



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

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 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:



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

37 Section 2. Chapters 63-661, 82-273, 85-385, 94-428, and 97-
38 370, Laws of Florida, are codified, reenacted, amended, and
39 repealed as provided herein.

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

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

54 Commencing at the Southeast corner of Section One (1),
55 Township 49 South, Range 41 East; thence Westerly along
56 a course S 89°57'49"W a distance of 5,281.80 feet to a



57 | point; thence Westerly along a course S 89°59'17"W a
 58 | distance of 5,274.63 feet to a point; thence Southerly
 59 | along a course S 01°02'05"E a distance of 5,282.97 feet
 60 | to a point; thence Westerly along a course S 89°56'50"W
 61 | a distance of 5,278.94 feet to a point; thence Westerly
 62 | along a course S 89°58'54"W a distance of 5,280.40 feet
 63 | to a point; thence Northly along a course N 01°02'22"W a
 64 | distance of 5,278.38 feet to a concrete monument set in
 65 | ground; thence Northly along a course N 1°11'21"W a
 66 | distance of 7,678.68 feet to a point; thence Easterly
 67 | along South Right-of-way Line of Pompano Canal a
 68 | distance of 11,650 plus or minus feet to a point; thence
 69 | Southerly along a course S 0°44'12"E a distance of
 70 | 596.88 feet to a concrete monument set in ground; thence
 71 | Easterly along a course S 89°44'25"E a distance of
 72 | 1,543.24 feet to a point; thence Southerly along a
 73 | course S 1°14'52"E a distance of 2,640.11 feet to a
 74 | point; thence Easterly along a course S 89°45'09"E a
 75 | distance of 1,319.15 feet to a point; thence Northly
 76 | along a course N 1°15'11"W a distance of 2,639.83 feet
 77 | to a point; thence Easterly along a course S 89°44'25"E
 78 | a distance of 1,318.92 feet to a concrete monument set
 79 | in ground; thence Southerly along a course S 1°15'29"E a
 80 | distance of 2,275.74 feet to a point; thence Easterly
 81 | along a course S 89°56'37"E a distance of 2,639 feet to
 82 | a point; thence Southerly along a course S 1°16'53"E a
 83 | distance of 660.12 feet to a point; thence Easterly
 84 | along a course S 89°56'34"E a distance of 2,639.27 feet



85 to a point; thence Southerly along a course S 1°18'17"E
 86 a distance of 1,831.83 feet to a point; thence Westerly
 87 along a course S 89°57'49"W a distance of 333.08 feet to
 88 a point; thence Northly along a course N 1°18'17"W a
 89 distance of 842.26 feet to a point; thence Westerly
 90 along a course N 89°56'31"W a distance of 1,545.98 feet
 91 to a point; thence Southerly along a course S 0°02'11"E
 92 a distance of 844.47 feet to a point; thence Easterly
 93 along a course N 89°57'49"E a distance of 1,897.70 feet
 94 to a point; thence Southerly along a course S 1°18'17"E
 95 a distance of 2,415.59 feet to a point or place of
 96 beginning.

97
 98 AND ALSO
 99

100 All that part of the Northwest One-quarter (NW 1/4) of
 101 Tract Four (4) of FORT LAUDERDALE TRUCK FARMS
 102 SUBDIVISION of Section Eleven (11), Township 49 South,
 103 Range 41 East, according to the Plat thereof, recorded
 104 in Plat Book 4, at Page 31, of the Public Records of
 105 Broward County, Florida, less Rights-of-way of record
 106 and being more particularly described as follows:

107
 108 Commencing at the Northwest corner of said Section
 109 Eleven (11), Township 49 South, Range 41 East; thence
 110 along a course S 89°02'17" E, along the North Line of
 111 said Section 11, a distance of 25.0 feet; thence along a
 112 course S 0°03'16"E, parallel with and 25.0 feet East of,



113 as measured at right angles, to the west Line of Section
 114 11, a distance of 53.01 feet to the Point of Beginning
 115 of this Description; thence continuing along a course of
 116 S 0°03'16"E, a distance of 616.15 feet; thence along a
 117 course of S 89°03'25"E, a distance of 645.64 feet;
 118 thence along a course of N 0°05'16"W, a distance of
 119 615.94 feet to an intersection with the South Right-of-
 120 way Line of McNab Road; thence along a course of N
 121 89°02'17"W, parallel with and 53.0 feet South of, as
 122 measured at right angles, to the North Line of Section
 123 11 a distance of 645.29 feet to the Point of Beginning.
 124 All of the above aforementioned property located in
 125 Townships 48 and 49 South, Range 41 East, Broward
 126 County, Florida. Less and except therefrom the
 127 following described property: The West 3020.54 feet of
 128 that part of Section 34, Township 48 South, Range 41
 129 East, lying South of the Pompano Canal; all of Section
 130 33, Township 48 South, Range 41 East lying South of the
 131 Pompano Canal; all of that Part of Section 32, Township
 132 48 South, Range 41 East lying south of the Pompano Canal
 133 and East of the Northerly extension of the West boundary
 134 of Section 4, Township 49 South, Range 41 East; all of
 135 Section 4 and 9, Township 49 South, Range 41 East;
 136 Tracts 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 18, 19
 137 and 20 of FORT LAUDERDALE TRUCK FARMS SUBDIVISION of
 138 Section 3, Township 49 South, Range 41 East, according
 139 to the plat thereof recorded in Plat Book 4 at page 31
 140 of the public records of Broward County, Florida;



141 Tracts 3, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 16 of
 142 aforesaid FORT LAUDERDALE TRUCK FARMS SUBDIVISION of
 143 Section 2, Township 49 south, range 41 East.

144
 145 It is the intent of the above described legal description to
 146 include all of the above described properties located in townships
 147 48 and 49 South, Range 41 East, Broward County, Florida, within
 148 the boundaries of the North Lauderdale Water Control District as
 149 established by the Legislature.

150 Section 2. PROVISIONS OF CHAPTER 298, FLORIDA STATUTES, MADE
 151 APPLICABLE.--A public corporation and a political subdivision of
 152 the state is hereby created under the name and style of "North
 153 Lauderdale Water Control District." The provisions of the General
 154 Drainage Laws of Florida applicable to Drainage Districts which
 155 are embodied in chapter 298, Florida Statutes, and all the laws
 156 amendatory thereof, now existing or hereinafter enacted so far as
 157 not inconsistent with this act, are hereby declared to be
 158 applicable to said North Lauderdale Water Control District. Said
 159 North Lauderdale Water Control District shall have all the powers
 160 and authorities mentioned in or conferred by said chapter 298,
 161 Florida Statutes, and acts amendatory thereof, except as herein
 162 otherwise provided.

163 Section 3. POWERS OF THE DISTRICT.--Said District shall have
 164 the power to sue and be sued by its name in any court of law or in
 165 equity; to make contracts; to adopt and use a corporate seal and
 166 to alter the same at pleasure; to acquire by purchase, gift, or
 167 condemnation, real and personal property, either or both, within
 168 or without the District, and to convey and dispose of such real



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169 and personal property as may be necessary and convenient to carry
170 out the purposes, or any of the purposes, of this act and chapter
171 298, Florida Statutes; to construct, operate, and maintain canals,
172 ditches, drains, levees, dikes, and other works for drainage
173 purposes; to acquire, purchase, operate, and maintain pumps,
174 plants, and pumping systems for drainage purposes; to construct,
175 operate, and maintain irrigation works, machinery, and plants; to
176 construct, improve, pave, and maintain roadways and roads
177 necessary and convenient for the exercise of the powers or duties
178 or any of the powers or duties of said District or the Supervisors
179 thereof; to pump water into and out of canals, ditches, drains,
180 and other works of the District, or onto or from the lands in said
181 District, and to regulate and control the flow of water into and
182 out of said District; in maintaining and operating canals, drains,
183 levees, dikes, dams, locks, reservoirs, pumping stations, and
184 water control structures, the Board of Supervisors, its agents,
185 and its employees, shall have the authority to enter at all
186 reasonable times upon the lands adjacent to any such drainage
187 works in order to transport and use men, equipment, machinery, and
188 materials necessary to properly maintain, preserve, and operate
189 such drainage works and in furtherance of the purposes and intent
190 of this act and chapter 298, Florida Statutes, to construct,
191 improve, and pave roadways and roads necessary and convenient to
192 provide access to, and efficient development of, areas made
193 suitable and available for cultivation, settlement, and other
194 beneficial use and development as a result of the drainage and
195 reclamation operations of the District; to borrow money and issue
196 negotiable or other bonds of said District as hereinafter



197 provided; to borrow money from time to time, and issue negotiable
 198 or other notes of said District therefor, bearing interest not
 199 exceeding the rate prescribed by general or special law, in
 200 anticipation of the collection of taxes, levies, and assessments
 201 or revenues of said District and to pledge or hypothecate such
 202 taxes, levies, assessments, and revenues to secure such bonds,
 203 notes, or obligations, and to sell, discount, negotiate, and
 204 dispose of the same; and to exercise all other powers necessary,
 205 convenient, or proper in connection with any of the powers or
 206 duties of said District stated in this act, or chapter 298,
 207 Florida Statutes. The powers and duties of said District shall be
 208 exercised by and through the Board of Supervisors thereof, which
 209 Board shall have the authority to employ engineers, attorneys,
 210 agents, employees, and representatives as the Board of Supervisors
 211 may from time to time determine, and to fix their compensation and
 212 duties.

213 Section 4. BOARD OF SUPERVISORS; ORGANIZATION; POWERS,
 214 DUTIES, AND TERMS OF OFFICE.--There is hereby created a Board of
 215 Supervisors of the North Lauderdale Water Control District which
 216 shall be the governing body of said District. The members of the
 217 Board of Supervisors of said District shall be composed of five
 218 members, who shall be the five sitting members of the City
 219 Commission of the City of North Lauderdale. The City Commission
 220 shall continue all of the duties, functions, and responsibilities
 221 under this act of the supervisors of the district after this act
 222 becomes law.

223 The term of office of each member of the board of supervisors
 224 shall be coincidental with that member's term of office as a



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225 member of the City Commission. The members shall assume full
226 duties as a member of the board of supervisors once he or she
227 takes the oath of office as a member of the City Commission.

228 (1) Terms of office for the board of supervisors shall be
229 concurrent with the length of time the Commission member is in
230 office.

231 (2) An annual meeting of the board of supervisors shall be
232 held during the first week of June and otherwise in accordance
233 with this act. At the annual meeting of the board of supervisors,
234 the board shall elect, from its members, a Chair, and a Vice
235 Chair, who shall serve in said positions until the next annual
236 meeting or expiration of his or her term.

237 Section 5. MEETINGS OF BOARD OF SUPERVISORS.--The Board of
238 Supervisors shall have the power to call special meetings at any
239 time to receive reports or consider and act upon any matter.
240 Notice of all meetings shall be given by the Board of Supervisors
241 by causing publication thereof to be made once at least 5 days
242 prior to such meeting in some newspaper published in Broward
243 County, or by sending sufficient notice through the mail to each
244 landowner. In cases of emergency as determined by a majority of
245 the Board, this notice requirement may be waived. The meetings
246 shall be held in some public place, and the place, day, and hour
247 of holding such meeting shall be stated in the notice. The Chair
248 of the Board of Supervisors shall preside at such meeting. The
249 City Clerk of the City of North Lauderdale shall serve as
250 Secretary of the Board of Supervisors and shall be the Secretary
251 at the meeting. The Board of Supervisors of the North Lauderdale
252 Water Control District shall meet not less than 4 times per year



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253 to conduct the business of the District as provided for in this
254 act.

255 Section 6. COMPENSATION OF THE BOARD.--Each Supervisor shall
256 serve without compensation, except that they shall be reimbursed
257 for their travel expenses pursuant to section 112.061, Florida
258 Statutes, as may be amended from time to time, for each mile
259 actually traveled in going to and from their place of residence to
260 the place of meeting.

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

267 (1) The Board of Supervisors shall determine, order, and
268 levy the amount of the annual taxes or non-ad valorem assessments
269 levied under chapter 298, Florida Statutes, which shall become due
270 and be collected during each year at the same time that county
271 taxes are due and collected, which said annual tax, assessment,
272 and levy shall be evidenced to and certified by the said Board,
273 not later than July 1 of each year, to the Tax Assessor of Broward
274 County. Said tax or assessment shall be extended by the County
275 Tax Assessor on the county tax roll and shall be collected by the
276 Tax Collector in the same manner and time as county taxes, and the
277 proceeds thereof paid to said District.

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



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281 and in such event he or she shall collect the tax or assessment in
282 the same manner as the Tax Collector, and said Treasurer of the
283 District shall be substituted for and perform all the duties and
284 actions of the Tax Collector and have all the powers that are by
285 this act vested in the Tax Collector. Said tax or assessment
286 shall be a lien until paid on the property on which assessed, and
287 enforceable in like manner as county taxes.

288 Section 8. MAINTENANCE TAX.--The provisions of section
289 298.54, Florida Statutes, and amendments thereto shall not be
290 applicable to said District. In lieu thereof, the following
291 provisions shall apply to said District. To maintain and preserve
292 the improvements made pursuant to this act and to repair and
293 restore the same, when needed, and for the purpose of defraying
294 the current expenses of the District, the Board of Supervisors,
295 may, upon completion of said improvements in whole or in part as
296 may be certified to the said Board by the Chief Engineer, levy
297 annually a tax upon each tract or parcel of land within the
298 District, to be known as a maintenance tax. Said maintenance tax
299 shall be apportioned upon the basis of the net non-ad valorem
300 assessments of benefits assessed as accruing for original
301 construction, and shall be evidenced to and certified by said
302 Board not later than July 1 of each year to the Tax Assessor of
303 Broward County, and shall be extended by the County Tax Assessor
304 on the County Tax Roll and shall be collected by the County Tax
305 Collector in the same manner and time as county taxes and the
306 proceeds therefrom paid to the said District. Said tax shall be a
307 lien until paid on the property upon which assessed, and
308 enforceable in like manner as County Taxes.



309 Section 9. LEVY OF TAXES AND ASSESSMENTS ON FRACTIONAL
 310 ACRES.--In levying and assessing all taxes and assessments, each
 311 tract or parcel of land more than one acre in area which contains
 312 a fraction of an acre shall be assessed at the nearest whole
 313 number of acres. However, each tract or parcel of land less than
 314 one acre in area shall be assessed as a full acre.

315 Section 10. ENFORCEMENT OF TAXES AND ASSESSMENTS.--The
 316 collection and enforcement of all taxes and assessments levied by
 317 said District shall be at the same time and in like manner as the
 318 County. The provisions of the Florida Statutes relating to the
 319 sale of lands for unpaid and delinquent county taxes and
 320 assessments, the issuance, sale, and delivery of Tax Certificates
 321 for such unpaid and delinquent County Taxes, the redemption
 322 thereof, the issuance to individuals of tax deeds based thereon,
 323 and all other procedures in connection therewith, shall be
 324 applicable to said District and the delinquent and unpaid taxes
 325 and assessments of said District to the same extent as if said
 326 statutory provisions were expressly set forth in this act. All
 327 taxes and assessments shall be subject to the same discounts as
 328 County Taxes.

329 Section 11. WHEN UNPAID TAX OR ASSESSMENT IS DELINQUENT;
 330 PENALTY.--All taxes provided for in this act shall be and become
 331 delinquent and bear penalties in the amount of said taxes in the
 332 same manner as county taxes. Assessments provided for in this act
 333 and authorized in chapter 298, Florida Statutes, shall be and
 334 become delinquent and bear penalties and interest at the highest
 335 rate authorized by Florida general or special law, or as otherwise
 336 provided in District legislation imposing the assessment.



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337 Section 12. BONDS MAY BE ISSUED; SALE AND DISPOSITION OF
338 PROCEEDS; INTEREST; LEVY TO PAY BONDS; BONDS AND DUTIES OF
339 TREASURER; ETC.--

340 (1) The Board of Supervisors may, if in their judgment it
341 seems best, issue bonds not to exceed 90 percent of the total
342 amount of the taxes levied under the provisions of section
343 298.305, Florida Statutes, in denominations of not less than \$100,
344 bearing interest from date at a rate as provided by general law,
345 payable annually or semiannually, to mature at annual intervals
346 within 40 years commencing after a period of not later than 10
347 years, to be determined by the Board of Supervisors; both
348 principal and interest payable at some convenient place designated
349 by the Board of Supervisors to be named in said bonds, which said
350 bonds shall be signed by the Chair of the Board of Supervisors,
351 attested with the seal of said District and by the signature of
352 the Secretary of said Board. All of said bonds shall be executed
353 and delivered to the Treasurer of said District, who shall sell
354 the same in such quantities and at such dates as the Board of
355 Supervisors may deem necessary to meet the payments for the works
356 and improvements in the District. Said bonds shall not be sold
357 for less than 90 cents on the dollar, with accrued interest, shall
358 show on their face the purpose for which they are issued, and
359 shall be payable out of money derived from the aforesaid taxes. A
360 sufficient amount of the drainage tax shall be appropriated by the
361 Board of Supervisors for the purpose of paying the principal and
362 interest of said bonds, and the same shall, when collected, be
363 preserved in a separate fund for that purpose and no other. All
364 bonds and coupons not paid at maturity shall bear interest at the



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365 rate of 6 percent per annum from maturity until paid, or until
366 sufficient funds have been deposited at the place of payment, and
367 said interest shall be appropriated by the Board of Supervisors
368 out of the penalties and interest collected on delinquent taxes or
369 other available funds of the District. Provided, however, that it
370 may, in the discretion of said Board, be provided that at any
371 time, after such date as shall be fixed by the said Board, said
372 bonds may be redeemed before maturity at the option of said Board,
373 or their successors in office, by being made callable prior to
374 maturity at such times and upon such prices and terms and other
375 conditions as said Board shall determine. If any bond so issued
376 subject to redemption before maturity shall not be presented when
377 called for redemption, it shall cease to bear interest from and
378 after the date so fixed for redemption.

379 (2) The Board of Supervisors of said District shall have
380 authority to issue Refunding Bonds to take up any outstanding
381 bonds and any interest accrued thereon, when in the judgment of
382 said Board, it shall be for the best interest of said District to
383 do so. The said Board is hereby authorized and empowered to issue
384 Refunding Bonds to take up and refund all bonds of said District
385 outstanding that are subject to call and prior redemption, and all
386 interest accrued to the date of such call or prior redemption, and
387 all bonds of said District that are not subject to call or
388 redemption, together with all accrued interest thereon, where the
389 surrender of said bonds can be procured from the holders thereof
390 at prices satisfactory to the Board or can be exchanged for such
391 outstanding bonds with the consent of the holder thereof. Such
392 Refunding Bonds may be issued at any time when in the judgment of



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393 said Board it will be to the interest of the District financially
394 or economically to secure a lower rate of interest on said bonds
395 or by extending the time of maturity of said bonds, or for any
396 other reason in the judgment of said Board advantageous to said
397 District. Such Refunding Bonds may mature at any time or times in
398 the discretion of said Board, not later, however, than forty years
399 from the date of issuance of said Refunding Bonds. Said Refunding
400 Bonds shall bear such dates of issue, and such other details as
401 said Board shall determine and may in the discretion of said Board
402 be made callable prior to maturity at such times and upon such
403 prices and terms and other conditions as said Board shall
404 determine. All the other applicable provisions of this act not
405 inconsistent therewith shall apply fully to said Refunding Bonds
406 and the holders thereof shall have all the rights, remedies, and
407 security of the outstanding bonds refunded, except as may be
408 provided otherwise in the resolution of the Board authorizing the
409 issuance of such Refunding Bonds. Any funds available in the
410 Sinking Fund for the payment of the principal and interest of
411 outstanding bonds may be retained in the fund to be used for the
412 payment of principal and interest of the refunding bonds, in the
413 discretion of the Board of Supervisors. Any expenses incurred in
414 buying any or all bonds authorized under the provisions of this
415 section and the interest thereon and a reasonable compensation for
416 paying same shall be paid out of the funds in the hands of the
417 Treasurer and collected for the purpose of meeting the expenses of
418 administration. It shall be the duty of the said Board of
419 Supervisors in making the annual tax levy as heretofore provided
420 to take into account the maturing bonds and interest on all bonds



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421 and expenses, and to make provision in advance for the payment of
422 same.

423 (3) In case the proceeds of the original tax levy made under
424 the provisions of section 298.36, Florida Statutes, are not
425 sufficient to pay the principal and interest of all bonds issued,
426 then the Board of Supervisors shall make such additional levy or
427 levies upon the benefits assessed as are necessary for this
428 purpose, and under no circumstances shall any tax levies be made
429 that will in any manner or to any extent impair the security of
430 said bonds or the fund available for the payment of the principal
431 and interest of same. Said Treasurer shall at the time of the
432 receipt by him or her of said bonds, execute and deliver to the
433 Chair of the Board of said District a bond with good and
434 sufficient surety to be approved by said Board, conditioned that
435 he or she shall account for and pay over as required by law and as
436 ordered by said Board of Supervisors, any and all moneys received
437 by him or her on the sale of such bonds, or any of them, and that
438 he or she will only sell and deliver such bonds to the purchaser
439 or purchasers thereof under and according to the terms herein
440 prescribed, and that he or she will return to the Board of
441 Supervisors and duly cancel any and all bonds not sold when
442 ordered by said Board to do so. Said bonds when so returned shall
443 remain in the custody of the Chair of the Board of Supervisors,
444 who shall produce the same for inspection or for use as evidence
445 whenever and wherever legally requested so to do. The said
446 Treasurer shall promptly report all sales of bonds to the Board of
447 Supervisors. The Board shall at reasonable time thereafter
448 prepare and issue warrants in substantially the form provided in



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449 section 298.17, Florida Statutes, for the payment of maturing
450 bonds so sold and the interest payments coming due on all bonds
451 sold. Each of said warrants shall specify what bonds and accruing
452 interest it is to pay, and the Treasurer shall place sufficient
453 funds at the place of payment to pay the maturing bonds and
454 coupons when due, together with necessary compensation for paying
455 same. The successor in office of any such Treasurer shall not be
456 entitled to said bonds or the proceeds thereof until he or she
457 shall have complied with all of the foregoing provisions
458 applicable to his or her predecessor in office. The aforesaid bond
459 of said Treasurer, if said Board shall so direct, may be furnished
460 by a surety or bonding company, which may be approved by said
461 Board of Supervisors; provided, if it should be deemed more
462 expedient to said Board of Supervisors as to money derived from
463 the sale of bonds issued, said Board may, by resolution, select
464 some suitable bank or banks or other depository as temporary
465 Treasurer or Treasurers to hold and disburse said moneys upon the
466 order of said Board as the work progresses, until such fund is
467 exhausted or transferred to the Treasurer by order of said Board
468 of Supervisors. The funds derived from the sale of said bonds or
469 any of them shall be used for the purpose of paying the cost of
470 the drainage works and improvements, and such costs, fees,
471 expenses, and salaries as may be authorized by law, and used for
472 no other purpose.

473 Section 13. FULL AUTHORITY FOR ISSUE AND SALE OF BONDS
474 AUTHORIZED.--

475 (1) This act shall, without reference to any other act of
476 the Legislature, be full authority for the issuance and sale of



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477 bonds in this act authorized, which bonds shall have all the
478 qualities of negotiable paper under the law merchant and shall not
479 be invalid for any irregularity or defect in the proceedings for
480 the issuance and sale thereof; and shall be incontestable in the
481 hands of bona fide purchasers or holders thereof. No proceedings
482 in respect to the issuance of any such bonds shall be necessary,
483 except such as are required by this act. The provisions of this
484 act shall constitute an irrevocable contract between the said
485 Board of Supervisors and the said North Lauderdale Water Control
486 District and the holders of any bonds and the coupons thereof
487 issued pursuant to the provisions hereof. Any holder of any of
488 said bonds or coupons may either in law or by equity, by suit,
489 action, or mandamus, enforce and compel the performance of the
490 duties required by this act of any of the officers or persons
491 mentioned in this act in relation to the said bonds, or to the
492 correct enforcement and application of the taxes for the payment
493 thereof.

494 (2) After the several bonds and coupons are paid and retired
495 as herein provided, they shall be returned to the Treasurer, and
496 they shall be canceled and an appropriate record thereof made in a
497 book to be kept for that purpose, which record of paid and
498 canceled bonds shall be kept at the office of the Treasurer and
499 shall be opened for inspection of any bond holder at any time.

500 Section 14. FLOATING INDEBTEDNESS.--

501 (1) After the levy of taxes in any years, and before the
502 collection thereof, the Board of Supervisors shall have the power
503 to issue Tax Anticipation Notes. Said notes shall bear interest
504 at a rate not exceeding the maximum rate allowed by general or



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505 special law, and shall be payable at such times, and may be sold
506 or discounted at such price or on such terms, as the said Board
507 may deem advisable, and the Board may pledge the whole or any part
508 of the tax levy for the payment thereof.

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

514 (3) Said Temporary Obligations and Interim Certificates
515 shall have all the rights and privileges of the permanent bond
516 holders.

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

521 Section 15. EMINENT DOMAIN.--The said Board of Supervisors
522 is hereby authorized and empowered to exercise the right of
523 eminent domain and may condemn for the use of said District any
524 and all lands, easements, rights of way, riparian rights, and
525 property rights of every description, in or out of said District,
526 required for the public purposes and powers of said Board as
527 herein granted, and may enter upon, take, and use such lands as it
528 may deem necessary for such purposes.

529 Section 16. WATER A COMMON ENEMY.--It is hereby declared
530 that in said District, surface waters, which shall include
531 rainfall and the overflow of rivers and streams, are a common
532 enemy, and the said District and any individual or agency holding



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533 a permit to do so from said District, shall have the right to
534 dike, dam, and construct levees to protect the said District or
535 any part thereof, or the property of said individual or agency
536 against the same, and thereby divert the course and flow of such
537 surface waters and/or pump the water from within such dikes and
538 levees.

539 Section 17. UNIT DEVELOPMENT; POWERS OF SUPERVISORS TO
540 DESIGNATE UNITS OF DISTRICT AND ADOPT SYSTEM OF PROGRESSIVE
541 DRAINAGE BY UNITS; PLANS OF RECLAMATION AND FINANCING
542 ASSESSEMENTS, ETC., FOR EACH UNIT.--

543 (1) The Board of Supervisors of North Lauderdale Water
544 Control District shall have the power and is hereby authorized in
545 its discretion to drain and reclaim or more completely and
546 intensively to drain and reclaim the lands in said District by
547 designated areas or parts of said District to be called Units. The
548 units into which said District may be so divided shall be given
549 appropriate numbers or names by said Board of Supervisors, so that
550 said units may be readily identified and distinguished. The Board
551 of Supervisors shall have the power to fix and determine the
552 location, area, and boundaries of and lands to be included in each
553 and all such units, the order of development thereof, and the
554 method of carrying on the work in each unit. The unit system of
555 drainage provided by this section may be conducted and all of the
556 proceedings by this section and this act authorized in respect to
557 such unit or units may be carried on and conducted at the same
558 time as or after the work of draining and reclaiming of the entire
559 District has been or is being or shall be instituted or carried on
560 under the provisions of this act. If the Board of Supervisors



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561 shall determine that it is advisable to conduct the work of
562 draining and reclaiming the lands in said District by units, as
563 authorized by this section of this act, said Board shall, by
564 resolution duly adopted and entered upon its minutes, declare its
565 purpose to conduct such work accordingly, and shall at the same
566 time and manner fix the number, location, and boundaries of and
567 description of lands within such unit or units and give them
568 appropriate numbers or names. As soon as practicable after the
569 adoption and recording of such resolution said Board of
570 Supervisors shall publish notice once a week for 2 consecutive
571 weeks in a newspaper published in Broward County, Florida, or duly
572 notify the landowners by registered letter, briefly describing the
573 units into which said District has been divided and the lands
574 embraced in each unit, giving the name, number, or other
575 designation of such units, requiring all owners of lands in said
576 District to show cause in writing before said Board of Supervisors
577 at a time and place to be stated in such notice why such division
578 of said District into such units should not be approved, and said
579 system of development by units should not be adopted and given
580 effect by said Board, and why the proceedings and powers
581 authorized by this section of this act should not be had, taken,
582 and exercised. At the time and place stated in said notice, said
583 Board of Supervisors shall hear all objections or causes of
584 objection (all of which shall be in writing) of any landowner in
585 said District to the matters mentioned and referred to in such
586 notice, and if no objections are made, or if said objections, if
587 made, shall be overruled by said Board, then said Board shall
588 enter in its minutes its findings and order confirming said



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589 resolution and may thereafter proceed with the development,
590 drainage, and reclamation of said District by units pursuant to
591 such resolution and to the provisions of this act. If, however,
592 said Board of Supervisors shall find as a result of such
593 objections, or any of them or the hearing thereon, that the
594 division of said District into such units as aforesaid should not
595 be approved, or that said system of development by units should
596 not be adopted and given effect, or that the proceedings and
597 powers authorized by this section of this act should not be had,
598 taken, or exercised, or that any other matter or thing embraced in
599 said resolution would not be in the best interest of the
600 landowners of said District or would be unjust or unfair to any
601 landowner therein or otherwise inconsistent with fair and equal
602 protection and enforcement of the rights of every landowner in
603 said District, then said Board of Supervisors shall not proceed
604 further under such resolution, but said Board of Supervisors may,
605 as a result of such hearing, modify or amend said resolution so as
606 to meet such objections so made, and thereupon said Board may
607 confirm said resolution as so modified or amended and may
608 thereafter proceed accordingly. The sustaining of such objections
609 and the rescinding of such resolutions shall not exhaust the power
610 of said Board under this section; but, at any time not less than 1
611 year after the date of the hearing upon any such resolution, the
612 Board of Supervisors may adopt other resolutions under this
613 section and thereupon proceed on due notice in like manner as
614 above. If said Board of Supervisors shall overrule or refuse to
615 sustain any such objections in whole or in part made by a
616 landowner in the District, or if any such landowner shall deem



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617 himself aggrieved by any action of the Board of Supervisors in
618 respect to any objections so filed, such landowner may, within 10
619 days after the ruling of said Board, file his or her bill of
620 complaint in the Circuit Court in and for Broward County, against
621 said District, praying an injunction or other appropriate relief
622 against the action or any part of such action proposed by such
623 resolution or resolutions, of said Board, and, such suits shall be
624 conducted like other suits, except that said suits shall have
625 preference over all other pending actions except criminal actions
626 and writs of habeas corpus. Upon the hearing of said cause said
627 Circuit Court shall have the power to hear the objections and
628 receive the evidence thereon of all parties to such cause and
629 approve or disapprove said resolutions and action of said Board in
630 whole or in part, and to render such decree in such cause as right
631 and justice require. When said resolutions creating said unit
632 system shall be confirmed by the Board of Supervisors (or by the
633 Circuit Court in and for Broward County, if such proposed action
634 shall be challenged by a landowner by the judicial proceedings
635 hereinabove authorized), said Board of Supervisors may adopt a
636 plan or plans of reclamation for and in respect to any or all such
637 units, and to have the benefits and the damages resulting
638 therefrom assessed and apportioned by Commissioners appointed by
639 the Circuit Court, and the report of the said Commissioners
640 considered and confirmed, all in like manner as is provided by law
641 in regard to Plans of Reclamation for and assessments for benefits
642 and damages of, the entire District. With respect to Plan of
643 Reclamation, notices, appointment of Commissioners to assess
644 benefits and damages, report of Commissioners and notice and



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645 confirmation thereof, the levy of assessments and taxes, including
646 maintenance taxes, and the issuance of bonds and all other
647 proceedings as to each and all of such units, said Board shall
648 follow and comply with the same procedure as is provided by law
649 with respect to the entire District; and said Board of Supervisors
650 shall have the same powers in respect to each and all of such
651 units as is vested in them with respect to the entire District.
652 All the provisions of this act shall apply to the drainage,
653 reclamation, and improvement of each, any, and all of such units,
654 and the enumeration of or reference to specific powers or duties
655 of the Supervisors of any other officers or other matters in this
656 act as hereinabove set forth, shall not limit or restrict the
657 application of any and all of the proceedings and powers herein to
658 the drainage and reclamation of such units as fully and completely
659 as if such unit or units were specifically and expressly named in
660 every section and clause of this act where the entire District is
661 mentioned or referred to. All assessments, levies, taxes, bonds,
662 and other obligations made, levied, assessed, or issued for or in
663 respect to any such unit or units shall be a lien and charge
664 solely and only upon the lands in such units, respectively, for
665 the benefit of which the same shall be levied, made, or issued,
666 and not upon the remaining units or lands in said District. The
667 Board of Supervisors may at any time amend its said resolutions by
668 changing the location and description of lands in any such unit or
669 units; and provided, further, that if the location of or
670 description of lands located in any such unit or units is so
671 changed, notice of such change shall be published as hereinabove
672 required in this section for notice of the formation or



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673 organization of such unit or units, and all proceedings shall be
674 had and done in that regard as are provided in this section for
675 the original creation of such unit or units, provided, however,
676 that no lands against which benefits shall have been assessed may
677 be detached from any such unit after the confirmation of the
678 Commissioners' report of benefits in such unit or units or the
679 issuance of bonds or other obligations which are payable from
680 taxes or assessments for benefits levied upon the lands within
681 such unit or units.

682 (2) Provided, however, that if, after the confirmation of
683 the Commissioners' report of benefits in such unit or units, or
684 the issuance of bonds or other obligations which are payable from
685 taxes or assessments for benefits levied upon lands within such
686 unit or units, the Board of Supervisors finds the Plan of
687 Reclamation for any such unit or units insufficient or inadequate
688 for efficient development, the Plan of Reclamation may be amended
689 or changed as provided in chapter 298, Florida Statutes, and the
690 unit or units may be amended or changed as provided in this
691 section, by changing the location and description of lands in any
692 such unit or units, by detaching lands therefrom, or by adding
693 land thereto, upon the approval of at least 51 percent of the
694 landowners according to acreage, in any such unit and 75 percent
695 of the holders of bonds issued in respect to any such unit, and
696 provided that in such event all assessments, levies, taxes, bonds,
697 and other obligations made, levied, assessed, incurred, or issued
698 for or in respect to any such unit or units may be allocated and
699 apportioned to the amended unit or units in proportion to the
700 benefits assessed by the Commissioners' report for the amended



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701 Plan of Reclamation and said report shall specifically provide for
702 such allocation and apportionment. The landowners and all of the
703 bond holders shall file their approval of or objections to such
704 amended Plan of Reclamation within the time provided in section
705 298.27, Florida Statutes, and shall file their approval of or
706 objections to the amendment of such unit as provided in this
707 section.

708 (3) No lands shall be detached from any unit after the
709 issuance of bonds or other obligations for such unit except upon
710 the consent of 75 percent of all the holders of such bonds or
711 other obligations. In the event of the change of the boundaries
712 of any unit as provided herein and the allocation and
713 apportionment to the amended unit or units of assessments, levies,
714 taxes, bonds, and other obligations in proportion to the benefits
715 assessed by the Commissioners' report for the amended Plan of
716 Reclamation, the holder of bonds or other obligations heretofore
717 issued for the original unit who consent to such allocations and
718 apportionment shall be entitled to all rights and remedies against
719 any lands added to the amended unit or units as fully and to the
720 same extent as if such added lands had formed and constituted a
721 part of the original unit or units at the time of the original
722 issuance of such bonds or other obligations, regardless of
723 whether the holders of such bonds or other obligations are the
724 original holders thereof or the holders from time to time
725 hereafter, and the rights and remedies of such holders against the
726 lands in the amended unit or units, including any lands added
727 thereto, under such allocation and apportionment, shall constitute
728 vested and irrevocable rights and remedies to the holders from



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729 time to time of such bonds or other obligations as fully and to
730 the same extent as if such bonds or other obligations had been
731 originally issued to finance the improvements in such amended unit
732 or units under such amended Plan of Reclamation.

733 Section 18. SEVERABILITY.--In case any one or more of the
734 sections or provisions of this act or the application of such
735 sections or provisions to any situation, circumstance, or person
736 shall for any reason be held to be unconstitutional, such
737 unconstitutionality shall not affect any other sections or
738 provisions of this act or the application of such sections or
739 provisions to any other situation, circumstance, or person, and it
740 is intended that this law shall be construed and applied as if
741 such section or provision had not been included herein for any
742 unconstitutional application.

743 Section 19. NOTICE OF INTENTION.--It is found and determined
744 that notice of intention to apply for this legislation was given
745 in the time, form, and manner required by the Constitution and by
746 law. Said notice is found to be sufficient and is hereby validated
747 and approved.

748 Section 4. Chapters 63-661, 82-273, 85-385, 94-428, and 97-
749 370, Laws of Florida, are repealed.

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