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A bill to be entitled

An act relating to the North Lauderdale Water Control District, Broward County; codifying, amending, reenacting, and repealing the district's special acts; providing that the district may borrow money at a rate not exceeding that which is provided by law; providing for the members of the board of supervisors to be known as the city commission of the City of North Lauderdale; amending the meeting notice requirements and clarifying that meetings be held at a public place; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; providing for the use of non-ad valorem assessments; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; repealing chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes a codification of all special acts relating to the dependent special district known as the North Lauderdale Water Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, are codified, reenacted, amended, and



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31 repealed as provided herein.

32 Section 3. The charter for the North Lauderdale Water  
 33 Control District is re-created and reenacted to read:

34 Section 1. DISTRICT CREATED AND BOUNDARIES THEREOF.--That  
 35 for the purpose of reclaiming, draining, and conserving the lands  
 36 hereinafter described, and protecting said lands from the effects  
 37 of water by means of the construction and maintenance of canals,  
 38 ditches, levees, dikes, pumping plants, and other drainage works  
 39 and improvements, and for the purpose of making the lands within  
 40 said district available and habitable for settlement and  
 41 agriculture and for the public convenience, welfare, utility, and  
 42 benefit, and for the other purposes stated in the act, a Drainage  
 43 District is hereby established in Broward County, to be known as  
 44 North Lauderdale Water Control District, a drainage district, the  
 45 territorial boundaries of which are to-wit:

46  
 47 A portion of the Southeast One-Quarter (SE 1/4) of  
 48 Section 26, Township 50 South, Range 40 East, Broward  
 49 County, Florida, being more particularly described as  
 50 follows:

51 COMMENCE at the intersection of the baseline of survey of  
 52 Griffin Road with baseline of survey of Flamingo Road as  
 53 shown on the Florida Department of Transportation Right-  
 54 of-Way Map, Section No. 86190-2517, Sheet 2 of 16;

55 THENCE South 88°29'39" West, 85.01 feet;

56 THENCE South 01°47'01" East, along the West right-of-  
 57 way line of Flamingo Road, 688.37 feet;

58 THENCE South 88°12'59" West, 315.65 feet to the POINT  
 59 OF BEGINNING;

60 THENCE continue South 88°12'59" West, 294.35 feet;



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61 THENCE North 01°47'01" West, 571.50 feet to a point on  
 62 the South right-of-way line of said Griffin Road;  
 63 THENCE South 87°58'34" East along said South right-of-  
 64 way line, 233.02 feet;  
 65 THENCE North 88°29'39" East along said South right-of-  
 66 way line 64.55 feet; THENCE South 01°30'21" East,  
 67 555.72 feet to the POINT OF BEGINNING. Said lands  
 68 lying in the City of Cooper City, Broward County,  
 69 Florida, containing 166,206 square feet (3.815 acres),  
 70 more or less.

71  
 72 It is hereby determined, declared, and enacted that said lands in  
 73 their present condition are wet and subject to overflow and that  
 74 the drainage, reclamation, and protection of said lands from the  
 75 effects of water and thereby the making of said lands available  
 76 for agricultural purposes by drainage, reclamation, and  
 77 improvement, in the creation of said district with the powers  
 78 vested in it by this act are in the interest of and conducive to  
 79 the public welfare, health, and convenience.

80 Section 2. PROVISIONS OF CHAPTER 298, FLORIDA STATUTES, MADE  
 81 APPLICABLE.--A public corporation and a political subdivision of  
 82 the state is hereby created under the name and style of "North  
 83 Lauderdale Water Control District." The provisions of the General  
 84 Drainage Laws of Florida applicable to Drainage Districts which  
 85 are embodied in chapter 298, Florida Statutes, and all the laws  
 86 amendatory thereof, now existing or hereinafter enacted so far as  
 87 not inconsistent with this act, are hereby declared to be  
 88 applicable to said North Lauderdale Water Control District. Said  
 89 North Lauderdale Water Control District shall have all the powers  
 90 and authorities mentioned in or conferred by said chapter 298,



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91 Florida Statutes, and acts amendatory thereof, except as herein  
 92 otherwise provided.

93 Section 3. POWERS OF THE DISTRICT.--Said District shall have  
 94 the power to sue and be sued by its name in any court of law or in  
 95 equity; to make contracts; to adopt and use a corporate seal and  
 96 to alter the same at pleasure; to acquire by purchase, gift, or  
 97 condemnation, real and personal property, either or both, within  
 98 or without the District, and to convey and dispose of such real  
 99 and personal property as may be necessary and convenient to carry  
 100 out the purposes, or any of the purposes, of this act and chapter  
 101 298, Florida Statutes; to construct, operate, and maintain canals,  
 102 ditches, drains, levees, dikes, and other works for drainage  
 103 purposes; to acquire, purchase, operate, and maintain pumps,  
 104 plants, and pumping systems for drainage purposes; to construct,  
 105 operate, and maintain irrigation works, machinery, and plants; to  
 106 construct, improve, pave, and maintain roadways and roads  
 107 necessary and convenient for the exercise of the powers or duties  
 108 or any of the powers or duties of said District or the Supervisors  
 109 thereof; to pump water into and out of canals, ditches, drains,  
 110 and other works of the District, or onto or from the lands in said  
 111 District, and to regulate and control the flow of water into and  
 112 out of said District; in maintaining and operating canals, drains,  
 113 levees, dikes, dams, locks, reservoirs, pumping stations, and  
 114 water control structures, the Board of Supervisors, its agents,  
 115 and its employees, shall have the authority to enter at all  
 116 reasonable times upon the lands adjacent to any such drainage  
 117 works in order to transport and use men, equipment, machinery, and  
 118 materials necessary to properly maintain, preserve, and operate  
 119 such drainage works and in furtherance of the purposes and intent  
 120 of this act and chapter 298, Florida Statutes, to construct,



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121 improve, and pave roadways and roads necessary and convenient to  
 122 provide access to, and efficient development of, areas made  
 123 suitable and available for cultivation, settlement, and other  
 124 beneficial use and development as a result of the drainage and  
 125 reclamation operations of the District; to borrow money and issue  
 126 negotiable or other bonds of said District as hereinafter  
 127 provided; to borrow money from time to time, and issue negotiable  
 128 or other notes of said District therefor, bearing interest not  
 129 exceeding the rate prescribed by general or special law, in  
 130 anticipation of the collection of taxes, levies, and assessments  
 131 or revenues of said District and to pledge or hypothecate such  
 132 taxes, levies, assessments, and revenues to secure such bonds,  
 133 notes, or obligations, and to sell, discount, negotiate, and  
 134 dispose of the same; and to exercise all other powers necessary,  
 135 convenient, or proper in connection with any of the powers or  
 136 duties of said District stated in this act, or chapter 298,  
 137 Florida Statutes. The powers and duties of said District shall be  
 138 exercised by and through the Board of Supervisors thereof, which  
 139 Board shall have the authority to employ engineers, attorneys,  
 140 agents, employees, and representatives as the Board of Supervisors  
 141 may from time to time determine, and to fix their compensation and  
 142 duties.

143 Section 4. BOARD OF SUPERVISORS; ORGANIZATION; POWERS,  
 144 DUTIES, AND TERMS OF OFFICE.--There is hereby created a Board of  
 145 Supervisors of the North Lauderdale Water Control District which  
 146 shall be the governing body of said District. The members of the  
 147 Board of Supervisors of said District shall be composed of five  
 148 members, who shall be the five sitting members of the City  
 149 Commission of the City of North Lauderdale. The City Commission  
 150 shall continue all of the duties, functions, and responsibilities



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151 under this act of the supervisors of the district after this act  
152 becomes law.

153 The term of office of each member of the board of supervisors  
154 shall be coincidental with that member's term of office as a  
155 member of the City Commission. The members shall assume full  
156 duties as a member of the board of supervisors once he or she  
157 takes the oath of office as a member of the City Commission.

158 (1) Terms of office for the board of supervisors shall be  
159 concurrent with the length of time the Commission member is in  
160 office.

161 (2) An annual meeting of the board of supervisors shall be  
162 held during the first week of June and otherwise in accordance  
163 with this act. At the annual meeting of the board of supervisors,  
164 the board shall elect, from its members, a Chair, and a Vice  
165 Chair, who shall serve in said positions until the next annual  
166 meeting or expiration of his or her term.

167 Section 5. MEETINGS OF BOARD OF SUPERVISORS.--The Board of  
168 Supervisors shall have the power to call special meetings at any  
169 time to receive reports or consider and act upon any matter.  
170 Notice of all meetings shall be given by the Board of Supervisors  
171 by causing publication thereof to be made once at least 5 days  
172 prior to such meeting in some newspaper published in Broward  
173 County, or by sending sufficient notice through the mail to each  
174 landowner. In cases of emergency as determined by a majority of  
175 the Board, this notice requirement may be waived. The meetings  
176 shall be held in some public place, and the place, day, and hour  
177 of holding such meeting shall be stated in the notice. The Chair  
178 of the Board of Supervisors shall preside at such meeting. The  
179 City Clerk of the City of North Lauderdale shall serve as  
180 Secretary of the Board of Supervisors and shall be the Secretary



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181 at the meeting. The Board of Supervisors of the North Lauderdale  
 182 Water Control District shall meet not less than 4 times per year  
 183 to conduct the business of the District as provided for in this  
 184 act.

185 Section 6. COMPENSATION OF THE BOARD.--Each Supervisor shall  
 186 serve without compensation, except that they shall be reimbursed  
 187 for their travel expenses pursuant to section 112.061, Florida  
 188 Statutes, as may be amended from time to time, for each mile  
 189 actually traveled in going to and from their place of residence to  
 190 the place of meeting.

191 Section 7. TAXES AND ASSESSMENTS; LEVIED AND APPORTIONED;  
 192 AND THE COLLECTION THEREOF.--Taxes and non-ad valorem assessments  
 193 shall be levied and apportioned as provided for by the General  
 194 Drainage Laws of Florida (chapter 298, Florida Statutes, and  
 195 amendments thereto) and the general or special laws of the state;  
 196 except that the following provisions shall apply to said District:

197 (1) The Board of Supervisors shall determine, order, and  
 198 levy the amount of the annual taxes or non-ad valorem assessments  
 199 levied under chapter 298, Florida Statutes, which shall become due  
 200 and be collected during each year at the same time that county  
 201 taxes are due and collected, which said annual tax, assessment,  
 202 and levy shall be evidenced to and certified by the said Board,  
 203 not later than July 1 of each year, to the Tax Assessor of Broward  
 204 County. Said tax or assessment shall be extended by the County  
 205 Tax Assessor on the county tax roll and shall be collected by the  
 206 Tax Collector in the same manner and time as county taxes, and the  
 207 proceeds thereof paid to said District.

208 (2) The Board of Supervisors may in its discretion determine  
 209 it is in the best interest of the District that the annual tax or  
 210 assessment levies be collected by the Treasurer of the District



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211 and in such event he or she shall collect the tax or assessment in  
 212 the same manner as the Tax Collector, and said Treasurer of the  
 213 District shall be substituted for and perform all the duties and  
 214 actions of the Tax Collector and have all the powers that are by  
 215 this act vested in the Tax Collector. Said tax or assessment  
 216 shall be a lien until paid on the property on which assessed, and  
 217 enforceable in like manner as county taxes.

218 Section 8. MAINTENANCE TAX.--The provisions of section  
 219 298.54, Florida Statutes, and amendments thereto shall not be  
 220 applicable to said District. In lieu thereof, the following  
 221 provisions shall apply to said District. To maintain and preserve  
 222 the improvements made pursuant to this act and to repair and  
 223 restore the same, when needed, and for the purpose of defraying  
 224 the current expenses of the District, the Board of Supervisors,  
 225 may, upon completion of said improvements in whole or in part as  
 226 may be certified to the said Board by the Chief Engineer, levy  
 227 annually a tax upon each tract or parcel of land within the  
 228 District, to be known as a maintenance tax. Said maintenance tax  
 229 shall be apportioned upon the basis of the net non-ad valorem  
 230 assessments of benefits assessed as accruing for original  
 231 construction, and shall be evidenced to and certified by said  
 232 Board not later than July 1 of each year to the Tax Assessor of  
 233 Broward County, and shall be extended by the County Tax Assessor  
 234 on the County Tax Roll and shall be collected by the County Tax  
 235 Collector in the same manner and time as county taxes and the  
 236 proceeds therefrom paid to the said District. Said tax shall be a  
 237 lien until paid on the property upon which assessed, and  
 238 enforceable in like manner as County Taxes.

239 Section 9. LEVY OF TAXES AND ASSESSMENTS ON FRACTIONAL  
 240 ACRES.--In levying and assessing all taxes and assessments, each





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241 tract or parcel of land more than one acre in area which contains  
 242 a fraction of an acre shall be assessed at the nearest whole  
 243 number of acres. However, each tract or parcel of land less than  
 244 one acre in area shall be assessed as a full acre.

245 Section 10. ENFORCEMENT OF TAXES AND ASSESSMENTS.--The  
 246 collection and enforcement of all taxes and assessments levied by  
 247 said District shall be at the same time and in like manner as the  
 248 County. The provisions of the Florida Statutes relating to the  
 249 sale of lands for unpaid and delinquent county taxes and  
 250 assessments, the issuance, sale, and delivery of Tax Certificates  
 251 for such unpaid and delinquent County Taxes, the redemption  
 252 thereof, the issuance to individuals of tax deeds based thereon,  
 253 and all other procedures in connection therewith, shall be  
 254 applicable to said District and the delinquent and unpaid taxes  
 255 and assessments of said District to the same extent as if said  
 256 statutory provisions were expressly set forth in this act. All  
 257 taxes and assessments shall be subject to the same discounts as  
 258 County Taxes.

259 Section 11. WHEN UNPAID TAX OR ASSESSMENT IS DELINQUENT;  
 260 PENALTY.--All taxes provided for in this act shall be and become  
 261 delinquent and bear penalties in the amount of said taxes in the  
 262 same manner as county taxes. Assessments provided for in this act  
 263 and authorized in chapter 298, Florida Statutes, shall be and  
 264 become delinquent and bear penalties and interest at the highest  
 265 rate authorized by Florida general or special law, or as otherwise  
 266 provided in District legislation imposing the assessment.

267 Section 12. BONDS MAY BE ISSUED; SALE AND DISPOSITION OF  
 268 PROCEEDS; INTEREST; LEVY TO PAY BONDS; BONDS AND DUTIES OF  
 269 TREASURER; ETC.--

270 (1) The Board of Supervisors may, if in their judgment it



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271 seems best, issue bonds not to exceed 90 percent of the total  
272 amount of the taxes levied under the provisions of section  
273 298.305, Florida Statutes, in denominations of not less than \$100,  
274 bearing interest from date at a rate as provided by general law,  
275 payable annually or semiannually, to mature at annual intervals  
276 within 40 years commencing after a period of not later than 10  
277 years, to be determined by the Board of Supervisors; both  
278 principal and interest payable at some convenient place designated  
279 by the Board of Supervisors to be named in said bonds, which said  
280 bonds shall be signed by the Chair of the Board of Supervisors,  
281 attested with the seal of said District and by the signature of  
282 the Secretary of said Board. All of said bonds shall be executed  
283 and delivered to the Treasurer of said District, who shall sell  
284 the same in such quantities and at such dates as the Board of  
285 Supervisors may deem necessary to meet the payments for the works  
286 and improvements in the District. Said bonds shall not be sold  
287 for less than 90 cents on the dollar, with accrued interest, shall  
288 show on their face the purpose for which they are issued, and  
289 shall be payable out of money derived from the aforesaid taxes. A  
290 sufficient amount of the drainage tax shall be appropriated by the  
291 Board of Supervisors for the purpose of paying the principal and  
292 interest of said bonds, and the same shall, when collected, be  
293 preserved in a separate fund for that purpose and no other. All  
294 bonds and coupons not paid at maturity shall bear interest at the  
295 rate of 6 percent per annum from maturity until paid, or until  
296 sufficient funds have been deposited at the place of payment, and  
297 said interest shall be appropriated by the Board of Supervisors  
298 out of the penalties and interest collected on delinquent taxes or  
299 other available funds of the District. Provided, however, that it  
300 may, in the discretion of said Board, be provided that at any



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301 time, after such date as shall be fixed by the said Board, said  
 302 bonds may be redeemed before maturity at the option of said Board,  
 303 or their successors in office, by being made callable prior to  
 304 maturity at such times and upon such prices and terms and other  
 305 conditions as said Board shall determine. If any bond so issued  
 306 subject to redemption before maturity shall not be presented when  
 307 called for redemption, it shall cease to bear interest from and  
 308 after the date so fixed for redemption.

309 (2) The Board of Supervisors of said District shall have  
 310 authority to issue Refunding Bonds to take up any outstanding  
 311 bonds and any interest accrued thereon, when in the judgment of  
 312 said Board, it shall be for the best interest of said District to  
 313 do so. The said Board is hereby authorized and empowered to issue  
 314 Refunding Bonds to take up and refund all bonds of said District  
 315 outstanding that are subject to call and prior redemption, and all  
 316 interest accrued to the date of such call or prior redemption, and  
 317 all bonds of said District that are not subject to call or  
 318 redemption, together with all accrued interest thereon, where the  
 319 surrender of said bonds can be procured from the holders thereof  
 320 at prices satisfactory to the Board or can be exchanged for such  
 321 outstanding bonds with the consent of the holder thereof. Such  
 322 Refunding Bonds may be issued at any time when in the judgment of  
 323 said Board it will be to the interest of the District financially  
 324 or economically to secure a lower rate of interest on said bonds  
 325 or by extending the time of maturity of said bonds, or for any  
 326 other reason in the judgment of said Board advantageous to said  
 327 District. Such Refunding Bonds may mature at any time or times in  
 328 the discretion of said Board, not later, however, than forty years  
 329 from the date of issuance of said Refunding Bonds. Said Refunding  
 330 Bonds shall bear such dates of issue, and such other details as



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331 said Board shall determine and may in the discretion of said Board  
 332 be made callable prior to maturity at such times and upon such  
 333 prices and terms and other conditions as said Board shall  
 334 determine. All the other applicable provisions of this act not  
 335 inconsistent therewith shall apply fully to said Refunding Bonds  
 336 and the holders thereof shall have all the rights, remedies, and  
 337 security of the outstanding bonds refunded, except as may be  
 338 provided otherwise in the resolution of the Board authorizing the  
 339 issuance of such Refunding Bonds. Any funds available in the  
 340 Sinking Fund for the payment of the principal and interest of  
 341 outstanding bonds may be retained in the fund to be used for the  
 342 payment of principal and interest of the refunding bonds, in the  
 343 discretion of the Board of Supervisors. Any expenses incurred in  
 344 buying any or all bonds authorized under the provisions of this  
 345 section and the interest thereon and a reasonable compensation for  
 346 paying same shall be paid out of the funds in the hands of the  
 347 Treasurer and collected for the purpose of meeting the expenses of  
 348 administration. It shall be the duty of the said Board of  
 349 Supervisors in making the annual tax levy as heretofore provided  
 350 to take into account the maturing bonds and interest on all bonds  
 351 and expenses, and to make provision in advance for the payment of  
 352 same.

353 (3) In case the proceeds of the original tax levy made under  
 354 the provisions of section 298.36, Florida Statutes, are not  
 355 sufficient to pay the principal and interest of all bonds issued,  
 356 then the Board of Supervisors shall make such additional levy or  
 357 levies upon the benefits assessed as are necessary for this  
 358 purpose, and under no circumstances shall any tax levies be made  
 359 that will in any manner or to any extent impair the security of  
 360 said bonds or the fund available for the payment of the principal



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361 and interest of same. Said Treasurer shall at the time of the  
362 receipt by him or her of said bonds, execute and deliver to the  
363 Chair of the Board of said District a bond with good and  
364 sufficient surety to be approved by said Board, conditioned that  
365 he or she shall account for and pay over as required by law and as  
366 ordered by said Board of Supervisors, any and all moneys received  
367 by him or her on the sale of such bonds, or any of them, and that  
368 he or she will only sell and deliver such bonds to the purchaser  
369 or purchasers thereof under and according to the terms herein  
370 prescribed, and that he or she will return to the Board of  
371 Supervisors and duly cancel any and all bonds not sold when  
372 ordered by said Board to do so. Said bonds when so returned shall  
373 remain in the custody of the Chair of the Board of Supervisors,  
374 who shall produce the same for inspection or for use as evidence  
375 whenever and wherever legally requested so to do. The said  
376 Treasurer shall promptly report all sales of bonds to the Board of  
377 Supervisors. The Board shall at reasonable time thereafter  
378 prepare and issue warrants in substantially the form provided in  
379 section 298.17, Florida Statutes, for the payment of maturing  
380 bonds so sold and the interest payments coming due on all bonds  
381 sold. Each of said warrants shall specify what bonds and accruing  
382 interest it is to pay, and the Treasurer shall place sufficient  
383 funds at the place of payment to pay the maturing bonds and  
384 coupons when due, together with necessary compensation for paying  
385 same. The successor in office of any such Treasurer shall not be  
386 entitled to said bonds or the proceeds thereof until he or she  
387 shall have complied with all of the foregoing provisions  
388 applicable to his or her predecessor in office. The aforesaid bond  
389 of said Treasurer, if said Board shall so direct, may be furnished  
390 by a surety or bonding company, which may be approved by said



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391 Board of Supervisors; provided, if it should be deemed more  
 392 expedient to said Board of Supervisors as to money derived from  
 393 the sale of bonds issued, said Board may, by resolution, select  
 394 some suitable bank or banks or other depository as temporary  
 395 Treasurer or Treasurers to hold and disburse said moneys upon the  
 396 order of said Board as the work progresses, until such fund is  
 397 exhausted or transferred to the Treasurer by order of said Board  
 398 of Supervisors. The funds derived from the sale of said bonds or  
 399 any of them shall be used for the purpose of paying the cost of  
 400 the drainage works and improvements, and such costs, fees,  
 401 expenses, and salaries as may be authorized by law, and used for  
 402 no other purpose.

403 Section 13. FULL AUTHORITY FOR ISSUE AND SALE OF BONDS  
 404 AUTHORIZED.--

405 (1) This act shall, without reference to any other act of  
 406 the Legislature, be full authority for the issuance and sale of  
 407 bonds in this act authorized, which bonds shall have all the  
 408 qualities of negotiable paper under the law merchant and shall not  
 409 be invalid for any irregularity or defect in the proceedings for  
 410 the issuance and sale thereof; and shall be incontestable in the  
 411 hands of bona fide purchasers or holders thereof. No proceedings  
 412 in respect to the issuance of any such bonds shall be necessary,  
 413 except such as are required by this act. The provisions of this  
 414 act shall constitute an irrepealable contract between the said  
 415 Board of Supervisors and the said North Lauderdale Water Control  
 416 District and the holders of any bonds and the coupons thereof  
 417 issued pursuant to the provisions hereof. Any holder of any of  
 418 said bonds or coupons may either in law or by equity, by suit,  
 419 action, or mandamus, enforce and compel the performance of the  
 420 duties required by this act of any of the officers or persons



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421 mentioned in this act in relation to the said bonds, or to the  
 422 correct enforcement and application of the taxes for the payment  
 423 thereof.

424 (2) After the several bonds and coupons are paid and retired  
 425 as herein provided, they shall be returned to the Treasurer, and  
 426 they shall be canceled and an appropriate record thereof made in a  
 427 book to be kept for that purpose, which record of paid and  
 428 canceled bonds shall be kept at the office of the Treasurer and  
 429 shall be opened for inspection of any bond holder at any time.

430 Section 14. FLOATING INDEBTEDNESS.--

431 (1) After the levy of taxes in any years, and before the  
 432 collection thereof, the Board of Supervisors shall have the power  
 433 to issue Tax Anticipation Notes. Said notes shall bear interest  
 434 at a rate not exceeding the maximum rate allowed by general or  
 435 special law, and shall be payable at such times, and may be sold  
 436 or discounted at such price or on such terms, as the said Board  
 437 may deem advisable, and the Board may pledge the whole or any part  
 438 of the tax levy for the payment thereof.

439 (2) The Board shall also have the right to issue Temporary  
 440 Obligations or Interim Certificates after the issuance of any  
 441 Bonds authorized under this act, but prior to the sale thereof,  
 442 said Temporary Obligations and Interim Certificates shall be paid  
 443 within 2 years from the proceeds of the sale of said bonds.

444 (3) Said Temporary Obligations and Interim Certificates  
 445 shall have all the rights and privileges of the permanent bond  
 446 holders.

447 (4) The Tax Anticipation Notes, Temporary Obligations, and  
 448 Interim Certificates shall be termed "Floating Indebtedness" in  
 449 order to distinguish the same from the bonded debt as provided for  
 450 herein.



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451 Section 15. EMINENT DOMAIN.--The said Board of Supervisors  
452 is hereby authorized and empowered to exercise the right of  
453 eminent domain and may condemn for the use of said District any  
454 and all lands, easements, rights of way, riparian rights, and  
455 property rights of every description, in or out of said District,  
456 required for the public purposes and powers of said Board as  
457 herein granted, and may enter upon, take, and use such lands as it  
458 may deem necessary for such purposes.

459 Section 16. WATER A COMMON ENEMY.--It is hereby declared  
460 that in said District, surface waters, which shall include  
461 rainfall and the overflow of rivers and streams, are a common  
462 enemy, and the said District and any individual or agency holding  
463 a permit to do so from said District, shall have the right to  
464 dike, dam, and construct levees to protect the said District or  
465 any part thereof, or the property of said individual or agency  
466 against the same, and thereby divert the course and flow of such  
467 surface waters and/or pump the water from within such dikes and  
468 levees.

469 Section 17. UNIT DEVELOPMENT; POWERS OF SUPERVISORS TO  
470 DESIGNATE UNITS OF DISTRICT AND ADOPT SYSTEM OF PROGRESSIVE  
471 DRAINAGE BY UNITS; PLANS OF RECLAMATION AND FINANCING  
472 ASSESSEMENTS, ETC., FOR EACH UNIT.--

473 (1) The Board of Supervisors of North Lauderdale Water  
474 Control District shall have the power and is hereby authorized in  
475 its discretion to drain and reclaim or more completely and  
476 intensively to drain and reclaim the lands in said District by  
477 designated areas or parts of said District to be called Units. The  
478 units into which said District may be so divided shall be given  
479 appropriate numbers or names by said Board of Supervisors, so that  
480 said units may be readily identified and distinguished. The Board





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481 of Supervisors shall have the power to fix and determine the  
 482 location, area, and boundaries of and lands to be included in each  
 483 and all such units, the order of development thereof, and the  
 484 method of carrying on the work in each unit. The unit system of  
 485 drainage provided by this section may be conducted and all of the  
 486 proceedings by this section and this act authorized in respect to  
 487 such unit or units may be carried on and conducted at the same  
 488 time as or after the work of draining and reclaiming of the entire  
 489 District has been or is being or shall be instituted or carried on  
 490 under the provisions of this act. If the Board of Supervisors  
 491 shall determine that it is advisable to conduct the work of  
 492 draining and reclaiming the lands in said District by units, as  
 493 authorized by this section of this act, said Board shall, by  
 494 resolution duly adopted and entered upon its minutes, declare its  
 495 purpose to conduct such work accordingly, and shall at the same  
 496 time and manner fix the number, location, and boundaries of and  
 497 description of lands within such unit or units and give them  
 498 appropriate numbers or names. As soon as practicable after the  
 499 adoption and recording of such resolution said Board of  
 500 Supervisors shall publish notice once a week for 2 consecutive  
 501 weeks in a newspaper published in Broward County, Florida, or duly  
 502 notify the landowners by registered letter, briefly describing the  
 503 units into which said District has been divided and the lands  
 504 embraced in each unit, giving the name, number, or other  
 505 designation of such units, requiring all owners of lands in said  
 506 District to show cause in writing before said Board of Supervisors  
 507 at a time and place to be stated in such notice why such division  
 508 of said District into such units should not be approved, and said  
 509 system of development by units should not be adopted and given  
 510 effect by said Board, and why the proceedings and powers



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511 authorized by this section of this act should not be had, taken,  
 512 and exercised. At the time and place stated in said notice, said  
 513 Board of Supervisors shall hear all objections or causes of  
 514 objection (all of which shall be in writing) of any landowner in  
 515 said District to the matters mentioned and referred to in such  
 516 notice, and if no objections are made, or if said objections, if  
 517 made, shall be overruled by said Board, then said Board shall  
 518 enter in its minutes its findings and order confirming said  
 519 resolution and may thereafter proceed with the development,  
 520 drainage, and reclamation of said District by units pursuant to  
 521 such resolution and to the provisions of this act. If, however,  
 522 said Board of Supervisors shall find as a result of such  
 523 objections, or any of them or the hearing thereon, that the  
 524 division of said District into such units as aforesaid should not  
 525 be approved, or that said system of development by units should  
 526 not be adopted and given effect, or that the proceedings and  
 527 powers authorized by this section of this act should not be had,  
 528 taken, or exercised, or that any other matter or thing embraced in  
 529 said resolution would not be in the best interest of the  
 530 landowners of said District or would be unjust or unfair to any  
 531 landowner therein or otherwise inconsistent with fair and equal  
 532 protection and enforcement of the rights of every landowner in  
 533 said District, then said Board of Supervisors shall not proceed  
 534 further under such resolution, but said Board of Supervisors may,  
 535 as a result of such hearing, modify or amend said resolution so as  
 536 to meet such objections so made, and thereupon said Board may  
 537 confirm said resolution as so modified or amended and may  
 538 thereafter proceed accordingly. The sustaining of such objections  
 539 and the rescinding of such resolutions shall not exhaust the power  
 540 of said Board under this section; but, at any time not less than 1



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541 year after the date of the hearing upon any such resolution, the  
542 Board of Supervisors may adopt other resolutions under this  
543 section and thereupon proceed on due notice in like manner as  
544 above. If said Board of Supervisors shall overrule or refuse to  
545 sustain any such objections in whole or in part made by a  
546 landowner in the District, or if any such landowner shall deem  
547 himself aggrieved by any action of the Board of Supervisors in  
548 respect to any objections so filed, such landowner may, within 10  
549 days after the ruling of said Board, file his or her bill of  
550 complaint in the Circuit Court in and for Broward County, against  
551 said District, praying an injunction or other appropriate relief  
552 against the action or any part of such action proposed by such  
553 resolution or resolutions, of said Board, and, such suits shall be  
554 conducted like other suits, except that said suits shall have  
555 preference over all other pending actions except criminal actions  
556 and writs of habeas corpus. Upon the hearing of said cause said  
557 Circuit Court shall have the power to hear the objections and  
558 receive the evidence thereon of all parties to such cause and  
559 approve or disapprove said resolutions and action of said Board in  
560 whole or in part, and to render such decree in such cause as right  
561 and justice require. When said resolutions creating said unit  
562 system shall be confirmed by the Board of Supervisors (or by the  
563 Circuit Court in and for Broward County, if such proposed action  
564 shall be challenged by a landowner by the judicial proceedings  
565 hereinabove authorized), said Board of Supervisors may adopt a  
566 plan or plans of reclamation for and in respect to any or all such  
567 units, and to have the benefits and the damages resulting  
568 therefrom assessed and apportioned by Commissioners appointed by  
569 the Circuit Court, and the report of the said Commissioners  
570 considered and confirmed, all in like manner as is provided by law



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571 in regard to Plans of Reclamation for and assessments for benefits  
 572 and damages of, the entire District. With respect to Plan of  
 573 Reclamation, notices, appointment of Commissioners to assess  
 574 benefits and damages, report of Commissioners and notice and  
 575 confirmation thereof, the levy of assessments and taxes, including  
 576 maintenance taxes, and the issuance of bonds and all other  
 577 proceedings as to each and all of such units, said Board shall  
 578 follow and comply with the same procedure as is provided by law  
 579 with respect to the entire District; and said Board of Supervisors  
 580 shall have the same powers in respect to each and all of such  
 581 units as is vested in them with respect to the entire District.  
 582 All the provisions of this act shall apply to the drainage,  
 583 reclamation, and improvement of each, any, and all of such units,  
 584 and the enumeration of or reference to specific powers or duties  
 585 of the Supervisors of any other officers or other matters in this  
 586 act as hereinabove set forth, shall not limit or restrict the  
 587 application of any and all of the proceedings and powers herein to  
 588 the drainage and reclamation of such units as fully and completely  
 589 as if such unit or units were specifically and expressly named in  
 590 every section and clause of this act where the entire District is  
 591 mentioned or referred to. All assessments, levies, taxes, bonds,  
 592 and other obligations made, levied, assessed, or issued for or in  
 593 respect to any such unit or units shall be a lien and charge  
 594 solely and only upon the lands in such units, respectively, for  
 595 the benefit of which the same shall be levied, made, or issued,  
 596 and not upon the remaining units or lands in said District. The  
 597 Board of Supervisors may at any time amend its said resolutions by  
 598 changing the location and description of lands in any such unit or  
 599 units; and provided, further, that if the location of or  
 600 description of lands located in any such unit or units is so



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601 changed, notice of such change shall be published as hereinabove  
602 required in this section for notice of the formation or  
603 organization of such unit or units, and all proceedings shall be  
604 had and done in that regard as are provided in this section for  
605 the original creation of such unit or units, provided, however,  
606 that no lands against which benefits shall have been assessed may  
607 be detached from any such unit after the confirmation of the  
608 Commissioners' report of benefits in such unit or units or the  
609 issuance of bonds or other obligations which are payable from  
610 taxes or assessments for benefits levied upon the lands within  
611 such unit or units.

612 (2) Provided, however, that if, after the confirmation of  
613 the Commissioners' report of benefits in such unit or units, or  
614 the issuance of bonds or other obligations which are payable from  
615 taxes or assessments for benefits levied upon lands within such  
616 unit or units, the Board of Supervisors finds the Plan of  
617 Reclamation for any such unit or units insufficient or inadequate  
618 for efficient development, the Plan of Reclamation may be amended  
619 or changed as provided in chapter 298, Florida Statutes, and the  
620 unit or units may be amended or changed as provided in this  
621 section, by changing the location and description of lands in any  
622 such unit or units, by detaching lands therefrom, or by adding  
623 land thereto, upon the approval of at least 51 percent of the  
624 landowners according to acreage, in any such unit and 75 percent  
625 of the holders of bonds issued in respect to any such unit, and  
626 provided that in such event all assessments, levies, taxes, bonds,  
627 and other obligations made, levied, assessed, incurred, or issued  
628 for or in respect to any such unit or units may be allocated and  
629 apportioned to the amended unit or units in proportion to the  
630 benefits assessed by the Commissioners' report for the amended



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631 Plan of Reclamation and said report shall specifically provide for  
 632 such allocation and apportionment. The landowners and all of the  
 633 bond holders shall file their approval of or objections to such  
 634 amended Plan of Reclamation within the time provided in section  
 635 298.27, Florida Statutes, and shall file their approval of or  
 636 objections to the amendment of such unit as provided in this  
 637 section.

638 (3) No lands shall be detached from any unit after the  
 639 issuance of bonds or other obligations for such unit except upon  
 640 the consent of 75 percent of all the holders of such bonds or  
 641 other obligations. In the event of the change of the boundaries  
 642 of any unit as provided herein and the allocation and  
 643 apportionment to the amended unit or units of assessments, levies,  
 644 taxes, bonds, and other obligations in proportion to the benefits  
 645 assessed by the Commissioners' report for the amended Plan of  
 646 Reclamation, the holder of bonds or other obligations heretofore  
 647 issued for the original unit who consent to such allocations and  
 648 apportionment shall be entitled to all rights and remedies against  
 649 any lands added to the amended unit or units as fully and to the  
 650 same extent as if such added lands had formed and constituted a  
 651 part of the original unit or units at the time of the original  
 652 issuance of such bonds or other obligations, regardless of  
 653 whether the holders of such bonds or other obligations are the  
 654 original holders thereof or the holders from time to time  
 655 hereafter, and the rights and remedies of such holders against the  
 656 lands in the amended unit or units, including any lands added  
 657 thereto, under such allocation and apportionment, shall constitute  
 658 vested and irrevocable rights and remedies to the holders from  
 659 time to time of such bonds or other obligations as fully and to  
 660 the same extent as if such bonds or other obligations had been



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661 originally issued to finance the improvements in such amended unit  
 662 or units under such amended Plan of Reclamation.

663 Section 18. SEVERABILITY.--In case any one or more of the  
 664 sections or provisions of this act or the application of such  
 665 sections or provisions to any situation, circumstance, or person  
 666 shall for any reason be held to be unconstitutional, such  
 667 unconstitutionality shall not affect any other sections or  
 668 provisions of this act or the application of such sections or  
 669 provisions to any other situation, circumstance, or person, and it  
 670 is intended that this law shall be construed and applied as if  
 671 such section or provision had not been included herein for any  
 672 unconstitutional application.

673 Section 19. EFFECT OF CONFLICT.--In the event of a conflict  
 674 between the provisions of this act and the provisions of any other  
 675 act, the provisions of this act shall control to the extent of  
 676 such conflict.

677 Section 20. NOTICE OF INTENTION.--It is found and determined  
 678 that notice of intention to apply for this legislation was given  
 679 in the time, form, and manner required by the Constitution and by  
 680 law. Said notice is found to be sufficient and is hereby validated  
 681 and approved.

682 Section 4. Chapters 63-661, 82-273, 85-385, 94-428, and 97-  
 683 370, Laws of Florida, are repealed.

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