18 (4) Enforcement of taxes.--The collection and  
19 enforcement of all taxes levied by the District shall be at  
20 the same time and in like manner as county taxes, and subject  
21 to the provisions of the Florida Statutes relating to the sale  
22 of lands for unpaid and delinquent county taxes, and the  
23 issuance, sale, and delivery of tax certificates for such  
24 unpaid and delinquent county taxes; the redemption thereof;  
25 the issuance to individuals of tax deeds based thereon; and  
26 all other procedures in connection therewith shall be  
27 applicable to the District to the same extent as if such  
28 statutory provisions were expressly set forth herein. All  
29 taxes shall be subject to the same discounts as county taxes.

30 (5) When unpaid tax is delinquent; penalty.--All taxes  
31 provided for in this Act shall become delinquent and bear

1 penalties on the amount of such taxes in the same manner as  
2 county taxes.

3 Section 7. Special assessments.--

4 (1) The Board of Supervisors may provide for the  
5 construction or reconstruction of assessable improvements as  
6 defined in this Act and for the levying and collecting of  
7 special assessments upon benefited property for the payment  
8 thereof as is provided for in chapter 170, Florida Statutes,  
9 and amendments thereto; and the provisions of that chapter  
10 shall be applicable with the same force and effect as if said  
11 provisions were expressly set forth in this Act. Any act  
12 required to be done by or on behalf of a city or town under  
13 chapter 170, Florida Statutes, may be performed by such  
14 officer or agent of the District as the Board may designate.

15 (2) Notwithstanding the provisions of section 170.09,  
16 Florida Statutes, District assessments may be made payable in  
17 20 annual installments.

18 Section 8. Issuance of certificates of indebtedness  
19 based on assessments for assessable improvements; assessment  
20 bonds.--

21 (1) The Board of Supervisors may, after any  
22 assessments for assessable improvements are made, determined,  
23 and confirmed, issue certificates of indebtedness for the  
24 amount so assessed against the abutting property or property  
25 otherwise benefited, as the case may be, and separate  
26 certificates shall be issued against each part or parcel of  
27 land assessed, which certificates shall state the general  
28 nature of the improvement for which the said assessment is  
29 made. Said certificates shall be payable in installments in  
30 accordance with the installments of the special assessments  
31 for which they are issued. The Board of Supervisors may

1 determine the interest to be borne by such certificates at a  
2 rate not to exceed the statutory limitation as set forth in  
3 chapter 215, Florida Statutes, and as may be amended from time  
4 to time, and may sell such certificates at either private or  
5 public sale and determine the form, manner of execution, and  
6 other details of such certificates. Such certificates shall  
7 recite that they are payable only from the special assessments  
8 levied and collected from the part or parcel of land against  
9 which they are issued. The proceeds of such certificates may  
10 be pledged for the payment of principal of and the interest on  
11 any revenue bonds or assessment bonds issued to finance in  
12 whole or in part such assessable improvements.

13 (2) The Board of Supervisors may also issue assessment  
14 bonds or other obligations payable from a special fund into  
15 which such certificates of indebtedness referred to in the  
16 preceding subsection may be deposited; or, if such  
17 certificates of indebtedness have not been issued, the Board  
18 of Supervisors may assign to such special fund for the benefit  
19 of the holders of such assessment bonds or other obligations,  
20 or to a trustee for such bondholders, the assessment liens  
21 provided for herein, unless such certificates of indebtedness  
22 or assessment liens have been theretofore pledged for any  
23 bonds or other obligations authorized hereunder. In the event  
24 of the creation of such special fund and the issuance of such  
25 assessment bonds or other obligations, the proceeds of such  
26 certificates of indebtedness or assessment liens deposited  
27 therein shall be used only for the payment of the assessment  
28 bonds or other obligations issued. The Board of Supervisors is  
29 hereby authorized to covenant with the holders of such  
30 assessment bonds or other obligations that it will diligently  
31 and faithfully enforce and collect all the special assessments

1 and interest and penalties thereon for which such certificates  
2 of indebtedness or assessment liens have been deposited in or  
3 assigned to such fund, and to foreclose such assessment liens  
4 so assigned to such special fund or represented by the  
5 certificates of indebtedness deposited in said special fund,  
6 after such assessment liens have become delinquent, and  
7 deposit the proceeds derived from such foreclosure, including  
8 interest and penalties, in such special fund, and to further  
9 make any other necessary covenants deemed necessary or  
10 advisable in order to properly secure the holders of such  
11 assessment bonds or other obligations.

12 (3) All assessment bonds or other obligations issued  
13 under the provisions of this Act, except certificates of  
14 indebtedness issued against separate parcels of land as  
15 provided in this section, shall be and constitute and have all  
16 the qualities and incidents of negotiable instruments under  
17 the law merchant and the Uniform Commercial Code.

18 (4) All revenue bonds and assessments issued pursuant  
19 to this Act shall be and constitute legal investments for  
20 state, county, municipal, and all other public funds and for  
21 banks, savings banks, insurance companies, executors,  
22 administrators, trustees, and all other fiduciaries, and shall  
23 also be and constitute securities eligible as collateral  
24 security for all state, county, municipal, or other public  
25 funds.

26 (5) The Board of Supervisors is authorized to enter  
27 into agreements for the delivery of any revenue bonds or  
28 assessment bonds at one time or from time to time as full or  
29 partial payment for the services of any engineer or work done  
30 by any contractor who may have been retained or hired or been  
31 awarded a contract for the construction of all or any part of

1 a water system; however, any such bonds so delivered for  
2 payment of such services or work performed shall have been  
3 authorized and issued in the manner provided in this Act and  
4 shall otherwise conform to the provisions hereof.

5 (6) Any contract entered into by the District shall be  
6 deemed to have been made for the benefit of any holders of  
7 bonds issued pursuant to this Act to the extent necessary, and  
8 the terms of any such contract shall be enforceable by such  
9 bondholders in any appropriate legal proceeding. Any such  
10 contract if made with another public body or municipality  
11 shall be enforceable without the requirement of formal  
12 consideration.

13 Section 9. Fees, rentals, and charges; procedure for  
14 adoption and modifications; minimum revenue requirements.--

15 (1) The District is authorized to prescribe, fix,  
16 establish, and collect rates, fees, rentals, or other charges,  
17 hereinafter sometimes referred to as "revenues," and to revise  
18 the same from time to time, for the facilities and services  
19 furnished by the District, within the limits of the District,  
20 including, but not limited to, recreational facilities, water  
21 management and control facilities, and water and sewer  
22 systems; to recover the costs of making connection with any  
23 district facility or system; and to provide for reasonable  
24 penalties against any user or property for any such rates,  
25 fees, rentals, or other charges that are delinquent.

26 (2) No such rates, fees, rentals, or other charges for  
27 any of the facilities or services of the District shall be  
28 fixed until after a public hearing at which all the users of  
29 the proposed facility or services or owners, tenants, or  
30 occupants served or to be served thereby and all other  
31 interested persons shall have an opportunity to be heard

1 concerning the proposed rates, fees, rentals, or other  
2 charges. Notice of such public hearing setting forth the  
3 proposed schedule or schedules of rates, fees, rentals, and  
4 other charges shall have been published in a newspaper in the  
5 county and of general circulation in the District at least  
6 once and at least 10 days prior to such public hearing. The  
7 hearing may be adjourned from time to time. After such  
8 hearing, such schedule or schedules, either as initially  
9 proposed or as modified or amended, may be finally adopted. A  
10 copy of the schedule or schedules of such rates, fees,  
11 rentals, or charges as finally adopted shall be kept on file  
12 in an office designated by the Board and shall be open at all  
13 reasonable times to public inspection. The rates, fees,  
14 rentals, or charges so fixed for any class of users or  
15 property served shall be extended to cover any additional  
16 users or properties thereafter served which shall fall in the  
17 same class, without the necessity of any notice or hearing.

18 (3) Such rates, fees, rentals, and charges shall be  
19 just and equitable and uniform for users of the same class,  
20 and when appropriate may be based or computed either upon the  
21 amount of service furnished, upon the number or average number  
22 of persons residing or working in or otherwise occupying the  
23 premises served, or upon any other factor affecting the use of  
24 the facilities furnished, or upon any combination of the  
25 foregoing factors, as may be determined by the Board on an  
26 equitable basis.

27 (4) The rates, fees, rentals, or other charges  
28 prescribed shall be such as will produce revenues, together  
29 with any other assessments, taxes, revenues, or funds  
30 available or pledged for such purpose, at least sufficient to  
31



1 provide for the items hereinafter listed, but not necessarily  
2 in the order stated:

3 (a) To provide for all expenses of operation and  
4 maintenance of such facility or service;

5 (b) To pay when due all bonds and interest thereon for  
6 the payment of which such revenues are, or shall have been,  
7 pledged or encumbered, including reserves for such purpose;  
8 and

9 (c) To provide for any other funds that may be  
10 required under the resolution or resolutions authorizing the  
11 issuance of bonds pursuant to this Act.

12 (5) The Board shall have the power to enter into  
13 contracts for the use of the projects of the District and with  
14 respect to the services and facilities furnished or to be  
15 furnished by the District.

16 Section 10. Recovery of delinquent charges.--In the  
17 event that any rates, fees, rentals, charges, or delinquent  
18 penalties are not paid as and when due and are in default for  
19 60 days or more, the unpaid balance thereof and all interest  
20 accrued thereon, together with reasonable attorney's fees and  
21 costs, may be recovered by the District in a civil action.

22 Section 11. Discontinuance of service.--In the event  
23 the fees, rentals, or other charges for any of the facilities  
24 or services of the District are not paid when due, the Board  
25 shall have the power, under such reasonable rules and  
26 regulations as the Board may adopt, to discontinue services  
27 until such fees, rentals, or other charges, including  
28 interest, penalties, and charges for the shutting off and  
29 discontinuance and the restoration of services, are fully  
30 paid; and, for such purposes the Board may enter on any lands,  
31 waters, or premises of any person, firm, corporation, or body,

1 public or private, within the District limits. Such delinquent  
2 fees, rentals, or other charges, together with interest,  
3 penalties, and charges for the discontinuance and the  
4 restoration of such services and facilities and reasonable  
5 attorney's fees and other expenses, may be recovered by the  
6 District, which may also enforce payment of such delinquent  
7 fees, rentals, or other charges by any other lawful method of  
8 enforcement.

9 Section 12. Enforcement and penalties.--The Board or  
10 any aggrieved person may have recourse to such remedies in law  
11 and at equity as may be necessary to ensure compliance with  
12 the provisions of this Act, including injunctive relief to  
13 enjoin or restrain any person violating the provisions of the  
14 Act or any bylaws, resolutions, regulations, rules, codes, or  
15 orders adopted under this Act. In case any building or  
16 structure is erected, constructed, reconstructed, altered,  
17 repaired, converted, or maintained, or any building,  
18 structure, land, or water is used, in violation of this Act or  
19 of any code, order, resolution, or other regulation made under  
20 authority conferred by the Act or under law, the Board or any  
21 citizen residing in the District may institute any appropriate  
22 action or proceeding to prevent such unlawful erection,  
23 construction, reconstruction, alteration, repair, conversion,  
24 maintenance, or use; to restrain, correct, or avoid such  
25 violation; to prevent the occupancy of such building,  
26 structure, land, or water; and to prevent any illegal act,  
27 conduct, business, or use in or about such premises, land, or  
28 water.

29 Section 13. Suits against the district.--Any suit or  
30 action brought or maintained against the District for damage  
31 arising out of tort, including, without limitation, any claim

1 arising upon account of an act causing an injury or loss of  
2 property, personal injury, or death, shall be subject to the  
3 limitations provided in section 768.28, Florida Statutes.

4 Section 14. Exemption of District property from  
5 execution.--All District properties shall be exempt from levy  
6 and sale by virtue of an execution and no execution or other  
7 judicial process shall issue against such property, nor shall  
8 any judgment against the District be a charge or lien against  
9 its property or revenues, providing that nothing herein  
10 contained shall apply to or limit the rights of bond holders  
11 to pursue any remedy for the enforcement of any lien or pledge  
12 given by the District in connection with any of the bonds or  
13 obligations of the District.

14 Section 15. Dissolution, merger, or abolishment.--The  
15 dissolution, merger, abolishment, or any other proceedings  
16 relative to the special independent district created by this  
17 Act shall be governed exclusively by chapter 189, Florida  
18 Statutes.

19 Section 4. If one or more of the sections or  
20 provisions of this act or the application of such sections or  
21 provisions to any situations, circumstances, or person are  
22 held to be unconstitutional, such unconstitutionality shall  
23 not affect other sections or provisions as to any other  
24 situation, circumstance, or person, and it is intended that  
25 this law shall be construed and applied as if such section or  
26 provision had not been included herein for any  
27 unconstitutional application.

28 Section 5. This act shall take precedence over any  
29 conflicting law to the extent of such conflict.

30  
31

1           Section 6. Chapters 61-1969, 63-1186, 65-1337, 69-905,  
2 71-562, 71-581, 73-420, 74-446, 77-518, 85-391, 93-372, and  
3 94-430, Laws of Florida, are repealed.

4           Section 7. This act shall take effect upon becoming a  
5 law.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31