



1 A bill to be entitled

2 An act relating to the North Lauderdale Water Control  
3 District, Broward County; codifying, amending, reenacting,  
4 and repealing the district's special acts; providing that  
5 the district may borrow money at a rate not exceeding that  
6 which is provided by law; providing for the members of the  
7 board of supervisors to be known as the city commission of  
8 the City of North Lauderdale; amending the meeting notice  
9 requirements and clarifying that meetings be held at a  
10 public place; providing that the interest rates on tax  
11 anticipation notes issued by the board shall not exceed the  
12 maximum rate allowed by law; providing for the use of non-  
13 ad valorem assessments; providing for severability;  
14 repealing chapters 63-661, 82-273, 85-385, 94-428, and 97-  
15 370, Laws of Florida providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Pursuant to section 189.429, Florida Statutes,  
20 this act constitutes a codification of all special acts relating  
21 to the dependent special district known as the North Lauderdale  
22 Water Control District. It is the intent of the Legislature in  
23 enacting this law to provide a single, comprehensive special act  
24 charter for the district, including all current legislative  
25 authority granted to the district by its several legislative  
26 enactments and any additional authority granted by this act.



27           Section 2. Chapters 63-661, 82-273, 85-385, 94-428, and 97-  
 28 370, Laws of Florida, are codified, reenacted, amended, and  
 29 repealed as provided herein.

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

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

44           Commencing at the Southeast corner of Section One (1),  
 45 Township 49 South, Range 41 East; thence Westerly along  
 46 a course S 89°57'49"W a distance of 5,281.80 feet to a  
 47 point; thence Westerly along a course S 89°59'17"W a  
 48 distance of 5,274.63 feet to a point; thence Southerly  
 49 along a course S 01°02'05"E a distance of 5,282.97 feet  
 50 to a point; thence Westerly along a course S 89°56'50"W  
 51 a distance of 5,278.94 feet to a point; thence Westerly  
 52 along a course S 89°58'54"W a distance of 5,280.40 feet  
 53 to a point; thence Northly along a course N 01°02'22"W a  
 54 distance of 5,278.38 feet to a concrete monument set in



55 ground; thence Northly along a course N 1°11'21"W a  
 56 distance of 7,678.68 feet to a point; thence Easterly  
 57 along South Right-of-way Line of Pompano Canal a  
 58 distance of 11,650 plus or minus feet to a point; thence  
 59 Southerly along a course S 0°44'12"E a distance of  
 60 596.88 feet to a concrete monument set in ground; thence  
 61 Easterly along a course S 89°44'25"E a distance of  
 62 1,543.24 feet to a point; thence Southerly along a  
 63 course S 1°14'52"E a distance of 2,640.11 feet to a  
 64 point; thence Easterly along a course S 89°45'09"E a  
 65 distance of 1,319.15 feet to a point; thence Northly  
 66 along a course N 1°15'11"W a distance of 2,639.83 feet  
 67 to a point; thence Easterly along a course S 89°44'25"E  
 68 a distance of 1,318.92 feet to a concrete monument set  
 69 in ground; thence Southerly along a course S 1°15'29"E a  
 70 distance of 2,275.74 feet to a point; thence Easterly  
 71 along a course S 89°56'37"E a distance of 2,639 feet to  
 72 a point; thence Southerly along a course S 1°16'53"E a  
 73 distance of 660.12 feet to a point; thence Easterly  
 74 along a course S 89°56'34"E a distance of 2,639.27 feet  
 75 to a point; thence Southerly along a course S 1°18'17"E  
 76 a distance of 1,831.83 feet to a point; thence Westerly  
 77 along a course S 89°57'49"W a distance of 333.08 feet to  
 78 a point; thence Northly along a course N 1°18'17"W a  
 79 distance of 842.26 feet to a point; thence Westerly  
 80 along a course N 89°56'31"W a distance of 1,545.98 feet  
 81 to a point; thence Southerly along a course S 0°02'11"E  
 82 a distance of 844.47 feet to a point; thence Easterly



83 along a course N 89°57'49"E a distance of 1,897.70 feet  
84 to a point; thence Southerly along a course S 1°18'17"E  
85 a distance of 2,415.59 feet to a point or place of  
86 beginning.

87  
88 AND ALSO

89  
90 All that part of the Northwest One-quarter (NW 1/4) of  
91 Tract Four (4) of FORT LAUDERDALE TRUCK FARMS  
92 SUBDIVISION of Section Eleven (11), Township 49 South,  
93 Range 41 East, according to the Plat thereof, recorded  
94 in Plat Book 4, at Page 31, of the Public Records of  
95 Broward County, Florida, less Rights-of-way of record  
96 and being more particularly described as follows:

97  
98 Commencing at the Northwest corner of said Section  
99 Eleven (11), Township 49 South, Range 41 East; thence  
100 along a course S 89°02'17" E, along the North Line of  
101 said Section 11, a distance of 25.0 feet; thence along a  
102 course S 0°03'16"E, parallel with and 25.0 feet East of,  
103 as measured at right angles, to the west Line of Section  
104 11, a distance of 53.01 feet to the Point of Beginning  
105 of this Description; thence continuing along a course of  
106 S 0°03'16"E, a distance of 616.15 feet; thence along a  
107 course of S 89°03'25"E, a distance of 645.64 feet;  
108 thence along a course of N 0°05'16"W, a distance of  
109 615.94 feet to an intersection with the South Right-of-  
110 way Line of McNab Road; thence along a course of N



111 89°02'17"W, parallel with and 53.0 feet South of, as  
112 measured at right angles, to the North Line of Section  
113 11 a distance of 645.29 feet to the Point of Beginning.  
114 All of the above aforementioned property located in  
115 Townships 48 and 49 South, Range 41 East, Broward  
116 County, Florida. Less and except therefrom the  
117 following described property: The West 3020.54 feet of  
118 that part of Section 34, Township 48 South, Range 41  
119 East, lying South of the Pompano Canal; all of Section  
120 33, Township 48 South, Range 41 East lying South of the  
121 Pompano Canal; all of that Part of Section 32, Township  
122 48 South, Range 41 East lying south of the Pompano Canal  
123 and East of the Northerly extension of the West boundary  
124 of Section 4, Township 49 South, Range 41 East; all of  
125 Section 4 and 9, Township 49 South, Range 41 East;  
126 Tracts 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 18, 19  
127 and 20 of FORT LAUDERDALE TRUCK FARMS SUBDIVISION of  
128 Section 3, Township 49 South, Range 41 East, according  
129 to the plat thereof recorded in Plat Book 4 at page 31  
130 of the public records of Broward County, Florida;  
131 Tracts 3, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 16 of  
132 aforesaid FORT LAUDERDALE TRUCK FARMS SUBDIVISION of  
133 Section 2, Township 49 south, range 41 East.  
134  
135 It is the intent of the above described legal description to  
136 include all of the above described properties located in townships  
137 48 and 49 South, Range 41 East, Broward County, Florida, within



138 the boundaries of the North Lauderdale Water Control District as  
139 established by the Legislature.

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

153 Section 3. POWERS OF THE DISTRICT.--Said District shall have  
154 the power to sue and be sued by its name in any court of law or in  
155 equity; to make contracts; to adopt and use a corporate seal and  
156 to alter the same at pleasure; to acquire by purchase, gift, or  
157 condemnation, real and personal property, either or both, within  
158 or without the District, and to convey and dispose of such real  
159 and personal property as may be necessary and convenient to carry  
160 out the purposes, or any of the purposes, of this act and chapter  
161 298, Florida Statutes; to construct, operate, and maintain canals,  
162 ditches, drains, levees, dikes, and other works for drainage  
163 purposes; to acquire, purchase, operate, and maintain pumps,  
164 plants, and pumping systems for drainage purposes; to construct,  
165 operate, and maintain irrigation works, machinery, and plants; to



166 construct, improve, pave, and maintain roadways and roads  
167 necessary and convenient for the exercise of the powers or duties  
168 or any of the powers or duties of said District or the Supervisors  
169 thereof; to pump water into and out of canals, ditches, drains,  
170 and other works of the District, or onto or from the lands in said  
171 District, and to regulate and control the flow of water into and  
172 out of said District; in maintaining and operating canals, drains,  
173 levees, dikes, dams, locks, reservoirs, pumping stations, and  
174 water control structures, the Board of Supervisors, its agents,  
175 and its employees, shall have the authority to enter at all  
176 reasonable times upon the lands adjacent to any such drainage  
177 works in order to transport and use men, equipment, machinery, and  
178 materials necessary to properly maintain, preserve, and operate  
179 such drainage works and in furtherance of the purposes and intent  
180 of this act and chapter 298, Florida Statutes, to construct,  
181 improve, and pave roadways and roads necessary and convenient to  
182 provide access to, and efficient development of, areas made  
183 suitable and available for cultivation, settlement, and other  
184 beneficial use and development as a result of the drainage and  
185 reclamation operations of the District; to borrow money and issue  
186 negotiable or other bonds of said District as hereinafter  
187 provided; to borrow money from time to time, and issue negotiable  
188 or other notes of said District therefor, bearing interest not  
189 exceeding the rate prescribed by general or special law, in  
190 anticipation of the collection of taxes, levies, and assessments  
191 or revenues of said District and to pledge or hypothecate such  
192 taxes, levies, assessments, and revenues to secure such bonds,  
193 notes, or obligations, and to sell, discount, negotiate, and



194 dispose of the same; and to exercise all other powers necessary,  
195 convenient, or proper in connection with any of the powers or  
196 duties of said District stated in this act, or chapter 298,  
197 Florida Statutes. The powers and duties of said District shall be  
198 exercised by and through the Board of Supervisors thereof, which  
199 Board shall have the authority to employ engineers, attorneys,  
200 agents, employees, and representatives as the Board of Supervisors  
201 may from time to time determine, and to fix their compensation and  
202 duties.

203 Section 4. BOARD OF SUPERVISORS; ORGANIZATION; POWERS,  
204 DUTIES, AND TERMS OF OFFICE.--There is hereby created a Board of  
205 Supervisors of the North Lauderdale Water Control District which  
206 shall be the governing body of said District. The members of the  
207 Board of Supervisors of said District shall be composed of five  
208 members, who shall be the five sitting members of the City  
209 Commission of the City of North Lauderdale. The City Commission  
210 shall continue all of the duties, functions, and responsibilities  
211 under this act of the supervisors of the district after this act  
212 becomes law.

213 The term of office of each member of the board of supervisors  
214 shall be coincidental with that member's term of office as a  
215 member of the City Commission. The members shall assume full  
216 duties as a member of the board of supervisors once he or she  
217 takes the oath of office as a member of the City Commission.

218 (1) Terms of office for the board of supervisors shall be  
219 concurrent with the length of time the Commission member is in  
220 office.





221 (2) An annual meeting of the board of supervisors shall be  
222 held during the first week of June and otherwise in accordance  
223 with this act. At the annual meeting of the board of supervisors,  
224 the board shall elect, from its members, a Chair, and a Vice  
225 Chair, who shall serve in said positions until the next annual  
226 meeting or expiration of his or her term.

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

245 Section 6. COMPENSATION OF THE BOARD.--Each Supervisor shall  
246 serve without compensation, except that they shall be reimbursed  
247 for their travel expenses pursuant to section 112.061, Florida  
248 Statutes, as may be amended from time to time, for each mile



249 actually traveled in going to and from their place of residence to  
250 the place of meeting.

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

257 (1) The Board of Supervisors shall determine, order, and  
258 levy the amount of the annual taxes or non-ad valorem assessments  
259 levied under chapter 298, Florida Statutes, which shall become due  
260 and be collected during each year at the same time that county  
261 taxes are due and collected, which said annual tax, assessment,  
262 and levy shall be evidenced to and certified by the said Board,  
263 not later than July 1 of each year, to the Tax Assessor of Broward  
264 County. Said tax or assessment shall be extended by the County  
265 Tax Assessor on the county tax roll and shall be collected by the  
266 Tax Collector in the same manner and time as county taxes, and the  
267 proceeds thereof paid to said District.

268 (2) The Board of Supervisors may in its discretion determine  
269 it is in the best interest of the District that the annual tax or  
270 assessment levies be collected by the Treasurer of the District  
271 and in such event he or she shall collect the tax or assessment in  
272 the same manner as the Tax Collector, and said Treasurer of the  
273 District shall be substituted for and perform all the duties and  
274 actions of the Tax Collector and have all the powers that are by  
275 this act vested in the Tax Collector. Said tax or assessment



276 shall be a lien until paid on the property on which assessed, and  
 277 enforceable in like manner as county taxes.

278 Section 8. MAINTENANCE TAX.--The provisions of section  
 279 298.54, Florida Statutes, and amendments thereto shall not be  
 280 applicable to said District. In lieu thereof, the following  
 281 provisions shall apply to said District. To maintain and preserve  
 282 the improvements made pursuant to this act and to repair and  
 283 restore the same, when needed, and for the purpose of defraying  
 284 the current expenses of the District, the Board of Supervisors,  
 285 may, upon completion of said improvements in whole or in part as  
 286 may be certified to the said Board by the Chief Engineer, levy  
 287 annually a tax upon each tract or parcel of land within the  
 288 District, to be known as a maintenance tax. Said maintenance tax  
 289 shall be apportioned upon the basis of the net non-ad valorem  
 290 assessments of benefits assessed as accruing for original  
 291 construction, and shall be evidenced to and certified by said  
 292 Board not later than July 1 of each year to the Tax Assessor of  
 293 Broward County, and shall be extended by the County Tax Assessor  
 294 on the County Tax Roll and shall be collected by the County Tax  
 295 Collector in the same manner and time as county taxes and the  
 296 proceeds therefrom paid to the said District. Said tax shall be a  
 297 lien until paid on the property upon which assessed, and  
 298 enforceable in like manner as County Taxes.

299 Section 9. LEVY OF TAXES AND ASSESSMENTS ON FRACTIONAL  
 300 ACRES.--In levying and assessing all taxes and assessments, each  
 301 tract or parcel of land more than one acre in area which contains  
 302 a fraction of an acre shall be assessed at the nearest whole



303 number of acres. However, each tract or parcel of land less than  
 304 one acre in area shall be assessed as a full acre.

305 Section 10. ENFORCEMENT OF TAXES AND ASSESSMENTS.--The  
 306 collection and enforcement of all taxes and assessments levied by  
 307 said District shall be at the same time and in like manner as the  
 308 County. The provisions of the Florida Statutes relating to the  
 309 sale of lands for unpaid and delinquent county taxes and  
 310 assessments, the issuance, sale, and delivery of Tax Certificates  
 311 for such unpaid and delinquent County Taxes, the redemption  
 312 thereof, the issuance to individuals of tax deeds based thereon,  
 313 and all other procedures in connection therewith, shall be  
 314 applicable to said District and the delinquent and unpaid taxes  
 315 and assessments of said District to the same extent as if said  
 316 statutory provisions were expressly set forth in this act. All  
 317 taxes and assessments shall be subject to the same discounts as  
 318 County Taxes.

319 Section 11. WHEN UNPAID TAX OR ASSESSMENT IS DELINQUENT;  
 320 PENALTY.--All taxes provided for in this act shall be and become  
 321 delinquent and bear penalties in the amount of said taxes in the  
 322 same manner as county taxes. Assessments provided for in this act  
 323 and authorized in chapter 298, Florida Statutes, shall be and  
 324 become delinquent and bear penalties and interest at the highest  
 325 rate authorized by Florida general or special law, or as otherwise  
 326 provided in District legislation imposing the assessment.

327 Section 12. BONDS MAY BE ISSUED; SALE AND DISPOSITION OF  
 328 PROCEEDS; INTEREST; LEVY TO PAY BONDS; BONDS AND DUTIES OF  
 329 TREASURER; ETC.--



330           (1) The Board of Supervisors may, if in their judgment it  
331 seems best, issue bonds not to exceed 90 percent of the total  
332 amount of the taxes levied under the provisions of section  
333 298.305, Florida Statutes, in denominations of not less than \$100,  
334 bearing interest from date at a rate as provided by general law,  
335 payable annually or semiannually, to mature at annual intervals  
336 within 40 years commencing after a period of not later than 10  
337 years, to be determined by the Board of Supervisors; both  
338 principal and interest payable at some convenient place designated  
339 by the Board of Supervisors to be named in said bonds, which said  
340 bonds shall be signed by the Chair of the Board of Supervisors,  
341 attested with the seal of said District and by the signature of  
342 the Secretary of said Board. All of said bonds shall be executed  
343 and delivered to the Treasurer of said District, who shall sell  
344 the same in such quantities and at such dates as the Board of  
345 Supervisors may deem necessary to meet the payments for the works  
346 and improvements in the District. Said bonds shall not be sold  
347 for less than 90 cents on the dollar, with accrued interest, shall  
348 show on their face the purpose for which they are issued, and  
349 shall be payable out of money derived from the aforesaid taxes. A  
350 sufficient amount of the drainage tax shall be appropriated by the  
351 Board of Supervisors for the purpose of paying the principal and  
352 interest of said bonds, and the same shall, when collected, be  
353 preserved in a separate fund for that purpose and no other. All  
354 bonds and coupons not paid at maturity shall bear interest at the  
355 rate of 6 percent per annum from maturity until paid, or until  
356 sufficient funds have been deposited at the place of payment, and  
357 said interest shall be appropriated by the Board of Supervisors



358 out of the penalties and interest collected on delinquent taxes or  
359 other available funds of the District. Provided, however, that it  
360 may, in the discretion of said Board, be provided that at any  
361 time, after such date as shall be fixed by the said Board, said  
362 bonds may be redeemed before maturity at the option of said Board,  
363 or their successors in office, by being made callable prior to  
364 maturity at such times and upon such prices and terms and other  
365 conditions as said Board shall determine. If any bond so issued  
366 subject to redemption before maturity shall not be presented when  
367 called for redemption, it shall cease to bear interest from and  
368 after the date so fixed for redemption.

369 (2) The Board of Supervisors of said District shall have  
370 authority to issue Refunding Bonds to take up any outstanding  
371 bonds and any interest accrued thereon, when in the judgment of  
372 said Board, it shall be for the best interest of said District to  
373 do so. The said Board is hereby authorized and empowered to issue  
374 Refunding Bonds to take up and refund all bonds of said District  
375 outstanding that are subject to call and prior redemption, and all  
376 interest accrued to the date of such call or prior redemption, and  
377 all bonds of said District that are not subject to call or  
378 redemption, together with all accrued interest thereon, where the  
379 surrender of said bonds can be procured from the holders thereof  
380 at prices satisfactory to the Board or can be exchanged for such  
381 outstanding bonds with the consent of the holder thereof. Such  
382 Refunding Bonds may be issued at any time when in the judgment of  
383 said Board it will be to the interest of the District financially  
384 or economically to secure a lower rate of interest on said bonds  
385 or by extending the time of maturity of said bonds, or for any



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



413       (3) In case the proceeds of the original tax levy made under  
414 the provisions of section 298.36, Florida Statutes, are not  
415 sufficient to pay the principal and interest of all bonds issued,  
416 then the Board of Supervisors shall make such additional levy or  
417 levies upon the benefits assessed as are necessary for this  
418 purpose, and under no circumstances shall any tax levies be made  
419 that will in any manner or to any extent impair the security of  
420 said bonds or the fund available for the payment of the principal  
421 and interest of same. Said Treasurer shall at the time of the  
422 receipt by him or her of said bonds, execute and deliver to the  
423 Chair of the Board of said District a bond with good and  
424 sufficient surety to be approved by said Board, conditioned that  
425 he or she shall account for and pay over as required by law and as  
426 ordered by said Board of Supervisors, any and all moneys received  
427 by him or her on the sale of such bonds, or any of them, and that  
428 he or she will only sell and deliver such bonds to the purchaser  
429 or purchasers thereof under and according to the terms herein  
430 prescribed, and that he or she will return to the Board of  
431 Supervisors and duly cancel any and all bonds not sold when  
432 ordered by said Board to do so. Said bonds when so returned shall  
433 remain in the custody of the Chair of the Board of Supervisors,  
434 who shall produce the same for inspection or for use as evidence  
435 whenever and wherever legally requested so to do. The said  
436 Treasurer shall promptly report all sales of bonds to the Board of  
437 Supervisors. The Board shall at reasonable time thereafter  
438 prepare and issue warrants in substantially the form provided in  
439 section 298.17, Florida Statutes, for the payment of maturing  
440 bonds so sold and the interest payments coming due on all bonds





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

463 Section 13. FULL AUTHORITY FOR ISSUE AND SALE OF BONDS  
464 AUTHORIZED.--

465 (1) This act shall, without reference to any other act of  
466 the Legislature, be full authority for the issuance and sale of  
467 bonds in this act authorized, which bonds shall have all the  
468 qualities of negotiable paper under the law merchant and shall not



469 be invalid for any irregularity or defect in the proceedings for  
470 the issuance and sale thereof; and shall be incontestable in the  
471 hands of bona fide purchasers or holders thereof. No proceedings  
472 in respect to the issuance of any such bonds shall be necessary,  
473 except such as are required by this act. The provisions of this  
474 act shall constitute an irrevocable contract between the said  
475 Board of Supervisors and the said North Lauderdale Water Control  
476 District and the holders of any bonds and the coupons thereof  
477 issued pursuant to the provisions hereof. Any holder of any of  
478 said bonds or coupons may either in law or by equity, by suit,  
479 action, or mandamus, enforce and compel the performance of the  
480 duties required by this act of any of the officers or persons  
481 mentioned in this act in relation to the said bonds, or to the  
482 correct enforcement and application of the taxes for the payment  
483 thereof.

484 (2) After the several bonds and coupons are paid and retired  
485 as herein provided, they shall be returned to the Treasurer, and  
486 they shall be canceled and an appropriate record thereof made in a  
487 book to be kept for that purpose, which record of paid and  
488 canceled bonds shall be kept at the office of the Treasurer and  
489 shall be opened for inspection of any bond holder at any time.

490 Section 14. FLOATING INDEBTEDNESS.--

491 (1) After the levy of taxes in any years, and before the  
492 collection thereof, the Board of Supervisors shall have the power  
493 to issue Tax Anticipation Notes. Said notes shall bear interest  
494 at a rate not exceeding the maximum rate allowed by general or  
495 special law, and shall be payable at such times, and may be sold  
496 or discounted at such price or on such terms, as the said Board



497 may deem advisable, and the Board may pledge the whole or any part  
498 of the tax levy for the payment thereof.

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

504 (3) Said Temporary Obligations and Interim Certificates  
505 shall have all the rights and privileges of the permanent bond  
506 holders.

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

511 Section 15. EMINENT DOMAIN.--The said Board of Supervisors  
512 is hereby authorized and empowered to exercise the right of  
513 eminent domain and may condemn for the use of said District any  
514 and all lands, easements, rights of way, riparian rights, and  
515 property rights of every description, in or out of said District,  
516 required for the public purposes and powers of said Board as  
517 herein granted, and may enter upon, take, and use such lands as it  
518 may deem necessary for such purposes.

519 Section 16. WATER A COMMON ENEMY.--It is hereby declared  
520 that in said District, surface waters, which shall include  
521 rainfall and the overflow of rivers and streams, are a common  
522 enemy, and the said District and any individual or agency holding  
523 a permit to do so from said District, shall have the right to  
524 dike, dam, and construct levees to protect the said District or



525 any part thereof, or the property of said individual or agency  
526 against the same, and thereby divert the course and flow of such  
527 surface waters and/or pump the water from within such dikes and  
528 levees.

529 Section 17. UNIT DEVELOPMENT; POWERS OF SUPERVISORS TO  
530 DESIGNATE UNITS OF DISTRICT AND ADOPT SYSTEM OF PROGRESSIVE  
531 DRAINAGE BY UNITS; PLANS OF RECLAMATION AND FINANCING  
532 ASSESSEMENTS, ETC., FOR EACH UNIT.--

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



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



581 such resolution and to the provisions of this act. If, however,  
582 said Board of Supervisors shall find as a result of such  
583 objections, or any of them or the hearing thereon, that the  
584 division of said District into such units as aforesaid should not  
585 be approved, or that said system of development by units should  
586 not be adopted and given effect, or that the proceedings and  
587 powers authorized by this section of this act should not be had,  
588 taken, or exercised, or that any other matter or thing embraced in  
589 said resolution would not be in the best interest of the  
590 landowners of said District or would be unjust or unfair to any  
591 landowner therein or otherwise inconsistent with fair and equal  
592 protection and enforcement of the rights of every landowner in  
593 said District, then said Board of Supervisors shall not proceed  
594 further under such resolution, but said Board of Supervisors may,  
595 as a result of such hearing, modify or amend said resolution so as  
596 to meet such objections so made, and thereupon said Board may  
597 confirm said resolution as so modified or amended and may  
598 thereafter proceed accordingly. The sustaining of such objections  
599 and the rescinding of such resolutions shall not exhaust the power  
600 of said Board under this section; but, at any time not less than 1  
601 year after the date of the hearing upon any such resolution, the  
602 Board of Supervisors may adopt other resolutions under this  
603 section and thereupon proceed on due notice in like manner as  
604 above. If said Board of Supervisors shall overrule or refuse to  
605 sustain any such objections in whole or in part made by a  
606 landowner in the District, or if any such landowner shall deem  
607 himself aggrieved by any action of the Board of Supervisors in  
608 respect to any objections so filed, such landowner may, within 10



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



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





665 the original creation of such unit or units, provided, however,  
666 that no lands against which benefits shall have been assessed may  
667 be detached from any such unit after the confirmation of the  
668 Commissioners' report of benefits in such unit or units or the  
669 issuance of bonds or other obligations which are payable from  
670 taxes or assessments for benefits levied upon the lands within  
671 such unit or units.

672 (2) Provided, however, that if, after the confirmation of  
673 the Commissioners' report of benefits in such unit or units, or  
674 the issuance of bonds or other obligations which are payable from  
675 taxes or assessments for benefits levied upon lands within such  
676 unit or units, the Board of Supervisors finds the Plan of  
677 Reclamation for any such unit or units insufficient or inadequate  
678 for efficient development, the Plan of Reclamation may be amended  
679 or changed as provided in chapter 298, Florida Statutes, and the  
680 unit or units may be amended or changed as provided in this  
681 section, by changing the location and description of lands in any  
682 such unit or units, by detaching lands therefrom, or by adding  
683 land thereto, upon the approval of at least 51 percent of the  
684 landowners according to acreage, in any such unit and 75 percent  
685 of the holders of bonds issued in respect to any such unit, and  
686 provided that in such event all assessments, levies, taxes, bonds,  
687 and other obligations made, levied, assessed, incurred, or issued  
688 for or in respect to any such unit or units may be allocated and  
689 apportioned to the amended unit or units in proportion to the  
690 benefits assessed by the Commissioners' report for the amended  
691 Plan of Reclamation and said report shall specifically provide for  
692 such allocation and apportionment. The landowners and all of the



693 bond holders shall file their approval of or objections to such  
694 amended Plan of Reclamation within the time provided in section  
695 298.27, Florida Statutes, and shall file their approval of or  
696 objections to the amendment of such unit as provided in this  
697 section.

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



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

723 Section 18. SEVERABILITY.--In case any one or more of the  
 724 sections or provisions of this act or the application of such  
 725 sections or provisions to any situation, circumstance, or person  
 726 shall for any reason be held to be unconstitutional, such  
 727 unconstitutionality shall not affect any other sections or  
 728 provisions of this act or the application of such sections or  
 729 provisions to any other situation, circumstance, or person, and it  
 730 is intended that this law shall be construed and applied as if  
 731 such section or provision had not been included herein for any  
 732 unconstitutional application.

733 Section 19. NOTICE OF INTENTION.--It is found and determined  
 734 that notice of intention to apply for this legislation was given  
 735 in the time, form, and manner required by the Constitution and by  
 736 law. Said notice is found to be sufficient and is hereby validated  
 737 and approved.

738 Section 4. Chapters 63-661, 82-273, 85-385, 94-428, and 97-  
 739 370, Laws of Florida, are repealed.

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