

By Senator Geller

31-2101A-03

See HB 1561

1                                   A bill to be entitled  
2           An act relating to the North Lauderdale Water  
3           Control District, Broward County; codifying,  
4           amending, reenacting, and repealing the  
5           district's special acts; providing that the  
6           district may borrow money at a rate not  
7           exceeding that which is provided by law;  
8           providing for the members of the board of  
9           supervisors to be known as the city commission  
10          of the City of North Lauderdale; amending the  
11          meeting notice requirements and clarifying that  
12          meetings be held at a public place; providing  
13          that the interest rates on tax anticipation  
14          notes issued by the board shall not exceed the  
15          maximum rate allowed by law; providing for the  
16          use of non-ad valorem assessments; providing  
17          that this act shall take precedence over any  
18          conflicting law to the extent of such conflict;  
19          providing for severability; repealing chapters  
20          63-661, 82-273, 85-385, 94-428, and 97-370,  
21          Laws of Florida; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Pursuant to section 189.429, Florida  
26 Statutes, this act constitutes a codification of all special  
27 acts relating to the dependent special district known as the  
28 North Lauderdale Water Control District. It is the intent of  
29 the Legislature in enacting this law to provide a single,  
30 comprehensive special act charter for the district, including  
31 all current legislative authority granted to the district by

1 its several legislative enactments and any additional  
2 authority granted by this act.

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5 and repealed as provided herein.

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

8 Section 1. DISTRICT CREATED AND BOUNDARIES  
9 THEREOF.--That for the purpose of reclaiming, draining, and  
10 conserving the lands hereinafter described, and protecting  
11 said lands from the effects of water by means of the  
12 construction and maintenance of canals, ditches, levees,  
13 dikes, pumping plants, and other drainage works and  
14 improvements, and for the purpose of making the lands within  
15 said district available and habitable for settlement and  
16 agriculture and for the public convenience, welfare, utility,  
17 and benefit, and for the other purposes stated in the act, a  
18 Drainage District is hereby established in Broward County, to  
19 be known as North Lauderdale Water Control District, a  
20 drainage district, the territorial boundaries of which are  
21 to-wit:

22  
23 Commencing at the Southeast corner of Section  
24 One (1), Township 49 South, Range 41 East;  
25 thence Westerly along a course S 89°57'49"W a  
26 distance of 5,281.80 feet to a point; thence  
27 Westerly along a course S 89°59'17"W a distance  
28 of 5,274.63 feet to a point; thence Southerly  
29 along a course S 01°02'05"E a distance of  
30 5,282.97 feet to a point; thence Westerly along  
31 a course S 89°56'50"W a distance of 5,278.94

1        feet to a point; thence Westerly along a course  
2        S 89°58'54"W a distance of 5,280.40 feet to a  
3        point; thence Northerly along a course N  
4        01°02'22"W a distance of 5,278.38 feet to a  
5        concrete monument set in ground; thence  
6        Northerly along a course N 1°11'21"W a distance  
7        of 7,678.68 feet to a point; thence Easterly  
8        along South Right-of-way Line of Pompano Canal  
9        a distance of 11,650 plus or minus feet to a  
10       point; thence Southerly along a course S  
11       0°44'12"E a distance of 596.88 feet to a  
12       concrete monument set in ground; thence  
13       Easterly along a course S 89°44'25"E a distance  
14       of 1,543.24 feet to a point; thence Southerly  
15       along a course S 1°14'52"E a distance of  
16       2,640.11 feet to a point; thence Easterly along  
17       a course S 89°45'09"E a distance of 1,319.15  
18       feet to a point; thence Northerly along a  
19       course N 1°15'11"W a distance of 2,639.83 feet  
20       to a point; thence Easterly along a course S  
21       89°44'25"E a distance of 1,318.92 feet to a  
22       concrete monument set in ground; thence  
23       Southerly along a course S 1°15'29"E a distance  
24       of 2,275.74 feet to a point; thence Easterly  
25       along a course S 89°56'37"E a distance of 2,639  
26       feet to a point; thence Southerly along a  
27       course S 1°16'53"E a distance of 660.12 feet to  
28       a point; thence Easterly along a course S  
29       89°56'34"E a distance of 2,639.27 feet to a  
30       point; thence Southerly along a course S  
31       1°18'17"E a distance of 1,831.83 feet to a

1 point; thence Westerly along a course S  
2 89°57'49"W a distance of 333.08 feet to a  
3 point; thence Northerly along a course N  
4 1°18'17"W a distance of 842.26 feet to a point;  
5 thence Westerly along a course N 89°56'31"W a  
6 distance of 1,545.98 feet to a point; thence  
7 Southerly along a course S 0°02'11"E a distance  
8 of 844.47 feet to a point; thence Easterly  
9 along a course N 89°57'49"E a distance of  
10 1,897.70 feet to a point; thence Southerly  
11 along a course S 1°18'17"E a distance of  
12 2,415.59 feet to a point or place of beginning.

13  
14 AND ALSO

15  
16 All that part of the Northwest One-quarter (NW  
17 1/4) of Tract Four (4) of FORT LAUDERDALE TRUCK  
18 FARMS SUBDIVISION of Section Eleven (11),  
19 Township 49 South, Range 41 East, according to  
20 the Plat thereof, recorded in Plat Book 4, at  
21 Page 31, of the Public Records of Broward  
22 County, Florida, less Rights-of-way of record  
23 and being more particularly described as  
24 follows:

25  
26 Commencing at the Northwest corner of said  
27 Section Eleven (11), Township 49 South, Range  
28 41 East; thence along a course S 89°02'17" E,  
29 along the North Line of said Section 11, a  
30 distance of 25.0 feet; thence along a course S  
31 0°03'16"E, parallel with and 25.0 feet East of,

1        as measured at right angles, to the West Line  
2        of Section 11, a distance of 53.01 feet to the  
3        Point of Beginning of this Description; thence  
4        continuing along a course of S 0°03'16"E, a  
5        distance of 616.15 feet; thence along a course  
6        of S 89°03'25"E, a distance of 645.64 feet;  
7        thence along a course of N 0°05'16"W, a  
8        distance of 615.94 feet to an intersection with  
9        the South Right-of-way Line of McNab Road;  
10       thence along a course of N 89°02'17"W, parallel  
11       with and 53.0 feet South of, as measured at  
12       right angles, to the North Line of Section 11 a  
13       distance of 645.29 feet to the Point of  
14       Beginning. All of the above aforementioned  
15       property located in Townships 48 and 49 South,  
16       Range 41 East, Broward County, Florida. Less  
17       and except therefrom the following described  
18       property: The West 3020.54 feet of that part of  
19       Section 34, Township 48 South, Range 41 East,  
20       lying South of the Pompano Canal; all of  
21       Section 33, Township 48 South, Range 41 East  
22       lying South of the Pompano Canal; all of that  
23       Part of Section 32, Township 48 South, Range 41  
24       East lying South of the Pompano Canal and East  
25       of the Northerly extension of the West boundary  
26       of Section 4, Township 49 South, Range 41 East;  
27       all of Sections 4 and 9, Township 49 South,  
28       Range 41 East; Tracts 2, 3, 4, 5, 6, 7, 10, 11,  
29       12, 13, 14, 15, 18, 19 and 20 of FORT  
30       LAUDERDALE TRUCK FARMS SUBDIVISION of Section  
31       3, Township 49 South, Range 41 East, according

1           to the plat thereof recorded in Plat Book 4 at  
2           page 31 of the public records of Broward  
3           County, Florida; Tracts 3, 4, 5, 6, 10, 11,  
4           12, 13, 14, 15 and 16 of aforesaid FORT  
5           LAUDERDALE TRUCK FARMS SUBDIVISION of Section  
6           2, Township 49 South, range 41 East.

7           It is hereby determined, declared, and enacted that  
8           said lands in their present condition are wet and subject to  
9           overflow and that the drainage, reclamation, and protection of  
10           said lands from the effects of water and thereby the making of  
11           said lands available for agricultural purposes by drainage,  
12           reclamation, and improvement, in the creation of said district  
13           with the powers vested in it by this act are in the interest  
14           of and conducive to the public welfare, health, and  
15           convenience.

16           Section 2. PROVISIONS OF CHAPTER 298, FLORIDA  
17           STATUTES, MADE APPLICABLE.--A public corporation and a  
18           political subdivision of the state is hereby created under the  
19           name and style of "North Lauderdale Water Control  
20           District." The provisions of the General Drainage Laws of  
21           Florida applicable to Drainage Districts which are embodied in  
22           chapter 298, Florida Statutes, and all the laws amendatory  
23           thereof, now existing or hereinafter enacted so far as not  
24           inconsistent with this act, are hereby declared to be  
25           applicable to said North Lauderdale Water Control  
26           District. Said North Lauderdale Water Control District shall  
27           have all the powers and authorities mentioned in or conferred  
28           by said chapter 298, Florida Statutes, and acts amendatory  
29           thereof, except as herein otherwise provided.

30           Section 3. POWERS OF THE DISTRICT.--Said District  
31           shall have the power to sue and be sued by its name in any

1 court of law or in equity; to make contracts; to adopt and use  
2 a corporate seal and to alter the same at pleasure; to acquire  
3 by purchase, gift, or condemnation, real and personal  
4 property, either or both, within or without the District, and  
5 to convey and dispose of such real and personal property as  
6 may be necessary and convenient to carry out the purposes, or  
7 any of the purposes, of this act and chapter 298, Florida  
8 Statutes; to construct, operate, and maintain canals, ditches,  
9 drains, levees, dikes, and other works for drainage purposes;  
10 to acquire, purchase, operate, and maintain pumps, plants, and  
11 pumping systems for drainage purposes; to construct, operate,  
12 and maintain irrigation works, machinery, and plants; to  
13 construct, improve, pave, and maintain roadways and roads  
14 necessary and convenient for the exercise of the powers or  
15 duties or any of the powers or duties of said District or the  
16 Supervisors thereof; to pump water into and out of canals,  
17 ditches, drains, and other works of the District, or onto or  
18 from the lands in said District, and to regulate and control  
19 the flow of water into and out of said District; in  
20 maintaining and operating canals, drains, levees, dikes, dams,  
21 locks, reservoirs, pumping stations, and water control  
22 structures, the Board of Supervisors, its agents, and its  
23 employees, shall have the authority to enter at all reasonable  
24 times upon the lands adjacent to any such drainage works in  
25 order to transport and use men, equipment, machinery, and  
26 materials necessary to properly maintain, preserve, and  
27 operate such drainage works and in furtherance of the purposes  
28 and intent of this act and chapter 298, Florida Statutes, to  
29 construct, improve, and pave roadways and roads necessary and  
30 convenient to provide access to, and efficient development of,  
31 areas made suitable and available for cultivation, settlement,

1 and other beneficial use and development as a result of the  
2 drainage and reclamation operations of the District; to borrow  
3 money and issue negotiable or other bonds of said District as  
4 hereinafter provided; to borrow money from time to time, and  
5 issue negotiable or other notes of said District therefor,  
6 bearing interest not exceeding the rate prescribed by general  
7 or special law, in anticipation of the collection of taxes,  
8 levies, and assessments or revenues of said District and to  
9 pledge or hypothecate such taxes, levies, assessments, and  
10 revenues to secure such bonds, notes, or obligations, and to  
11 sell, discount, negotiate, and dispose of the same; and to  
12 exercise all other powers necessary, convenient, or proper in  
13 connection with any of the powers or duties of said District  
14 stated in this act, or chapter 298, Florida Statutes. The  
15 powers and duties of said District shall be exercised by and  
16 through the Board of Supervisors thereof, which Board shall  
17 have the authority to employ engineers, attorneys, agents,  
18 employees, and representatives as the Board of Supervisors may  
19 from time to time determine, and to fix their compensation and  
20 duties.

21 Section 4. BOARD OF SUPERVISORS; ORGANIZATION; POWERS,  
22 DUTIES, AND TERMS OF OFFICE.--There is hereby created a Board  
23 of Supervisors of the North Lauderdale Water Control District  
24 which shall be the governing body of said District. The  
25 members of the Board of Supervisors of said District shall be  
26 composed of five members, who shall be the five sitting  
27 members of the City Commission of the City of North  
28 Lauderdale. The City Commission shall continue all of the  
29 duties, functions, and responsibilities under this act of the  
30 supervisors of the district after this act becomes law.

31



1           The term of office of each member of the board of  
2 supervisors shall be coincidental with that member's term of  
3 office as a member of the City Commission. The members shall  
4 assume full duties as a member of the board of supervisors  
5 once he or she takes the oath of office as a member of the  
6 City Commission.

7           (1) Terms of office for the board of supervisors shall  
8 be concurrent with the length of time the Commission member is  
9 in office.

10           (2) An annual meeting of the board of supervisors  
11 shall be held during the first week of June and otherwise in  
12 accordance with this act. At the annual meeting of the board  
13 of supervisors, the board shall elect, from its members, a  
14 Chair, and a Vice Chair, who shall serve in said positions  
15 until the next annual meeting or expiration of his or her  
16 term.

17           Section 5. MEETINGS OF BOARD OF SUPERVISORS.--The  
18 Board of Supervisors shall have the power to call special  
19 meetings at any time to receive reports or consider and act  
20 upon any matter. Notice of all meetings shall be given by the  
21 Board of Supervisors by causing publication thereof to be made  
22 once at least 5 days prior to such meeting in some newspaper  
23 published in Broward County, or by sending sufficient notice  
24 through the mail to each landowner. In cases of emergency as  
25 determined by a majority of the Board, this notice requirement  
26 may be waived. The meetings shall be held in some public  
27 place, and the place, day, and hour of holding such meeting  
28 shall be stated in the notice. The Chair of the Board of  
29 Supervisors shall preside at such meeting. The City Clerk of  
30 the City of North Lauderdale shall serve as Secretary of the  
31 Board of Supervisors and shall be the Secretary at the

1 meeting. The Board of Supervisors of the North Lauderdale  
2 Water Control District shall meet not less than 4 times per  
3 year to conduct the business of the District as provided for  
4 in this act.

5 Section 6. COMPENSATION OF THE BOARD.--Each Supervisor  
6 shall serve without compensation, except that they shall be  
7 reimbursed for their travel expenses pursuant to section  
8 112.061, Florida Statutes, as may be amended from time to  
9 time, for each mile actually traveled in going to and from  
10 their place of residence to the place of meeting.

11 Section 7. TAXES AND ASSESSMENTS; LEVIED AND  
12 APPORTIONED; AND THE COLLECTION THEREOF.--Taxes and non-ad  
13 valorem assessments shall be levied and apportioned as  
14 provided for by the General Drainage Laws of Florida (chapter  
15 298, Florida Statutes, and amendments thereto) and the general  
16 or special laws of the state; except that the following  
17 provisions shall apply to said District:

18 (1) The Board of Supervisors shall determine, order,  
19 and levy the amount of the annual taxes or non-ad valorem  
20 assessments levied under chapter 298, Florida Statutes, which  
21 shall become due and be collected during each year at the same  
22 time that county taxes are due and collected, which said  
23 annual tax, assessment, and levy shall be evidenced to and  
24 certified by the said Board, not later than July 1 of each  
25 year, to the Tax Assessor of Broward County. Said tax or  
26 assessment shall be extended by the County Tax Assessor on the  
27 county tax roll and shall be collected by the Tax Collector in  
28 the same manner and time as county taxes, and the proceeds  
29 thereof paid to said District.

30 (2) The Board of Supervisors may in its discretion  
31 determine it is in the best interest of the District that the

1 annual tax or assessment levies be collected by the Treasurer  
2 of the District and in such event he or she shall collect the  
3 tax or assessment in the same manner as the Tax Collector, and  
4 said Treasurer of the District shall be substituted for and  
5 perform all the duties and actions of the Tax Collector and  
6 have all the powers that are by this act vested in the Tax  
7 Collector. Said tax or assessment shall be a lien until paid  
8 on the property on which assessed, and enforceable in like  
9 manner as county taxes.

10 Section 8. MAINTENANCE TAX.--The provisions of section  
11 298.54, Florida Statutes, and amendments thereto shall not be  
12 applicable to said District. In lieu thereof, the following  
13 provisions shall apply to said District. To maintain and  
14 preserve the improvements made pursuant to this act and to  
15 repair and restore the same, when needed, and for the purpose  
16 of defraying the current expenses of the District, the Board  
17 of Supervisors, may, upon completion of said improvements in  
18 whole or in part as may be certified to the said Board by the  
19 Chief Engineer, levy annually a tax upon each tract or parcel  
20 of land within the District, to be known as a maintenance  
21 tax. Said maintenance tax shall be apportioned upon the basis  
22 of the net non-ad valorem assessments of benefits assessed as  
23 accruing for original construction, and shall be evidenced to  
24 and certified by said Board not later than July 1 of each year  
25 to the Tax Assessor of Broward County, and shall be extended  
26 by the County Tax Assessor on the County Tax Roll and shall be  
27 collected by the County Tax Collector in the same manner and  
28 time as county taxes and the proceeds therefrom paid to the  
29 said District. Said tax shall be a lien until paid on the  
30 property upon which assessed, and enforceable in like manner  
31 as County Taxes.

1           Section 9. LEVY OF TAXES AND ASSESSMENTS ON FRACTIONAL  
2 ACRES.--In levying and assessing all taxes and assessments,  
3 each tract or parcel of land more than one acre in area which  
4 contains a fraction of an acre shall be assessed at the  
5 nearest whole number of acres. However, each tract or parcel  
6 of land less than one acre in area shall be assessed as a full  
7 acre.

8           Section 10. ENFORCEMENT OF TAXES AND ASSESSMENTS.--The  
9 collection and enforcement of all taxes and assessments levied  
10 by said District shall be at the same time and in like manner  
11 as the County. The provisions of the Florida Statutes  
12 relating to the sale of lands for unpaid and delinquent county  
13 taxes and assessments, the issuance, sale, and delivery of Tax  
14 Certificates for such unpaid and delinquent County Taxes, the  
15 redemption thereof, the issuance to individuals of tax deeds  
16 based thereon, and all other procedures in connection  
17 therewith, shall be applicable to said District and the  
18 delinquent and unpaid taxes and assessments of said District  
19 to the same extent as if said statutory provisions were  
20 expressly set forth in this act. All taxes and assessments  
21 shall be subject to the same discounts as County Taxes.

22           Section 11. WHEN UNPAID TAX OR ASSESSMENT IS  
23 DELINQUENT; PENALTY.--All taxes provided for in this act shall  
24 be and become delinquent and bear penalties in the amount of  
25 said taxes in the same manner as county taxes. Assessments  
26 provided for in this act and authorized in chapter 298,  
27 Florida Statutes, shall be and become delinquent and bear  
28 penalties and interest at the highest rate authorized by  
29 Florida general or special law, or as otherwise provided in  
30 District legislation imposing the assessment.

31

1           Section 12. BONDS MAY BE ISSUED; SALE AND DISPOSITION  
2 OF PROCEEDS; INTEREST; LEVY TO PAY BONDS; BONDS AND DUTIES OF  
3 TREASURER; ETC.--

4           (1) The Board of Supervisors may, if in their judgment  
5 it seems best, issue bonds not to exceed 90 percent of the  
6 total amount of the taxes levied under the provisions of  
7 section 298.305, Florida Statutes, in denominations of not  
8 less than \$100, bearing interest from date at a rate as  
9 provided by general law, payable annually or semiannually, to  
10 mature at annual intervals within 40 years commencing after a  
11 period of not later than 10 years, to be determined by the  
12 Board of Supervisors; both principal and interest payable at  
13 some convenient place designated by the Board of Supervisors  
14 to be named in said bonds, which said bonds shall be signed by  
15 the Chair of the Board of Supervisors, attested with the seal  
16 of said District and by the signature of the Secretary of said  
17 Board. All of said bonds shall be executed and delivered to  
18 the Treasurer of said District, who shall sell the same in  
19 such quantities and at such dates as the Board of Supervisors  
20 may deem necessary to meet the payments for the works and  
21 improvements in the District. Said bonds shall not be sold  
22 for less than 90 cents on the dollar, with accrued interest,  
23 shall show on their face the purpose for which they are  
24 issued, and shall be payable out of money derived from the  
25 aforsaid taxes. A sufficient amount of the drainage tax  
26 shall be appropriated by the Board of Supervisors for the  
27 purpose of paying the principal and interest of said bonds,  
28 and the same shall, when collected, be preserved in a separate  
29 fund for that purpose and no other. All bonds and coupons not  
30 paid at maturity shall bear interest at the rate of 6 percent  
31 per annum from maturity until paid, or until sufficient funds

1 have been deposited at the place of payment, and said interest  
2 shall be appropriated by the Board of Supervisors out of the  
3 penalties and interest collected on delinquent taxes or other  
4 available funds of the District. Provided, however, that it  
5 may, in the discretion of said Board, be provided that at any  
6 time, after such date as shall be fixed by the said Board,  
7 said bonds may be redeemed before maturity at the option of  
8 said Board, or their successors in office, by being made  
9 callable prior to maturity at such times and upon such prices  
10 and terms and other conditions as said Board shall  
11 determine. If any bond so issued subject to redemption before  
12 maturity shall not be presented when called for redemption, it  
13 shall cease to bear interest from and after the date so fixed  
14 for redemption.

15 (2) The Board of Supervisors of said District shall  
16 have authority to issue Refunding Bonds to take up any  
17 outstanding bonds and any interest accrued thereon, when in  
18 the judgment of said Board, it shall be for the best interest  
19 of said District to do so. The said Board is hereby  
20 authorized and empowered to issue Refunding Bonds to take up  
21 and refund all bonds of said District outstanding that are  
22 subject to call and prior redemption, and all interest accrued  
23 to the date of such call or prior redemption, and all bonds of  
24 said District that are not subject to call or redemption,  
25 together with all accrued interest thereon, where the  
26 surrender of said bonds can be procured from the holders  
27 thereof at prices satisfactory to the Board or can be  
28 exchanged for such outstanding bonds with the consent of the  
29 holder thereof. Such Refunding Bonds may be issued at any  
30 time when in the judgment of said Board it will be to the  
31 interest of the District financially or economically to secure

1 a lower rate of interest on said bonds or by extending the  
2 time of maturity of said bonds, or for any other reason in the  
3 judgment of said Board advantageous to said District. Such  
4 Refunding Bonds may mature at any time or times in the  
5 discretion of said Board, not later, however, than forty years  
6 from the date of issuance of said Refunding Bonds. Said  
7 Refunding Bonds shall bear such dates of issue, and such other  
8 details as said Board shall determine and may in the  
9 discretion of said Board be made callable prior to maturity at  
10 such times and upon such prices and terms and other conditions  
11 as said Board shall determine. All the other applicable  
12 provisions of this act not inconsistent therewith shall apply  
13 fully to said Refunding Bonds and the holders thereof shall  
14 have all the rights, remedies, and security of the outstanding  
15 bonds refunded, except as may be provided otherwise in the  
16 resolution of the Board authorizing the issuance of such  
17 Refunding Bonds. Any funds available in the Sinking Fund for  
18 the payment of the principal and interest of outstanding bonds  
19 may be retained in the fund to be used for the payment of  
20 principal and interest of the refunding bonds, in the  
21 discretion of the Board of Supervisors. Any expenses incurred  
22 in buying any or all bonds authorized under the provisions of  
23 this section and the interest thereon and a reasonable  
24 compensation for paying same shall be paid out of the funds in  
25 the hands of the Treasurer and collected for the purpose of  
26 meeting the expenses of administration. It shall be the duty  
27 of the said Board of Supervisors in making the annual tax levy  
28 as heretofore provided to take into account the maturing bonds  
29 and interest on all bonds and expenses, and to make provision  
30 in advance for the payment of same.

31

1           (3) In case the proceeds of the original tax levy made  
2 under the provisions of section 298.36, Florida Statutes, are  
3 not sufficient to pay the principal and interest of all bonds  
4 issued, then the Board of Supervisors shall make such  
5 additional levy or levies upon the benefits assessed as are  
6 necessary for this purpose, and under no circumstances shall  
7 any tax levies be made that will in any manner or to any  
8 extent impair the security of said bonds or the fund available  
9 for the payment of the principal and interest of same. Said  
10 Treasurer shall at the time of the receipt by him or her of  
11 said bonds, execute and deliver to the Chair of the Board of  
12 said District a bond with good and sufficient surety to be  
13 approved by said Board, conditioned that he or she shall  
14 account for and pay over as required by law and as ordered by  
15 said Board of Supervisors, any and all moneys received by him  
16 or her on the sale of such bonds, or any of them, and that he  
17 or she will only sell and deliver such bonds to the purchaser  
18 or purchasers thereof under and according to the terms herein  
19 prescribed, and that he or she will return to the Board of  
20 Supervisors and duly cancel any and all bonds not sold when  
21 ordered by said Board to do so. Said bonds when so returned  
22 shall remain in the custody of the Chair of the Board of  
23 Supervisors, who shall produce the same for inspection or for  
24 use as evidence whenever and wherever legally requested so to  
25 do. The said Treasurer shall promptly report all sales of  
26 bonds to the Board of Supervisors. The Board shall at  
27 reasonable time thereafter prepare and issue warrants in  
28 substantially the form provided in section 298.17, Florida  
29 Statutes, for the payment of maturing bonds so sold and the  
30 interest payments coming due on all bonds sold. Each of said  
31 warrants shall specify what bonds and accruing interest it is



1 to pay, and the Treasurer shall place sufficient funds at the  
2 place of payment to pay the maturing bonds and coupons when  
3 due, together with necessary compensation for paying  
4 same. The successor in office of any such Treasurer shall not  
5 be entitled to said bonds or the proceeds thereof until he or  
6 she shall have complied with all of the foregoing provisions  
7 applicable to his or her predecessor in office. The aforesaid  
8 bond of said Treasurer, if said Board shall so direct, may be  
9 furnished by a surety or bonding company, which may be  
10 approved by said Board of Supervisors; provided, if it should  
11 be deemed more expedient to said Board of Supervisors as to  
12 money derived from the sale of bonds issued, said Board may,  
13 by resolution, select some suitable bank or banks or other  
14 depository as temporary Treasurer or Treasurers to hold and  
15 disburse said moneys upon the order of said Board as the work  
16 progresses, until such fund is exhausted or transferred to the  
17 Treasurer by order of said Board of Supervisors. The funds  
18 derived from the sale of said bonds or any of them shall be  
19 used for the purpose of paying the cost of the drainage works  
20 and improvements, and such costs, fees, expenses, and salaries  
21 as may be authorized by law, and used for no other purpose.

22 Section 13. FULL AUTHORITY FOR ISSUE AND SALE OF BONDS  
23 AUTHORIZED.--

24 (1) This act shall, without reference to any other act  
25 of the Legislature, be full authority for the issuance and  
26 sale of bonds in this act authorized, which bonds shall have  
27 all the qualities of negotiable paper under the law merchant  
28 and shall not be invalid for any irregularity or defect in the  
29 proceedings for the issuance and sale thereof; and shall be  
30 incontestable in the hands of bona fide purchasers or holders  
31 thereof. No proceedings in respect to the issuance of any

1 such bonds shall be necessary, except such as are required by  
2 this act. The provisions of this act shall constitute an  
3 irrepealable contract between the said Board of Supervisors  
4 and the said North Lauderdale Water Control District and the  
5 holders of any bonds and the coupons thereof issued pursuant  
6 to the provisions hereof. Any holder of any of said bonds or  
7 coupons may either in law or by equity, by suit, action, or  
8 mandamus, enforce and compel the performance of the duties  
9 required by this act of any of the officers or persons  
10 mentioned in this act in relation to the said bonds, or to the  
11 correct enforcement and application of the taxes for the  
12 payment thereof.

13 (2) After the several bonds and coupons are paid and  
14 retired as herein provided, they shall be returned to the  
15 Treasurer, and they shall be canceled and an appropriate  
16 record thereof made in a book to be kept for that purpose,  
17 which record of paid and canceled bonds shall be kept at the  
18 office of the Treasurer and shall be opened for inspection of  
19 any bond holder at any time.

20 Section 14. FLOATING INDEBTEDNESS.--

21 (1) After the levy of taxes in any years, and before  
22 the collection thereof, the Board of Supervisors shall have  
23 the power to issue Tax Anticipation Notes. Said notes shall  
24 bear interest at a rate not exceeding the maximum rate allowed  
25 by general or special law, and shall be payable at such times,  
26 and may be sold or discounted at such price or on such terms,  
27 as the said Board may deem advisable, and the Board may pledge  
28 the whole or any part of the tax levy for the payment thereof.

29 (2) The Board shall also have the right to issue  
30 Temporary Obligations or Interim Certificates after the  
31 issuance of any Bonds authorized under this act, but prior to

1 the sale thereof, said Temporary Obligations and Interim  
2 Certificates shall be paid within 2 years from the proceeds of  
3 the sale of said bonds.

4 (3) Said Temporary Obligations and Interim  
5 Certificates shall have all the rights and privileges of the  
6 permanent bond holders.

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

11 Section 15. EMINENT DOMAIN.--The said Board of  
12 Supervisors is hereby authorized and empowered to exercise the  
13 right of eminent domain and may condemn for the use of said  
14 District any and all lands, easements, rights of way, riparian  
15 rights, and property rights of every description, in or out of  
16 said District, required for the public purposes and powers of  
17 said Board as herein granted, and may enter upon, take, and  
18 use such lands as it may deem necessary for such purposes.

19 Section 16. WATER A COMMON ENEMY.--It is hereby  
20 declared that in said District, surface waters, which shall  
21 include rainfall and the overflow of rivers and streams, are a  
22 common enemy, and the said District and any individual or  
23 agency holding a permit to do so from said District, shall  
24 have the right to dike, dam, and construct levees to protect  
25 the said District or any part thereof, or the property of said  
26 individual or agency against the same, and thereby divert the  
27 course and flow of such surface waters and/or pump the water  
28 from within such dikes and levees.

29 Section 17. UNIT DEVELOPMENT; POWERS OF SUPERVISORS TO  
30 DESIGNATE UNITS OF DISTRICT AND ADOPT SYSTEM OF PROGRESSIVE

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1 DRAINAGE BY UNITS; PLANS OF RECLAMATION AND FINANCING  
2 ASSESSMENTS, ETC., FOR EACH UNIT.--  
3 (1) The Board of Supervisors of North Lauderdale Water  
4 Control District shall have the power and is hereby authorized  
5 in its discretion to drain and reclaim or more completely and  
6 intensively to drain and reclaim the lands in said District by  
7 designated areas or parts of said District to be called Units.  
8 The units into which said District may be so divided shall be  
9 given appropriate numbers or names by said Board of  
10 Supervisors, so that said units may be readily identified and  
11 distinguished. The Board of Supervisors shall have the power  
12 to fix and determine the location, area, and boundaries of and  
13 lands to be included in each and all such units, the order of  
14 development thereof, and the method of carrying on the work in  
15 each unit. The unit system of drainage provided by this  
16 section may be conducted and all of the proceedings by this  
17 section and this act authorized in respect to such unit or  
18 units may be carried on and conducted at the same time as or  
19 after the work of draining and reclaiming of the entire  
20 District has been or is being or shall be instituted or  
21 carried on under the provisions of this act. If the Board of  
22 Supervisors shall determine that it is advisable to conduct  
23 the work of draining and reclaiming the lands in said District  
24 by units, as authorized by this section of this act, said  
25 Board shall, by resolution duly adopted and entered upon its  
26 minutes, declare its purpose to conduct such work accordingly,  
27 and shall at the same time and manner fix the number,  
28 location, and boundaries of and description of lands within  
29 such unit or units and give them appropriate numbers or  
30 names. As soon as practicable after the adoption and  
31 recording of such resolution said Board of Supervisors shall

1 publish notice once a week for 2 consecutive weeks in a  
2 newspaper published in Broward County, Florida, or duly notify  
3 the landowners by registered letter, briefly describing the  
4 units into which said District has been divided and the lands  
5 embraced in each unit, giving the name, number, or other  
6 designation of such units, requiring all owners of lands in  
7 said District to show cause in writing before said Board of  
8 Supervisors at a time and place to be stated in such notice  
9 why such division of said District into such units should not  
10 be approved, and said system of development by units should  
11 not be adopted and given effect by said Board, and why the  
12 proceedings and powers authorized by this section of this act  
13 should not be had, taken, and exercised. At the time and  
14 place stated in said notice, said Board of Supervisors shall  
15 hear all objections or causes of objection (all of which shall  
16 be in writing) of any landowner in said District to the  
17 matters mentioned and referred to in such notice, and if no  
18 objections are made, or if said objections, if made, shall be  
19 overruled by said Board, then said Board shall enter in its  
20 minutes its findings and order confirming said resolution and  
21 may thereafter proceed with the development, drainage, and  
22 reclamation of said District by units pursuant to such  
23 resolution and to the provisions of this act. If, however,  
24 said Board of Supervisors shall find as a result of such  
25 objections, or any of them or the hearing thereon, that the  
26 division of said District into such units as aforesaid should  
27 not be approved, or that said system of development by units  
28 should not be adopted and given effect, or that the  
29 proceedings and powers authorized by this section of this act  
30 should not be had, taken, or exercised, or that any other  
31 matter or thing embraced in said resolution would not be in

1 the best interest of the landowners of said District or would  
2 be unjust or unfair to any landowner therein or otherwise  
3 inconsistent with fair and equal protection and enforcement of  
4 the rights of every landowner in said District, then said  
5 Board of Supervisors shall not proceed further under such  
6 resolution, but said Board of Supervisors may, as a result of  
7 such hearing, modify or amend said resolution so as to meet  
8 such objections so made, and thereupon said Board may confirm  
9 said resolution as so modified or amended and may thereafter  
10 proceed accordingly. The sustaining of such objections and  
11 the rescinding of such resolutions shall not exhaust the power  
12 of said Board under this section; but, at any time not less  
13 than 1 year after the date of the hearing upon any such  
14 resolution, the Board of Supervisors may adopt other  
15 resolutions under this section and thereupon proceed on due  
16 notice in like manner as above. If said Board of Supervisors  
17 shall overrule or refuse to sustain any such objections in  
18 whole or in part made by a landowner in the District, or if  
19 any such landowner shall deem himself aggrieved by any action  
20 of the Board of Supervisors in respect to any objections so  
21 filed, such landowner may, within 10 days after the ruling of  
22 said Board, file his or her bill of complaint in the Circuit  
23 Court in and for Broward County, against said District,  
24 praying an injunction or other appropriate relief against the  
25 action or any part of such action proposed by such resolution  
26 or resolutions, of said Board, and, such suits shall be  
27 conducted like other suits, except that said suits shall have  
28 preference over all other pending actions except criminal  
29 actions and writs of habeas corpus. Upon the hearing of said  
30 cause said Circuit Court shall have the power to hear the  
31 objections and receive the evidence thereon of all parties to

1 such cause and approve or disapprove said resolutions and  
2 action of said Board in whole or in part, and to render such  
3 decree in such cause as right and justice require. When said  
4 resolutions creating said unit system shall be confirmed by  
5 the Board of Supervisors (or by the Circuit Court in and for  
6 Broward County, if such proposed action shall be challenged by  
7 a landowner by the judicial proceedings hereinabove  
8 authorized), said Board of Supervisors may adopt a plan or  
9 plans of reclamation for and in respect to any or all such  
10 units, and to have the benefits and the damages resulting  
11 therefrom assessed and apportioned by Commissioners appointed  
12 by the Circuit Court, and the report of the said Commissioners  
13 considered and confirmed, all in like manner as is provided by  
14 law in regard to Plans of Reclamation for and assessments for  
15 benefits and damages of, the entire District. With respect to  
16 Plan of Reclamation, notices, appointment of Commissioners to  
17 assess benefits and damages, report of Commissioners and  
18 notice and confirmation thereof, the levy of assessments and  
19 taxes, including maintenance taxes, and the issuance of bonds  
20 and all other proceedings as to each and all of such units,  
21 said Board shall follow and comply with the same procedure as  
22 is provided by law with respect to the entire District; and  
23 said Board of Supervisors shall have the same powers in  
24 respect to each and all of such units as is vested in them  
25 with respect to the entire District. All the provisions of  
26 this act shall apply to the drainage, reclamation, and  
27 improvement of each, any, and all of such units, and the  
28 enumeration of or reference to specific powers or duties of  
29 the Supervisors of any other officers or other matters in this  
30 act as hereinabove set forth, shall not limit or restrict the  
31 application of any and all of the proceedings and powers

1 herein to the drainage and reclamation of such units as fully  
2 and completely as if such unit or units were specifically and  
3 expressly named in every section and clause of this act where  
4 the entire District is mentioned or referred to. All  
5 assessments, levies, taxes, bonds, and other obligations made,  
6 levied, assessed, or issued for or in respect to any such unit  
7 or units shall be a lien and charge solely and only upon the  
8 lands in such units, respectively, for the benefit of which  
9 the same shall be levied, made, or issued, and not upon the  
10 remaining units or lands in said District. The Board of  
11 Supervisors may at any time amend its said resolutions by  
12 changing the location and description of lands in any such  
13 unit or units; and provided, further, that if the location of  
14 or description of lands located in any such unit or units is  
15 so changed, notice of such change shall be published as  
16 hereinabove required in this section for notice of the  
17 formation or organization of such unit or units, and all  
18 proceedings shall be had and done in that regard as are  
19 provided in this section for the original creation of such  
20 unit or units, provided, however, that no lands against which  
21 benefits shall have been assessed may be detached from any  
22 such unit after the confirmation of the Commissioners' report  
23 of benefits in such unit or units or the issuance of bonds or  
24 other obligations which are payable from taxes or assessments  
25 for benefits levied upon the lands within such unit or units.

26 (2) Provided, however, that if, after the confirmation  
27 of the Commissioners' report of benefits in such unit or  
28 units, or the issuance of bonds or other obligations which are  
29 payable from taxes or assessments for benefits levied upon  
30 lands within such unit or units, the Board of Supervisors  
31 finds the Plan of Reclamation for any such unit or units



1 insufficient or inadequate for efficient development, the Plan  
2 of Reclamation may be amended or changed as provided in  
3 chapter 298, Florida Statutes, and the unit or units may be  
4 amended or changed as provided in this section, by changing  
5 the location and description of lands in any such unit or  
6 units, by detaching lands therefrom, or by adding land  
7 thereto, upon the approval of at least 51 percent of the  
8 landowners according to acreage, in any such unit and 75  
9 percent of the holders of bonds issued in respect to any such  
10 unit, and provided that in such event all assessments, levies,  
11 taxes, bonds, and other obligations made, levied, assessed,  
12 incurred, or issued for or in respect to any such unit or  
13 units may be allocated and apportioned to the amended unit or  
14 units in proportion to the benefits assessed by the  
15 Commissioners' report for the amended Plan of Reclamation and  
16 said report shall specifically provide for such allocation and  
17 apportionment. The landowners and all of the bond holders  
18 shall file their approval of or objections to such amended  
19 Plan of Reclamation within the time provided in section  
20 298.27, Florida Statutes, and shall file their approval of or  
21 objections to the amendment of such unit as provided in this  
22 section.

23 (3) No lands shall be detached from any unit after the  
24 issuance of bonds or other obligations for such unit except  
25 upon the consent of 75 percent of all the holders of such  
26 bonds or other obligations. In the event of the change of the  
27 boundaries of any unit as provided herein and the allocation  
28 and apportionment to the amended unit or units of assessments,  
29 levies, taxes, bonds, and other obligations in proportion to  
30 the benefits assessed by the Commissioners' report for the  
31 amended Plan of Reclamation, the holder of bonds or other

1 obligations heretofore issued for the original unit who  
2 consent to such allocations and apportionment shall be  
3 entitled to all rights and remedies against any lands added to  
4 the amended unit or units as fully and to the same extent as  
5 if such added lands had formed and constituted a part of the  
6 original unit or units at the time of the original issuance of  
7 such bonds or other obligations, regardless of whether the  
8 holders of such bonds or other obligations are the original  
9 holders thereof or the holders from time to time hereafter,  
10 and the rights and remedies of such holders against the lands  
11 in the amended unit or units, including any lands added  
12 thereto, under such allocation and apportionment, shall  
13 constitute vested and irrevocable rights and remedies to the  
14 holders from time to time of such bonds or other obligations  
15 as fully and to the same extent as if such bonds or other  
16 obligations had been originally issued to finance the  
17 improvements in such amended unit or units under such amended  
18 Plan of Reclamation.

19 Section 18. SEVERABILITY.--In case any one or more of  
20 the sections or provisions of this act or the application of  
21 such sections or provisions to any situation, circumstance, or  
22 person shall for any reason be held to be unconstitutional,  
23 such unconstitutionality shall not affect any other sections  
24 or provisions of this act or the application of such sections  
25 or provisions to any other situation, circumstance, or person,  
26 and it is intended that this law shall be construed and  
27 applied as if such section or provision had not been included  
28 herein for any unconstitutional application.

29 Section 19. EFFECT OF CONFLICT.--In the event of a  
30 conflict between the provisions of this act and the provisions  
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1 of any other act, the provisions of this act shall control to  
2 the extent of such conflict.

3 Section 20. NOTICE OF INTENTION.--It is found and  
4 determined that notice of intention to apply for this  
5 legislation was given in the time, form, and manner required  
6 by the Constitution and by law. Said notice is found to be  
7 sufficient and is hereby validated and approved.

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

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

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